



Submitted By
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2/2/2018 8:36:37 AM
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The Alaska Outdoor Council (AOC) represents 48 Alaskan Clubs and 3,000 individual Alaskan residents members who hunt, trap, fish, and recreate in Alaska. Listed below are AOC's position and comments on specific proposals for the February 2018 Alaska Board of Game (Board) meeting.

Proposal 77 - Adopt.

When the moose populations is above the high end of the population objective it's appropriate for the Board to increase harvest.

Proposal 78 - Adopt.

Allowing a permitted harvest of any bull to achieve harvest objectives in GMUs with high bull/cow ratios makes sense. Particularly in areas with primarily state owned lands near urban centers.

Proposal 82 - Oppose. Do not adopt.

Moose can only be harvested by firearms from Aug. 25 - Sept. 25 or by permit Nov. 1-Dec.25. Let the borough get the word out that folks are hunting during that short time frame regulated by the Board, with firearms. A number of longtime Alaskans have utilized this accessible area to gather a wildfood harvest for decades. It is economically advantageous and reduce moose numbers at the edge of urban sprawl.

Proposal 84 - Adopt.

Readily accessible moose habitat, on primarily state lands, near urban centers should be managed to provide harvestable surplus to accommodate a large number of hunters who choose to gather a wildfood harvest. Hunters are readily available to harvest all of the harvestable surplus.

Proposal 85 - Adopt.

Same rationale as explained in proposal 84. The Board could easily make this a registration hunt to assure sustain-yield harvest. As well the Board could easily justify that subsistence use is being met, as they did when they created a youth hunt in GMU16B.

Proposal 89 - Adopt.

In order to assure the credibility of predator/prey management prey reduction programs should be reduced when moose population objectives and calf survival has improved to meet management objectives.

Proposal 90 - Adopt.

Adoption of this proposal would make GMU16 similar to many coastal GMU regulations. Increased beaver harvest in GMU16 could also be beneficial to salmon spawning.

Proposal 91 - Adopt.

The department's Division of Subsistence continues to fail in it's statutory ,AS 16.05.094, duty to provide the Board with data on the role of subsistence hunting in the lives of the residents of the state in GMU13 and 11. The state courts and the legislative intent clearly laid out during the department's budgeting process have not been adhered to by the Alaska Department of Fish & Game (department) for over a decade. The Board has the discretion to adjust the ANS, all they need is the data for all Alaskan subsistence users who access GMU13 and 11.

As continuous as the CSH in the Gulkana, Cantwell, Chistochina, Gakona, Mentasta, Tazlina, Chitina, and Kluti Kaah Community Harvest area has been for the last decade deferring the following proposals to the meeting in Dillingham shows a total disregard for the hunting public in GMU13 and 11 by a majority vote of the Board. Consistently for the last decade the majority of comments from the hunting public has been opposed to the implementation of the CSH in the Gulkana, Cantwell, Chistochina, Gakona, Mentasta, Tazlina, Chitina, and Kluti Kaah Community Harvest area.

Proposal 92 - Adopt.

Nothing in the Alaska State Constitution or state statutes requires the board to adopt a CSH area. The majority of board members and the department continue to ignore that the amount reasonably necessary for subsistence use is to be achieved by integrating opportunities offered under both state and federal regulations, 5 AAC 99.025(b). There is absolutely no justifiable excuse for the department not to provide harvest data separately on state and federal hunts in there written comments. Ahtna residents already have a priority to hunt moose and caribou on millions and millions of acres of land under federal ownership with in the Gulkana, Cantwell, Chistochina, Gakona,



Mentasta, Tazlina, Chitina, and Kluti Kaah Community Harvest area. Since the majority of the Board members have voted to differentiate among Alaskans by creating two different patterns of subsistence use it's not unreasonable for the Board to determine that federal hunting opportunities fulfill the Ahtna pattern. The "other" pattern of subsistence use by Alaskan residents who all may choose to participate in State of Alaska subsistence hunts should be accommodated in times of abundant harvestable surplus of both moose and caribou in the Gulkana, Cantwell, Chistochina, Gakona, Mentasta, Tazlina, Chitina, and Kluti Kaah Community Harvest area. The Board has wasted enough time and money over the last decade in their efforts on this CSH to create an unconstitutional Alaska Native priority to a public resource. It's time for the Board to start treating Alaskan meat hunters fairly, particularly when the harvest is above the ANS for both moose and caribou in GMU 13 and 11.

Proposal 93. Adopt.

Proposal 94. Adopt.

So what is the ADF&G staff implying in their comments when they write - "the intended effect of this proposal was addressed by the board at the March 2017 meeting"? Does that mean the department believes no further action on the topic can be taken by the Board? That's absurd.

The Board is to consider both harvest under state and federal subsistence hunting regulations were both exist, 5 AAC 99.025(b)(1). How can the Board consider that section of the law when the Division of Subsistence fails to separate out the reported harvest from state and federal subsistence hunting regulations? The ADF&G Division of Subsistence is failing its statutory duties under AS16.05.094(5) The section of subsistence hunting and fishing shall

(5) evaluate the impact of state and federal laws and regulations on subsistence hunting and fishing and when corrective action is indicated, make recommendations to the department;

Proposal 95. Adopt

Proposal 96. Adopt

Proposal 97. Adopt.

Proposal 98. Oppose. Do not adopt.

Why is the AK Board of Game, supported by the ADF&G Division of Subsistence, continuing to try and implement an Alaska Native priority to a public resources? The framers of the Alaska State Constitution knew that would not be good law when they wrote Article VIII, Section 3 Common Use. The framers of the Alaska Native Claims Settlement Act (ANCSA) knew that would be bad law when they wrote Title 43 U.S. Code 1603(b) extinguishing aboriginal hunting rights in Alaska. Pitting Alaska Natives against "other" Alaskan residents over the allocation of moose and caribou is not in Alaska's long term best interest. History has proven that would not be favorable to future generations of Alaska hunters. Allowing the ADF&G Division of Subsistence staff to score applicants to determine who gets to hunt moose and caribou on state owned lands within the Gulkana, Cantwell, Chistochina, Gakona, Mentasta, Tazlina, Chitina, and Kluti Kaah Community Harvest area does not have public support. Plus the Board lacks authority to adopt eligibility criteria for Tier I hunts, State v. Morry (Alaska 1992) according to the opinion of the Alaska Supreme Court. By adopting Proposal 92 the board can end this whole abusive, costly, process.

Proposal 99. Adopt.

Proposal 100. Adopt.

Proposal 102. Oppose. Do not adopt.

Due to the accessibility of GMU13 Alaska resident hunters are capable and available ,under the state subsistence law, to harvest the necessary number of caribou to keep the Nelchina caribou herd within the limits of its habitat once the Board stops pursuing its efforts to implement an Ahtna priority to a publicly owned caribou herd.

Proposal 103. Adopt.

Proposal 104. Adopt.

Proposal 109. Adopt.

The "any ram" season in GMU13D and 14A was not advantageous nor necessary for conservation of the Dall's sheep population. It was a bad decision by the Board and adoption of this proposal would right that costly wrong.

Proposal 121. Adopt

Align ptarmigan season in GMU 13B makes sense to distribute hunting opportunity in an area easily accessible to hunters during times of abundant willow ptarmigan populations. Apparently the reduced seasons did not reverse declines in the rock ptarmigan population.

Proposal 122. Adopt.

This will lessen the burden on enforcement officers in a public area where ORV restrictions are unnecessary and unrealistic.

Proposal 124. Adopt.

It would be in the best interest of all Alaskans if the Board would stop trying to create an unconstitutional community subsistence harvest program in GMU13 to favor Ahtna members and spend their efforts trying to create reasonable proxy opportunities to accommodate a



patten of use that would continue to provide a wildfood source for all Alaskans who have chosen to make eating game a part of there livelihood.

Proposal 125. Adopt.

While changing the season dates to account for changes in the migration patterns of caribou in GMU9E is reasonable it should be made clear that TC505 permits are not just available to residents of Pilot Point and Ugashik as the proposer has stated.

Proposal 126. Amend and adopt.

Nonresident harvest of caribou should be limited to a bag limit of two, regardless of the seize of the harvestable surplus. The potential of wanton waste by unguided nonresident caribou hunters outweighs the conservation concerns of the population exceeding it's carrying capacity.

The potential to increase harvest by resident Alaskans in the future could be easily realized.

Proposal 130. Adopt.

The Board's ability to successfully implemented a quasi rural priority by making hunters travel to the area where the registration hunt is to occur, prior to the opening of the hunt, circumvents the state's Common Use clause, Alaska State Constitution Article VIII, Section 3. Adoption of this proposal would be one step to right the Board's wrongs regarding subsistence use allocation.

Proposal 70. Oppose. Do not adopt.

The Board should do everything under its authority to defend legitimate, historical public access on and across private and federal lands for hunters and trappers. Before the BLM finalizes any management plan for the DHCMA the Board should oppose loss of access for hunters and trappers on the Bettles Winter Trail. For the Board to support or even remain neutral will only encourage BLM to take charge and determine whether private access on the winter trail will continue.

Proposal 165. Amend and adopt.

Once again because of active game management, on primarily State and private owned lands in GMU19A, funded by all Alaskan hunters there is a harvestable surplus of moose. All Alaskans should share the opportunity of reaping the rewards of a publicly owned resource provided under a Tier I hunt. The proposal should be amended to make permits available to all Alaskans, not just residents of Sleetmute.

Proposal 57. Oppose. Do not adopt.

Refer to AOC's comments on proposal 92.

Proposal 58. Adopt.

AOC supports regulations that will assure the quality of the wildfood harvest of a public resource.

Proposal 166. Adopt.

The Board should consider the importance of allowing Alaskans to gather a wildfood harvest of caribou in the Fortymile herd over continuing to try and make the hunt an aesthetically pleasing experience. For Alaskans this is a meat hunt not a sporting event. Maximum opportunity to harvest surplus caribou from the Fortymile herd should be the Boards number one priority.

Rod Arno, AOC



Submitted By
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2/2/2018 9:00:56 PM
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February 2nd, 2018

Dear Alaska Board of Game Members,

Please find the following comments regarding proposals you will be considering during the February meeting in Dillingham. APHA members rely on fair and predictable allocation to non-resident hunters based on defensible biological parameters that are in line with the principles of sustained yield and result in a maximum benefit to ALL users. The APHA maintains its support of the Board's current allocative policies and believes that the well defined, species specific, resident preferences are in the best interests of all Alaskans.

Guided Hunt Allocation Benefits Resident Hunters, Visiting Hunters, Guides & Non-hunters

APHA commissioned its first socioeconomic report with the McDowell Group in 2014, titled *"Economic Impacts of Guided Hunting in Alaska."* More recently (2017), APHA partnered with SCL to add to and update McDowell's 2014 seminal work. *"The Economic Importance of Hunters Visiting Alaska; Alaska's Guided Hunting Industry 2015"* provides new information on funding for conservation that our visiting clients contribute to wildlife management. Guiding hunters is primarily an activity that occurs in rural areas of Alaska.

<ul style="list-style-type: none"> 87.2 Million total economic output (2015) 	<ul style="list-style-type: none"> 52.5 Million new dollars to Alaska (2015)
<ul style="list-style-type: none"> More than 50% economic benefits occur in rural areas (2012, 2015) 	<ul style="list-style-type: none"> 1,550 people directly employed, total employment with multipliers; 2,120 (2015)
<ul style="list-style-type: none"> 89% Active Guides are AK Residents (2012) 	<ul style="list-style-type: none"> Visiting hunters (guided & non-guided) purchase 13% of total Alaska hunting licenses (2015)
<ul style="list-style-type: none"> Guided hunters are approx. 3% of total hunters in the field (2015) 	<ul style="list-style-type: none"> Visiting hunters (guided & non-guided) contribute 72% of total revenue to the ADFG wildlife conservation fund (2015)

Significance to Alaskans & Meat Sharing



Guiding hunters in Alaska has its origins in Territorial days. Because of our rich history, guides have deep roots in communities across Alaska, with many guides living in remote communities or "Bush Alaska." APHA worked with McDowell to quantify what some of the benefits Alaskans reap from Guided Hunting. In 2015 30 million new dollars went to Alaska business that were directly attributed to Guided Hunting. This generated another 20 million in economic activity in the support sector. Hunting guides do what they can to share the harvest; 230,000 lbs of well cared for, high quality game meat was shared with their fellow Alaskans in 2015.

Individual Proposal Comments

Below you will find our comments on individual proposals under your consideration for Region II regulatory change. Leading up to the drafting of these comments the APHA held multiple teleconferences and invited all of its members to participate in the drafting of these comments. Our teleconferences were well attended with good representation from guides who conduct hunts in every Region in the state. You will find that there are some proposals that we don't have comments listed for. These were proposals that we felt did not directly impact guides or were outside of the group's purview. We also chose, in a couple of instances, to group similar proposals together and combine our recommendations. While these comments represent the voice of our group, you will undoubtedly get comments from APHA members who want their individual positions considered as well. Because the APHA takes a statewide perspective when approaching Board proposals, we urge you to consider regional expertise from our members even when their position is different from that of the APHA. Finally, we thank you for your consideration and urge you to reach out to our membership for clarity and details on proposals before you, either on a unit-by-unit or regional basis. Given the opportunity, Alaska's hunting guides will continue to bring a wealth of wildlife and hunting knowledge to the table.

Proposal 79- SUPPORT

We support Prop. 79 based the stated conservation objectives. The proponent makes it clear that his intention is to rebuild the old ram cohort to eventually allow for less restrictive hunt structures than the current drawing hunt. We encourage the Board to work towards the stated goal of this proposal and rebuild the old ram component in 14A with the eventual goal of managing harvest via registration hunt.

Proposal 80- SUPPORT

Conservation Concerns:

The department has not stated conservation concerns. Prop. 80 proposes managing for a 6% harvest rate based on updated aerial census of the goat populations within the hunt area. This proposal is conservative and will result in a sustainably harvested goat population.

Allocation:

Currently there is no non-resident allocation in for DG890 & DG 891. This results in foregone opportunity for hunting guides. By moving to a registration hunt for residents and capping the non-resident harvest at 2 and 3 tags respectively, you will ensure non-resident opportunity and a resident priority. Prop. 80 benefits both resident and non-resident hunter allocations and opportunity.

Summary:

Prop 80 proposes a sustainable harvest strategy for goats in 14A. This proposal will enhance the value of the resource for all user groups. Prop 80 should pass because is sound from a conservation standpoint and will maximize the benefits of the limited goat harvest in 14A.

Proposal 84- SUPPORT



We support Prop 84 as long as it is modified to address the Department's concerns by leaving the lower end of the population in place. This gives the department room to address habitat and carrying capacity concerns, should they arise. Since 2013 the moose population has been stable at the upper end of the population objective. Both calf weights and twinning rates remain high. This indicates healthy habitat and that there is room to increase the population. Prop 84 is a common sense measure that will result in more moose for the public and more management leeway for the department.

Proposals 86, 87, 88- OPPOSE

We oppose all the efforts to shorten or restrict black and brown bear baiting in unit 16. Props 86, 87 and 88 do not address defined conservation concerns as identified by the Department. These proposals should fail because they will not enhance the value of the resource, the conservation concerns they purport are not proven to exist and the net result of their passage would only be foregone hunting opportunity to harvest one of the many bears in Unit 16.

Proposal 102- SUPPORT

The department and the board have done an excellent job of managing Unit 13 caribou. Nelchina caribou numbers have grown substantially as a result of careful application of intensive management and conservative herd management. Unit 13 caribou are a wildlife management success story.

Given the health of the herd and the fact that subsistence harvest objectives are currently being met with additional harvestable surplus available, we support the limited non-resident allocation that would be provided for by Prop 102.

Proposal 109- SUPPORT

****see our rationale for support of Proposal 79****

Proposal 111- SUPPORT

We support the Copper River Fish and Game Advisory Committee's efforts to lengthen the brown bear hunting season in Unit 11. The local guides agreed that is not a real or perceived conservation concern with this proposal. Passage of Prop 111 will result in more hunting opportunity for the public in Unit 11.

Proposal 126- SUPPORT

We support providing additional harvest opportunity for the southern Alaska Peninsula Caribou Herd, per the Department's recommendation.

Proposal 131, 132- OPPOSE

We oppose proposals 131&132 based on the Department's stated conservation concerns with additional bear harvest. Now is not the time to allow for additional bear harvest.



Proposal 133 seeks to create a new hunt structure in 9E for brown bears by differentiating between state and federal lands. State lands would be managed by draw for non-residents while residents would be managed by registration hunt. Federal lands in 9E would remain status-quo.

APHA has analyzed the harvest data from 9E provided by the department. This data, combined with member input from guides who operate in the area has convinced us that management measures restricting harvest should be put in place at this meeting. However, harvest declines have been broad and seem to occur on all land statuses in 9E. Conservation concerns seem to exist unit wide while guide businesses remain more viable on federal lands where limits have been placed on the number and type of guide businesses. We support addressing conservation concerns but urge caution in how those restrictions are put in place.

Drawing hunts on state lands are devastating to guide business viability. APHA is clear that we oppose drawing hunts on state lands when harvest rates can be reduced through other means. We urge the board to reject Prop 133 and to instead consider shortening the spring and fall bear seasons as a first step to reduce harvest levels.

Proposal 139- SUPPORT

APHA strongly supports lengthening the moose season in 17A. Moose populations are healthy and thriving in 17A, while subsistence and resident hunter needs are being met. 17A is an expensive area to access and very remote. Non-residents are currently excluded from hunting close to certain lakes and rivers and are required to watch an orientation video designed to minimize in-field conflicts.

Given the fact that moose are still expanding their range in 17A, the additional harvest potential afforded by lengthening the season will give managers another tool to adjust harvest levels as habitat carrying capacity issues arise. Non-residents are already managed by drawing hunting with the department being able to issue "up to 50 permits." Lengthening the non-resident moose season while maintaining the drawing hunt structure merely gives successful drawing hunt applicants more options in how they choose to use their permit.

Proposal 140&141- SUPPORT

We strongly support the creation of a guided non-resident moose allocation in 17A.

Conservation:

These proposals do not address conservation concerns they are strictly allocation proposals.

Maximum Benefit & Business Stability:

Clearly the board of game should develop and implement hunt structures that maximize the benefit of the use of a limited resource. On a per hunt basis, guided hunt opportunities offer more benefits than non-guided hunting opportunities. Alaska's guide industry is made up of small Alaska owned businesses. 90% of Alaska's guide businesses are Alaska owned while servicing 10 clients annually on average. Drawing hunts, especially for species that do not require guide accompaniment for non-resident hunters, offer inconsistent opportunity. Oftentimes guides must discount hunt prices in an effort to promote client applications for drawing opportunities. By allocating a small portion of the non-resident moose tags to hunting guides you maximize the benefits realized by these limited hunt opportunities.



Proposal 149- SUPPORT

We support this proposal based on the given merits.



Scott Breitsprecher
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ATTN: Board of Game Comments
Alaska Department of Fish and Game
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526

Chairman Ted Spraker and Board Members:

Please consider comments from the Alaska-Yukon North American Versatile Hunting Dog Association (NAVHDA) regarding seven proposals to be addressed by the Board of Game (BOG) at its February 16-23, 2018 meeting in Dillingham, Alaska. Proposals 117 to 121, 134, and 135 could affect hunting activities enjoyed by Alaska-Yukon NAVHDA members and other bird dog hunters. The Alaska-Yukon NAVHDA Chapter is the newest sanctioned NAVHDA Chapter in Alaska with approximately 65 members. We conduct yearly NAVHDA-sanctioned tests, host professional training clinics, conduct member led training events, and provide resources to enhance the training of versatile hunting dogs. We support NAVHDA's purpose to foster, promote, and improve versatile hunting dog breeds in North America; to conserve game by using well-trained reliable hunting dogs on both land and water; and to aid in the prevention of cruelty to animals by discouraging non-selective and uncontrolled breeding, which produces unwanted and uncared for dogs.

PROPOSAL 117 - AAC 85.065. Hunting seasons and bag limits for small game. Reduce the harvest and possession limits for grouse in Unit 11 as follows:

Grouse --- Unit 11: **Five [FIFTEEN]** per day, **ten [THIRTY]** in possession, **of which not more than two per day and four in possession may be ruffed grouse.**

NAVHDA Comments: We generally oppose this proposal. ADFG indicates no known biological issues for these species in Unit 11; however, we agree that ruffed grouse are recent arrivals in Southcentral Alaska and their numbers may not be as robust as spruce and sharp-tailed grouse in Unit 11. Therefore modifying this proposal to only limit the take of ruffed grouse to 2 per day



and 4 in possession makes sense because of the scarcity of ruffed grouse in this area and because that is the same limit in neighboring Units 13A and 13D.

PROPOSAL 118 – 5 AAC 85.065. Hunting seasons and bag limits for small game. Reduce the harvest and possession limits for grouse in Unit 11 as follows:

A daily bag limit of five grouse per day, with a possession limit of ten; September 1-December 15.

NAVHDA Comments: We oppose this proposal. We understand hunting pressures are increasing in roaded rural areas from populated centers of the state, but ADFG indicates no known biological issues for grouse in this Unit. We prefer modifying similar proposal 117 to reduce the harvest of ruffed grouse for reasons stated above and taking no action on this proposal.

PROPOSAL 119 – 5AAC 85.065. Hunting seasons and bag limits for small game. Lengthen the hunting season for ptarmigan in Unit 13B as follows:

Units 13A, B, C, D, E August 10 – March 31

NAVHDA Comments: We support this proposal. If adopted, this proposal means the hunting season and bag limits for all Unit 13 subunits would be the same. Currently the ptarmigan season in Unit 13B goes from August 10 to November 30 because the rock ptarmigan population was depressed due to poor recruitment in the past. ADFG has completed its study of rock ptarmigan in the area and they appear to have recovered. Willow ptarmigan numbers and recruitment in this subunit have been high. ADFG has no biological concerns for ptarmigan in the subunit at this time and is neutral on the proposal. One caveat is that harvest of ptarmigan in February and March from snowmobiles is highly successful and over 60% of the ptarmigan harvest in Unit 13E is during February and March. These ptarmigan are survivors who are likely to be breeders in the next season. Therefore, though we support this proposal at this time, if ptarmigan numbers plummet in the future, then we would support curtailing the spring hunting season (February and March) to protect the breeding birds.

PROPOSAL 120 – 5 AAC 85.065. Hunting seasons and bag limits for small game. Align the hunting seasons and reduce the bag limit for ptarmigan in Units 13E and 13B as follows:



Align Unit 13E and 13B ptarmigan season by changing season dates to August 10 through January 31, and reduce harvest limit to five a day and possession limit of ten total.

NAVHDA Comments: We oppose this proposal. According to ADFG there is no biological issue for ptarmigan in Unit 13 at this time and ADFG is neutral on the proposal. Proposal 119 would align the seasons and bag limits for these two units, which partly resolves the issue raised in this proposal by the Cantwell AC. If ptarmigan numbers in Unit 13 plummet in the future and a conservation concern becomes evident, then this proposal would have merit. We do not think it is necessary at this time.

PROPOSAL 121 – 5 AAC 85.065. Hunting seasons and bag limits for small game. Lengthen the hunting season for ptarmigan in Unit 13B as follows:

Return the ptarmigan season length in Subunit 13B to the standard August 10 – March 31, aligning the subunit with surrounding units.

NAVHDA Comments: We support this proposal. The effect of this proposal is the same as proposal 119. See our comments above for proposal 119.

PROPOSAL 134 – 5 AAC 85.065. Hunting seasons and bag limits for small game. Shorten the season for ptarmigan and reduce the bag limit in Unit 9 as follows:

Ptarmigan (rock, willow, and white-tailed)

	Resident	Nonresident
	Open Season	Open Season
Unit 9	Aug. 10-Mar. 1	Aug. 10 – Mar. 1
	(General hunt only)	

10 per day, 20 in possession

NAVHDA Comments: We support this proposal. The Lake Iliamna Fish and Game AC proposed this proposal because ptarmigan numbers have plummeted in this Unit due to poor winters and low survival and recruitment in recent years. ADFG also supports this proposal for the same reasons, except ADFG prefers the final day of the open season be the last day of February instead of the first day of March. The proposal notes the seasons and bag limits are much more



generous in neighboring units and elsewhere in the State where ptarmigan populations have not suffered similarly.

PROPOSAL 135 – 5 AAC 85.065. Hunting seasons and bag limits for small game. Close the season for Alaska hares in Unit 9 as follows:

No open season.

NAVHDA Comments: We support this proposal. ADFG proposed this proposal and supports it because Alaska hares (not the smaller snowshoe hares) have extremely low densities, presumably due to poor winters and heavy predation.

Thank you for the opportunity to comment and the public process you uphold.

Respectfully,

Sincerely

Scott J. Breitsprecher

Scott J. Breitsprecher
President, Alaska-Yukon Chapter



Submitted By
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Submitted On
1/21/2018 10:47:52 AM
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Public

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I am writing in support of **PROPOSAL 92** - 5 AAC 85.025. Hunting seasons and bag limits for caribou; 85.045.

The current method of favoritism to locals in Unit 11, 12, and 13 is discriminatory against other Alaskans. The community harvest hunt is nothing more than preferential treatment for a select few over the many. The moose must be fairly allowed for all residents of Alaska through a lottery drawing hunt. The season for the community harvest unfairly allows them to access and harvest game while others can not. Eliminate this fake program and make the access to Moose and Caribou fairly available to everyone.

Sam Albanese



ANIAKCHAK NATIONAL MONUMENT

Subsistence Resource Commission
P.O. Box 7, King Salmon, AK 99613

Chair, Ronald Lind
Mark Kosbruk, Sr.
Harry Kalmakoff, Jr.
Nefuti Orloff
Colleen (*Tinker*) Jones
Don Lind
Scott Anderson
Gerda Kosbruk
John Christensen, Jr.

December 4, 2017

To the Alaska Board of Game:

The members of the Aniakchak Subsistence Resource Commission (SRC) reviewed eight Central/Southwest (Unit 9) proposals at their Fall meeting in October. The SRC members understand these proposals will be discussed by the Board of Game at the February 16-23, 2018 meeting in Dillingham. The SRC made recommendations for six of the reviewed proposals, as follows:

- 1) **Proposal 125:** Season and Bag Limit for Tier II Caribou in Unit 9: **SRC to support ADF&G's proposed recommendations to move the dates for all of Unit 9E to August 10-October 10.**
- 2) **Proposal 127:** Seasons and Bag Limits to Caribou (in Unit 9C): **First, the SRC members are in support of this proposal as long as the North Alaska Peninsula herd (NAP) continues to be protected. Second, that SRC members are aware of the NAP herd proposals and will continue to monitor any and all future proposals that may affect the NAP herd.**
- 3) **Proposal 131:** Hunt Seasons and Bag Limits for Brown Bear (Unit 9): **No support from SRC**
- 4) **Proposal 132:** Hunt Seasons and Bag Limits for Brown Bear (Unit 9): **No support from SRC**
- 5) **Proposal 133:** Hunt Seasons and Bag Limits for Brown Bear (Unit 9E): **No support from SRC**
- 6) **Proposal 76:** Brown Bear Tag Fee Exception (Unit 9E): **Supported by SRC**

Respectfully,

Ronald Lind, President
Mark Kosbruk, Sr.
Nefuti Orloff
Colleen Jones
Scott Anderson
John Christensen, Jr.



Arctic Bird Dog Association
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January 29, 2018

ATTN: Board of Game Comments
Alaska Department of Fish and Game
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526

Chairman Ted Spraker and Board Members:

Please consider comments from the Arctic Bird Dog Association (ABDA) regarding seven proposals to be addressed by the Board of Game (BOG) at its February 16-23, 2018 meeting in Dillingham, Alaska. Proposals 117 to 121, 134, and 135 could affect hunting activities enjoyed by ABDA members and other bird hunters using working dogs. ABDA is affiliated with the American Kennel Club and currently has about 88 memberships, including 30 family groups and 4 corporate sponsors. Among other objectives, the association strives to promote conservation through education regarding the use of dogs for hunting.

PROPOSAL 117 - AAC 85.065. Hunting seasons and bag limits for small game. Reduce the harvest and possession limits for grouse in Unit 11 as follows:

Grouse --- Unit 11: **Five [FIFTEEN] per day, ten [THIRTY] in possession, of which not more than two per day and four in possession may be ruffed grouse.**

ABDA Comments: We generally oppose this proposal. ADFG indicates no known biological issues for these species in Unit 11; however, we agree that ruffed grouse are recent arrivals in Southcentral Alaska and their numbers may not be as robust as spruce and sharp-tailed grouse in Unit 11. Therefore modifying this proposal to only limit the take of ruffed grouse to 2 per day



and 4 in possession makes sense because of the scarcity of ruffed grouse in this area and because that is the same limit in neighboring Units 13A and 13D.

PROPOSAL 118 – 5 AAC 85.065. Hunting seasons and bag limits for small game. Reduce the harvest and possession limits for grouse in Unit 11 as follows:

A daily bag limit of five grouse per day, with a possession limit of ten; September 1-December 15.

ABDA Comments: We oppose this proposal. We understand hunting pressures are increasing in roaded rural areas from populated centers of the state, but ADFG indicates no known biological issues for grouse in this Unit. We prefer modifying similar proposal 117 to reduce the harvest of ruffed grouse for reasons stated above and taking no action on this proposal.

PROPOSAL 119 – 5AAC 85.065. Hunting seasons and bag limits for small game. Lengthen the hunting season for ptarmigan in Unit 13B as follows:

Units 13A, B, C, D, E August 10 – March 31

ABDA Comments: We support this proposal. If adopted, this proposal means the hunting season and bag limits for all Unit 13 subunits would be the same. Currently the ptarmigan season in Unit 13B goes from August 10 to November 30 because the rock ptarmigan population was depressed due to poor recruitment in the past. ADFG has completed its study of rock ptarmigan in the area and they appear to have recovered. Willow ptarmigan numbers and recruitment in this subunit have been high. ADFG has no biological concerns for ptarmigan in the subunit at this time and is neutral on the proposal. One caveat is that harvest of ptarmigan in February and March from snowmobiles is highly successful and over 60% of the ptarmigan harvest in Unit 13E is during February and March. These ptarmigan are survivors who are likely to be breeders in the next season. Therefore, though we currently support this proposal, if ptarmigan numbers plummet in the future in Units 13B and E, we would lobby to curtail the spring hunting season (February and March) to protect the breeding birds.

PROPOSAL 120 – 5 AAC 85.065. Hunting seasons and bag limits for small game. Align the hunting seasons and reduce the bag limit for ptarmigan in Units 13E and 13B as follows:

Align Unit 13E and 13B ptarmigan season by changing season dates to August 10 through January 31, and reduce harvest limit to five a day and possession limit of ten total.



ABDA Comments: We oppose this proposal. According to ADFG there is no biological issue for ptarmigan in Unit 13 at this time and ADFG is neutral on the proposal. Proposal 119 would align the seasons and bag limits for these two units, which partly resolves the issue raised in this proposal by the Cantwell AC. If ptarmigan numbers in Unit 13 plummet in the future and a conservation concern becomes evident, then this proposal would have merit. We do not think it is necessary at this time.

PROPOSAL 121 – 5 AAC 85.065. Hunting seasons and bag limits for small game. Lengthen the hunting season for ptarmigan in Unit 13B as follows:

Return the ptarmigan season length in Subunit 13B to the standard August 10 – March 31, aligning the subunit with surrounding units.

ABDA Comments: Take no action on this proposal. The effect of this proposal is the same as proposal 119. See our comments above for proposal 119.

PROPOSAL 134 – 5 AAC 85.065. Hunting seasons and bag limits for small game. Shorten the season for ptarmigan and reduce the bag limit in Unit 9 as follows:

Ptarmigan (rock, willow, and white-tailed)

	Resident	Nonresident
	Open Season	Open Season
Unit 9	Aug. 10-Mar. 1	Aug. 10 – Mar. 1
	(General hunt only)	

10 per day, 20 in possession

ABDA Comments: We support this proposal. The Lake Iliamna Fish and Game AC proposed this proposal because ptarmigan numbers have plummeted in this Unit due to poor winters and low survival and recruitment in recent years. ADFG also supports this proposal for the same reasons, except ADFG prefers the final day of the open season be the last day of February instead of the first day of March. The proposal notes the seasons and bag limits are much more generous in neighboring units and elsewhere in the State where ptarmigan populations have not suffered similarly.



PROPOSAL 135 – 5 AAC 85.065. Hunting seasons and bag limits for small game. Close the season for Alaska hares in Unit 9 as follows:

No open season.

ABDA Comments: We support this proposal. ADFG proposed this proposal and supports it because Alaska hares (not the smaller snowshoe hares) have extremely low densities, presumably due to poor winters and heavy predation.

Thank you for the opportunity to comment and the public process you uphold.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Gallagher".

Tim Gallagher, President Arctic Bird Dog Association



Submitted By
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Submitted On
1/31/2018 11:55:31 AM
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Proposal 92 5 AAC 85.025. Suggest you allow hunting for caribou and moose for Alaska residents only.

John Bush
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karla_johnbush@yahoo.com



PC08
1 of 1

January 30, 2018

RE: Comments in support of proposal 128

Dear Chairman Spraker and Board of Game Members,

My name is John Bush and I submitted Proposal 128 to eliminate the harvest season and bag limit for male caribou on Adak Island. I am unable to travel to Dillingham due to costs and other obligations this month, so wanted to provide some additional comments in support of my proposal.

First of all, I AM NOT in support of eliminating the harvest ticket requirement. All caribou harvests should be reported on a harvest ticket and turned into the department. Harvest tickets were required prior to the change in regulations in 2007 when there was no season no limit, so I don't see why that requirement should change if the regulations revert back to no season no limit for all caribou. It is important for those managing this resource to account for all removals.

I have been hunting caribou in Adak every year since 2003. This is the primary meat hunt for my family and it has provided us with tasty high quality meat every year. I have seen the popularity of this hunt grow tremendously over the years. When I first began hunting in Adak, back in the days of no season and no limit, it was common to see large herds of caribou close to the town and me and my hunting partners were able to fill our freezers with relatively little time and effort. As time went on, I have seen this hunt become more popular with my fellow Alaskans.

In my estimation, a large majority of the hunters traveling to Adak during the same seasons that I hunt (October – December), are there for meat hunts and not for trophy opportunities. Our preference is to harvest female and young caribou (females and males) because the meat is more tender and tastier! I disagree with the department's comments that maintaining the potential for trophy-sized bulls is important to control the population size. As stated above, I have seen the popularity of this hunt grow with Alaskans over the years and there are more hunters than ever. Hunting pressure has increased to the point that it is no longer common to see caribou near the town of Adak. For the past six years I have had to travel further from town in order to have ANY hunting opportunity and I have not seen a reduction in the number of hunters because of this. This is evident in the table provided in the department staff comments; fewer caribou have been harvested each year from 2010 – 2015 (316 caribou down to 202 caribou).

If the board finds in favor of my proposal, I believe you will see an increase in the number of caribou harvested as I and my fellow meat hunters will not have to limit our take of young bulls. The strong incentive to travel to Adak will remain as many Alaskans have discovered the high quality and superior flavor of the Adak caribou. Hunting opportunities should be maximized for Alaskans wishing to fill their freezers and not restricted to support non-resident trophy hunters.

I have collected several signatures from other local Juneau hunters who have traveled to Adak for meat hunts and support my proposal.

Thank you for your consideration and service on the board. Sincerely,

John Bush

John A Bush
(907) 223-4790



Submitted By
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Submitted On
1/20/2018 3:49:18 PM
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To the Board of Game Chairman Ted Spraker

Please support Proposal 92, at the Dillingham BOG Meeting in February.

PROPOSAL 92 - 5 AAC 85.025. Hunting seasons and bag limits for caribou; 85.045.

Hunting seasons and bag limits for moose; and 92.072. Community subsistence harvest hunt area and permit conditions. Eliminate the community subsistence harvest hunts for moose and caribou as follows:

Repeal the current community subsistence harvest hunt for the Copper Basin area. Default back to the old general season moose hunt: September 1 through September 20, spike-fork, four brow tines, 50-inches. Increase the number of draw permit tags from the current allocation of five to 100 tags.

What is the issue you would like the board to address and why? Eliminate the community subsistence moose and caribou hunts.

Harvest and population data from ADF&G suggest that customary and traditional needs are being met for all qualified residents in Units 11, 12, and 13. Those qualifying residents are allowed a 50-day hunting season for one federal subsistence "any bull" moose permit, plus two federal subsistence caribou permits for hunting in the four million acres of federal lands. Then you have a 20-day state general season moose hunt, with a spike-fork, 50-inches or four brow tines regulation, and a 40-day fall season for Tier I caribou hunters. In addition to this, Ahnna members have access to another 1.7 million acres of Ahnna private lands which provides exclusive use by Ahnna members to hunt.

All of this opportunity combined meets the intent of reasonable opportunity.

PROPOSED BY: Anchorage Fish and Game Advisory Committee (HQ-F17-015)

Nothing in state law or the Alaska State Constitution **REQUIRES** that the BOG provide any user group with a priority harvest of publicly owned game when abundant harvest is available. Only the Feds are doing that on all the 60% of federally managed lands/waters in Alaska. Anyone living in the Nelchina Basin for at least a full year can walk into the BLM office in Glennallen and get 1 antlered bull moose and 2 caribou harvest tickets to hunt on over 4 million acres of federal lands before the state general hunt opens. Alaskans living in state non-subsistence areas do not qualify for that opportunity. Over 80 any bull moose (FM1301) and 300 caribou (FC1302) are being harvested annually in GMU 13 in federal hunts by residents of GMU 13, 11, 12, and 20 only. **That is a local priority.**

It's reasonable that the BOG would protect your equal opportunity to hunt during times of abundant harvest on 9.5 million acres of easily accessible state-owned lands in GMU 13.

Thank you

Ricky Carns



Submitted By
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1/22/2018 4:27:22 PM
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I support proposition #92 in the repeal of the community subsistence hunt of moose and caribou.



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1/20/2018 5:33:45 PM
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+V**PROPOSAL 92** - 5 AAC 85.025. Hunting seasons and bag limits for caribou; 85.045.

Hunting seasons and bag limits for moose; and 92.072. Community subsistence harvest hunt area and permit conditions. Eliminate the community subsistence harvest hunts for moose and caribou as follows:

Repeal the current community subsistence harvest hunt for the Copper Basin area. Default back to the old general season moose hunt: September 1 through September 20, spike-fork, four brow tines, 50-inches. Increase the number of draw permit tags from the current allocation of five to 100 tags.



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+Eliminate the community subsistence moose and caribou hunts.

+VEliminate the community subsistence moose and caribou hunts.

Harvest and population data from ADF&G suggest that customary and traditional needs are being met for all qualified residents in Units 11, 12, and 13. Those qualifying residents are allowed a 50-day hunting season for one federal subsistence "any bull" moose permit, plus two federal subsistence caribou permits for hunting in the four million acres of federal lands. Then you have a 20-day state general season moose hunt, with a spike-fork, 50-inches or four brow tines regulation, and a 40-day fall season for Tier I caribou hunters. In addition to this, Ahtna members have access to another 1.7 million acres of Ahtna private lands which provides exclusive use by Ahtna members to hunt.

All of this opportunity combined meets the intent of reasonable opportunity.V



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per proposal NO. 130 (Eliminate the village registration requirement)

For more than 40 years I have hunted until 9-B. I host a hunt of six hunters, all old friends and their sons and son-in-laws. The requirement to travel to one of four villages in the unit in order to acquire permits has always been burdensome and discriminatory. As our group ages, it has become a total barrier to our hunt.

With two of the group now over 70 and two others in their late 60's the walk from the shorelines where we can park aircraft has gone from difficult to impossible. Last year two of our group dropped out after decades because they will not hunt illegally and they cannot walk the mile and a half or two miles to register. This rule discriminates against older hunters.

The registration has always been a real problem. The only location where we have been able to get registered reliably is at the Park Service in Port Allsworth. On numerous occasions we have called ahead to other places only to find that they were out of permits, or arrived only to find the local offices closed. At the Park Service, the hours they are available makes an after-work departure impossible as they close at 5:00pm. They are not open on weekends unless we are lucky enough to catch somebody willing to meet us. Again, more than once we have arrived only to find the biologists or rangers gone. More than once, the rule has required us to make multiple trips to register, costing as many as four of the eight days we plan.

For those of us who can only hunt three or four days over a weekend, this makes the hunt unworkable. For example, my son is a pilot for Alaska Airlines. The most days he has been able to cobble together over the last five years is five days. He has participated in this hunt since he was ten, but only been able to make the trip twice in the last six years.

Let me make it clear, this is a small group hunt, a cultural experience that is the highlight of the year for most of us. We never harvest more than two animals, shared among four extended families. The rule mandating local registration discriminates against Alaska hunters who have to travel as well as hunters who still need to work to take care of their families.

One other problem with the registration is that it makes the hunt more expensive and dangerous. Because the only reasonably reliable registration is the Park Service it req



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The system just cut off my comments, so this is a continuation on rule 130 (registration) part 2

I write in behalf of a party hunt that we have shared for almos four decades. We would like our senior hunters to be able to continue to participate. The sharing of their experience and knowledge as well as their hunting ethic is important to pass on,. They often just sit on a four-wheeler and watch a game trail during the day, but their evenings and fireside chats are priceless.

The registration makes the trip more expensive and dangerous. Because the only reasobably reliable place to get permits is the Park Service it requirs we fly Lake Clark Pass when other routes are move direct for us and often offer better weather. If we have to make a second trip from our property it requires enough extra fuel that we must purchase extra fuel.

My final comment is that the justification I was given for this registration was that the local hunters are looking for more Moose for subsistance. I do not begrudge any Alaskan hunter the right to feed their families off the land. Twenty years ago, we used to see four or five bull moose a day between the six of us. Literally the year the regulations changed for Bear Hunting, the moose population began to fall. When bear hunters hunted every spring and fall, the bear population was controlled and moose populations were strong. Any shortage of moose is a result of this one regulation change. Now, for every Bull we see, we see at least a dozen bears.

One final comment. Three times in the last ten years I have flown back to the Iliamna area to close up my cabin the week after Moose season ends. With warmer falls, this extra week knocks the leaves from the trees and the rut has begun. All three trips I have seen more moose in a couple of days that we saw in the week we hunted.



**Allowing the use of crossbows in restricted-weapons hunts: Comments in support of
Proposal # 71 as written by the Proposer
Howard Delo**

One major issue related to this proposal has changed since I initially introduced it at the statewide Board of Game meeting in March of 2016. That change is the requirement to have a State of Alaska hunter education crossbow certification card, indicating the successful completion of an ADF&G-developed crossbow hunter education course. This certification card must be carried by the crossbow big game hunter beginning July, 2018.

With this new regulation, crossbow hunters will now have similar requirements as bow-and-arrow or muzzleloading hunters in any special weapons or drawing permit hunts where hunter education is required.

First, I want to make it abundantly clear that this proposal, if passed as written, would **not** allow the use of crossbows in any current hunts which are designated as “bow-and-arrow” only hunts – this would include the “archery only” early bow season and any permit or restricted-weapons hunts which only allow archery equipment and not firearms of any sort.

The Board of Game has defined crossbows in regulation into their own category with requirements on power, bolt (arrow) length, etc. This was done because crossbows as hunting tools are gradually increasing in hunting use for big game in Alaska during the general season and have become the fastest growing hunting tool in the Lower 48 for hunting animals like whitetailed deer and black bear. Currently, only the state of Oregon prohibits the use of crossbows in any form for hunting. It was felt that a distinction between bow-and-arrow, or archery gear, and crossbow equipment was necessary in Alaska. Over half of the other states classify crossbows in the same category as “bow-and-arrow.”

Since crossbows are defined separately from bow-and-arrow in Alaska, current regulations specifying the use of bow-and-arrow do not include the use of crossbows in a non-general season hunt. The category of crossbow would need to be added to the allowable list of hunting tools in those hunts for legal use.

In Alaska general season hunts, the crossbow hunter uses his/her crossbow at the same time the majority of hunters are using their high-powered, modern rifles. This is the same situation that “vertical bow” archers try to avoid and why there are “archery only” specified hunts. Crossbows are also currently not legal to use in any “special weapons” (bow-and-arrow and shotgun or muzzleloader), drawing permit, and registration permit hunts, or any other hunt which is not a general season hunt.



This proposal asks that crossbows be allowed in non-general season hunts where a firearm like a shotgun, muzzleloader, or modern firearm is allowed along with bow and arrow equipment. For example, this includes places like the Palmer-Wasilla Management Area, and hunts like the “targeted” antlerless moose hunts along highway corridors in GMUs 14 and 20 and the various bison permit hunts around the state.

Crossbows have some distinct advantages and many real disadvantages as a hunting tool when compared to “bow-and-arrow” equipment. The main advantage of a crossbow is that the unit is held and fired like a rifle and the horizontal bow is mechanically held at full draw until the trigger is pulled. Depending on the sighting equipment used on the crossbow and the shooter’s ability, this arrangement allows for a potentially very accurate first shot.

Crossbows, in general, can shoot their arrows slightly faster than vertical compound bows and have a slight (maybe a 10-yard) advantage in range for the average user. However, the two hunting tools are comparable in power and range and both are still short-range tools by the nature of what they are. Both vertical and horizontal bows kill using the cutting edge of a broadhead, resulting in penetration, cutting arteries and veins, and hemorrhaging of vital organs. We’ll present a comparison of some specifications for crossbows and compound bows later.

Some disadvantages are that the crossbow weighs almost twice what a modern compound bow does. The crossbow, because of its shape, is an awkward tool to carry through brush and cannot be safely carried in a “cocked” configuration. Cocking a crossbow can be a tedious process involving a rope “cocker” or a mechanical “winch” affair designed to deal with the heavy draw weight of the much shorter crossbow limbs. Either method of cocking is time consuming in readying a follow-up shot. Typically, a “vertical” bow shooter can accurately fire up to six arrows for every one the crossbow shooter can shoot.

A crossbow would work very well for hunters who are stationary, i.e., in a tree stand or a blind, and waiting for the animal to come to them. If the distance a hunter needs to move while carrying a cocked and loaded crossbow is limited, like traveling from a vehicle to a shooting position not far off a road or waterway, then a crossbow would also work as long as the hunter takes proper safety precautions. Any long-distance walking with a crossbow would require the limbs to be uncocked for safety. If a shot presented itself, the shooter would have to stop and cock and load the crossbow, involving significant movement and possible noise.

In addition to those wishing to hunt with a crossbow, there are those older or smaller hunters who, for whatever reason, cannot draw and hold a vertical bow that meets the existing requirements for the animal they are hunting. A person who cannot use a vertical bow because of age, injury, or size can normally use a crossbow if that tool was legal.



In order to allow more opportunity for those hunters wishing or needing to use a crossbow while hunting during special hunts like the roadside "targeted hunts" for moose in Southcentral and the Interior, or while hunting in specific game management areas or state refuges around the state where either muzzleloaders, shotguns or modern firearms **and** bow-and-arrow are the approved hunting tools, I would ask the Board to include the use of crossbows as an additional approved hunting tool.

A crossbow does not come close to a muzzleloader or shotgun in range and power by comparison. If a muzzleloader or a shotgun is legal to use, along with bow-and-arrow, then there are no practical reasons for not allowing a crossbow along with bow-and-arrow in those areas or hunts which also allow a firearm of some sort.

I think the bias against crossbows comes from a lot of longstanding misconceptions and misunderstandings about what a crossbow can and cannot do and how it compares to current "vertical bow" equipment. Let's look at a comparison. These compound bows and crossbows listed below are some of the newer 2016 models and are, for the most part, aimed at hunters looking to either upgrade their current tool to top-of-the-line models or get into bowhunting with a higher quality implement. These are all adult bows or crossbows.

The following lists were part of the original comments I submitted with the original proposal for the statewide meeting in March, 2016. Things have not changed much with the introduction of the 2017 and 2018 model compounds and crossbows, i.e., relative arrow speeds and kinetic energy comparisons would be essentially the same for current products as they were for the 2016 models listed.

The following tables were developed from information provided in the March, 2016 equipment issue of *Bowhunting Magazine*:

<u>2016 Compound Bows</u>						
Make	Arrow Speed	Unit Wt.	Draw Wt.	Draw Lgth.	MSRP	
Elite Impulse 31	343 fps	4.2 lbs	40-80 lbs	26-30 in.	\$999	
Mathews Halon	353	----	----	----	\$1099	
Bear Escape	350	----	45-70	25.5-30	\$900	
Hoyt Carbon Defiant	331	3.6	40-80	24-30	\$1499	
PSE Carbon Air	340	3.2	50-70	24.5-30.5	\$1500	
Bowtech BT-X	350	4.1	50-80	25.5-31	\$1099	
Prime Rize	335	4.3	40-70	26-30	\$1049	
Martin Hellfire 35	328	4.75	50-70	27.5-31	\$949	
New Breed GX2	335	----	----	25-30	\$949	
APA Mamba M32TF	358	3.8	----	-----	\$979	
Mission Hype DT	310	3.9	13-70	19-30	\$599	
Obsession Def-Con 6	360	4.2	30-70	23.5-30	\$999	
Cabela's Credence	325	----	50-70	26-30	\$429	



Bear BR33	330	----	45-70	27-32	\$900
Elite Impulse 34	340	4.4	40-80	27-31	\$999
PSE Inertia	348	3.9	50-70	24.5-30	\$800
Mathews No Cam	326	<4.0	----	----	\$999
HXT					
Diamond Deploy SB	330	3.2	50-70	26-31.5	\$749
Hoyt Defiant	331	4.0	40-80	24-30	\$1099
SA Sports Vulcan	310	-----	25-70	17-31	\$349

2016 Crossbows

Make	Arrow Speed	Unit Wt.	Draw Wt.	Draw Lgth.	MSRP
TenPoint Carbon	385	7.8	165	----	\$1799
Nitro RDX					
Barnett Whitetail	340	6.2	160	12.5	\$449
Hunter					
Wicked Ridge	320	6.6	155	----	\$449
Warrior G3					
Horton Storm RDX	370	----	165	----	\$1049
PSE RDX 400	400	7.9	165	17	\$1100
Browning Zeroseven	370	7.2	145	14 5/8	\$1400
Onesixtwo					
Darton Toxin 180	400	----	185	18	\$1050
Stryker Katana	385	6.5	155	13	\$1149
Excalibur Matrix	400	----	280	14	\$1299
Bulldog 400					
Mission MXB-Sniper	310	<6.0	150	14	\$599
Lite					
Carbon Express	320	6.9	165	----	\$400
X-Force Advantex					
Cabela's Instinct	350	6.4	----	----	\$1200
Order					
Arrow Precision	385	7.85	185	14	\$550
Inferno Flame					
Scorpyd Ventilator	440	8.1	175	18.5	\$1530
Extreme					
Velocity Archery	370	8.0	185	14	\$540
Justice					
TenPoint Turbo GT	350	6.5	----	----	\$799
Killer Instinct	370	>7.0	----	----	NA
Furious 370FRT					
Barnett Razr Ice	380	7.2	185	14.125	\$1300



The average velocity of an arrow shot from the 20 compound bows listed is 337 fps. The average velocity for a bolt (arrow) fired from the 18 crossbows listed is 369 fps. These velocities were measured using industry standards and are comparable. The compounds averaged 4 pounds in weight while the crossbows averaged 7 pounds. The compounds averaged \$947 as MSRP while the crossbows averaged \$980. ***The crossbows (all considered hunting crossbows) also averaged a draw weight of 175 pounds.*** As you can see, crossbows do not have a significant advantage in velocity or shooting distance over compound bows, which are currently legal for use in any “bow-and-arrow” hunt.

A couple of decades ago, traditional archers had a problem with allowing compound bows as legal archery hunting equipment. That issue was eventually resolved. But by comparison, most traditional bows (long bows and recurves) average arrow velocities between 160 to 250 fps, depending on arrow weight. Compare that to the average listed velocity for compound bows. There is a much larger disparity in velocity between traditional bows and compound bows than between compounds and crossbows.

Basically, all I’m asking is to allow a specific type of hunting tool to be used during certain types of non-general season hunts where it is not currently legal to do so.

For the record, I am a certified ADF&G Hunter Education Instructor in all four disciplines: basic, bow-and-arrow, muzzleloading, and crossbow. I also have already applied for and received a department Methods and Means exemption allowing the use of a crossbow in any bow-and-arrow hunt in Alaska, so I gain nothing personally from the passage of this proposal. My right shoulder was replaced in early 2017 and I can no longer draw a “vertical” bow of the poundage required to legally hunt big game in Alaska.



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2/2/2018 1:22:12 PM
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Regarding proposal 130. I am in agreement with this proposal. Hunting season has been cut short by many days due to weather to hunt in 9B. The only place the is consistantly open and has tags is in Port Alsworth. Flying Lake Clark Pass is breathtaking, but when it's socked in, there is no getting to Port Alsworth. Allowing hunters to get their permits early and securly is very important to a safe hunt.



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1/17/2018 11:04:55 PM
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This is my testimony for proposal 83. Hi, my name is Neil DeWitt, I want to tell you GMU 16A is not, I repeat is not recovered as you will hear the Dept of f&g tell you. I hunt 9 mile Creek drainage. I travel 3-4 hundred miles each season and see less and less each year both moose and sign. I have seen a few more bulls and one cow with twins. You will hear the Dept tell you during a survey this fall they counted 1975 total moose in 79 areas of the 261 to count in this small unit. When they use their formula to calculate it out shows there is 8653 moose. This is in their projected 7200-10,200. Those were mostly out next to the highway or down by Trapper Lake. The rest of the unit if you check their finding is null and void of animals. We still have way to many bear. Both black and brown. I ask you all to please look at this very carefully before you rule on decoupling GMU-13 caribou and moose. Trapper Creek being the next closest to Cantwell will only bring those moose hunters back to GMU-16A and devastate our slowly recovering moose population. The reason for my proposal 83 is to many sublegle bulls are being shot in GMU-16A. People see a two brow tines moose and think it's 50 inches and shoot. They find out later it's not and just leave it lay. Wanton waist. This along with other criminal acts have caused the severe decline in our moose population in GMU 16A. Thank you for your time, Any questions?



Proposal 81 Support

I have baited for black bears in lakes west of the Little Susitna for the past 8 years. Every year the amount of Brown Bear activity has continually increased. Last year, on two different lakes I quit baiting for black bears because of the number of Brown Bears around the Bait Site. At one site, a huge Brown Bear destroyed my barrel. At a second lake, after successfully harvesting a black bear, waiting for an hour to recover my bear, another huge brown bear got to my kill and started feeding on the harvested bear. That trophy was taken over by the Brown Bear and I evacuated that bait site for weeks until I could go in a take down my site.

Hunting to the west of the Little Susitna has become increasingly dangerous because of the increased number of Brown Bears. I hope that the BOG will approve this proposal which would thereby accomplish several things:

1. Provide a safer hunting experience for bear hunters at their bait sites in 14A.
2. Provide an opportunity to take Brown Bears over bait in this unit.
3. Decrease the population of Brown Bears which are hurting the moose population in 14A.

Marlin Dubetz
President
Alaska Bowhunting Association



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1/20/2018 7:32:37 PM
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Address
Hc 02 Box 7282
Gakona , Alaska 99586

I support proposal 92 and highly urge the board to do likewise.

Alan Echols



Submitted By
Dennis Franks
Submitted On
1/20/2018 10:17:10 PM
Affiliation

Phone
907-230-0538
Email
franks69@gci.net
Address
3261 Rosalind Loop
Anchorage, Alaska 99507

PROPOSAL 92 – 5 AAC 85.025. Hunting seasons and bag limits for caribou; 85.045.

Hunting seasons and bag limits for moose; and 92.072. Community subsistence harvest hunt area and permit conditions. Eliminate the community subsistence harvest hunts for moose and caribou as follows:

Repeal the current community subsistence harvest hunt for the Copper Basin area. Default back to the old general season moose hunt: September 1 through September 20, spike-fork, four brow tines, 50-inches. Increase the number of draw permit tags from the current allocation of five to 100 tags.

What is the issue you would like the board to address and why? Eliminate the community subsistence moose and caribou hunts.

Harvest and population data from ADF&G suggest that customary and traditional needs are being met for all qualified residents in Units 11, 12, and 13. Those qualifying residents are allowed a 50-day hunting season for one federal subsistence "any bull" moose permit, plus two federal subsistence caribou permits for hunting in the four million acres of federal lands. Then you have a 20-day state general season moose hunt, with a spike-fork, 50-inches or four brow tines regulation, and a 40-day fall season for Tier I caribou hunters. In addition to this, Ahtna members have access to another 1.7 million acres of Ahtna private lands which provides exclusive use by Ahtna members to hunt. All of this opportunity combined meets the intent of reasonable opportunity.

PROPOSED BY: Anchorage Fish and Game Advisory Committee (HQ-F17-015)

Nothing in state law or the Alaska State Constitution REQUIRES that the BOG provide any user group with a priority harvest of publicly owned game when abundant harvest is available. Only the Feds are doing that on all the 60% of federally managed lands/waters in Alaska. Anyone living in the Nelchina Basin for at least a full year can walk into the BLM office in Glennallen and get 1 antlered bull moose and 2 caribou harvest tickets to hunt on over 4 million acres of federal lands before the state general hunt opens. Alaskans living in state non-subsistence areas do not qualify for that opportunity. Over 80 any bull moose (FM1301) and 300 caribou (FC1302) are being harvested annually in GMU 13 in federal hunts by residents of GMU 13, 11, 12, and 20 only. That is a local priority.

It's reasonable that the BOG would protect your equal opportunity to hunt during times of abundant harvest on 9.5 million acres of easily accessible state-owned lands in GMU 13.

Suggested change:

If the community harvest is to stay then change the season to AFTER the general hunting seasons for both moose and caribou. This would allow general season hunters a better opportunity of success.



Submitted By
Todd Fritze
Submitted On
10/26/2017 11:51:56 AM
Affiliation

I am opposed to proposal 149 liberalizing the beaver seasons in unit 9 and 17.

I am a member of the Nushagak Advisory committee but I feel so strongly about this I am submitting these comments on my personal behalf.

I feel that though we have the most complicated beaver season in the state and willing admit they need to be cleaned up that this is not the proper way to do it.

The indiscriminate shooting of beaver year round including the summer while kits are still young is ethically wrong. By killing the adult beaver you would be killing the kits as well. Furthermore it could lead to decimation of beaver on the river corridors that many trappers depend on to harvest beaver both for their fur and for their meat both to eat and for bait.

The allowing of shooting beaver during the moose season would lead to many lost beaver due to the size of guns many would use in an attempt to harvest a beaver. The loss due to sinking rate would be extremely high which is a waste of the resource.

The destroying of dams in the smaller streams and rivers makes this proposal sound more like the authors want to go in and shoot out all the beaver in an area and then eliminate the dams to make both boat and airplane access to remote areas of the unit easier. The beaver dams are a vital part of moose habitat in this region, and by destroying them we would not only see beaver populations drop but I feel this would be harmful to our moose herd as well.

The removal of the tagging requirement for these beaver that the fur is not kept would allow for the shooting and wasting of beaver with no regard to the population. It is also a vital tool for the local biologist to measure trapping effort of all species around the region.

The idea that beaver dams are making spawning grounds impassible to salmon I find interesting when the Bristol Bay as a whole had one of its largest runs in history. With the Nushagak having a record run of unheard of proportions. Furthermore it is not uncommon to go into areas above beaver dams in the fall and find late spawning silver salmon and carcasses of other species that have spawned and died. The Nushagak had a record run of silvers this year as well as reds. The silver salmon fry depend on beaver ponds as they grow and develop after hatching out. Destroying the dams we destroy the ponds that the fry need to survive.

As a trapper in this region I cannot express how strongly against this proposal I am.

Thank You,



ATTN: Board of Game Chairman Ted Spraker

Dear Mr. Spraker:

I support Proposal 92. It is very puzzling to me why the Board wants to divide game up by class of people. It is already divided by people location; for example North Slope caribou bag limits being 5 to 10 times Unit 13 bag limits.

Requiring subsistence caribou hunters to hunt moose in Unit 13 only puts additional stress on the moose population and reduces hunters' success, as does non-resident hunters in the area. You can't level the mountains out there but you can level the hunting regulations to provide equivalent opportunities.

In Unit 13 the Federal Hunting special regulations are sufficient.

Sincerely,

Budd Goodyear



Submitted By
Lars Granath
Submitted On
2/1/2018 9:28:10 AM
Affiliation

Support Proposal #128 submitted by John Bush concerning caribou hunting on Adak. Unrestricted hunting; requiring a harvest tag for each animal taken. Adak should be managed as a "meat hunt" until numbers are reduced to a level that the island can support.



Submitted By
Justin Hall
Submitted On
1/31/2018 12:39:47 PM
Affiliation

Phone
9073826002
Email
jdhallz10@gmail.com
Address
PO Box 879249
Wasilla , Alaska 99687

As a life long Alaskan since 1978, I offer my support for proposal #92. PLEASE, PLEASE, adopt it.

Please Repeal the current community subsistence harvest hunt for the Copper Basin area in Unit #13. Default back to the old general season moose hunt and let *all Alaskans* have the same hunting opprotunites with their families, all playing by the same fair rules from September 1 through September 20, spike-fork, four brow tines, 50-inches. Increase the number of any bull draw permit tags from the current allocation of five to 100 tags for Alaskans. I know hunters from Wasilla and Anchorage that take advantage of the community harvest tag and under the guise of community harvesters to get early opprotunities by harvesting Moose and Caribou before the general season even opens. There are no rules or slot limit for the community harvester. SEE A MOOSE - KILL A MOOSE. They kill any moose destroying future fairness hunting for all Alaskans in Unit 13 for that season and for future seasons while bulls mature to meet the 50" criteria. They also kill 50" and larger moose that the general public can only target. As hunters, we are all trying to fill our freezers and feed our families. Why do they get the right to harvest moose more than my family and kill anything they see before the season even opens for us? It sure as hell isn't because of where they live. Most are cheating the system. Its corrupt, unfair, and unethical to the rest of us. Subsistence Dipnetting on the Kenai, Chitna, and China Poot Bay is for ALL ALASKANS, same rules of harvest. Why do these community harvest moose and caribou hunters get preferential treatment when they live in the same community with the rest of us? Its unconstitutional, wrong and downright cheating. Unit 13 Tier 1-2 Nelchina Caribou hunters also have to moose hunt in Unit 13 according to the regulations. There is so much hunting pressure on such a valuable resource. The Community Harvest does not allow fair harvest opprotunities and guts the available harvest opprotunites for the general public by either allowing them to kill sub legal bulls that don't live long enough to reach 50" or by shooting bulls over 50" before the general seson starts, killing a FAIR opprotunity for all Alaskans to harvest 50" legal moose. Ive seen too many gut piles and ravens when the seson opens on September 1st. Please approve Proposal #92, and never look back. We all deserve the same opprotunities of fair harvest in Unit 13 and quite frankly I don't believe those that have cheated and took advantage of the "Community Harvest" criteria should be allowed to hunt in Unit 13 moose for the next three years. Unit 13 is being destroyed by Community Harvesters and Ahtna land barrens by early season opprotunities and limiting access into the backcountry as they gobble up or are given more precious Alaskan land. It is disgusting. Ive lived in this great state in Wasilla for 40 years. I'm 48 years old and I killed my first big game animal, a cow caribou when I was 12 in Unit 13 and my first bull caribou as a 14 year old. Both tags were draw permits. Please stop the Community Harvest cheating, the gluttony of land aquisition and restriction and give all Alaskans the same hunting opprotunities that I had as a young boy. The hunting opprotunities I experienced as a child I want to pass on to my son and on to his son. Please adopt Proposal #92, it is the right thing to do for Alaskans and our precious wildlife. Thanks, -Justin.



Submitted By
Robert L. Halverson
Submitted On
2/2/2018 10:59:38 AM
Affiliation
Family Member of AOC

Phone
907.227.7076

Email
rhalvr@aol.com

Address
1371 Hillcrest Dr.
Unit 303
Anchorage, Alaska 99503

Dear Board of Game Chairman Ted Spraker:

Both my wife Janice M. Halverson (who currently holds DC 485?) ask you to support **Proposal 92**.

We think the current regulations are causing moose that do not meet the 50" spread, 4 brow-tine, spike/fork requirement to be abandoned and wasted and maybe this is caused by the hordes of hunters competing for limited resources through a very lengthy season as so many different factions are hunting by different rules and start/end dates.

Please help find a solution to a very difficult situation. This may cause some of us to suffer lack of hunting opportunity for a period, but any fix should be a solution long term or we will eventually have nothing. Thank you.

Sincerely, Robert L. and Janice M. Halverson



Submitted By
Terry Harling
Submitted On
1/21/2018 11:10:07 AM
Affiliation

Phone
907-953-0567
Email
terryharling@yahoo.com
Address
P O Box 526
Kasilof, Alaska 99610

Mr. Spraker,

I urge you to accept proposal 92 and eliminate the Community Subsistence hunt from the Copper Basin area.

There is ample opportunity for local residents to gain subsistence hunt opportunities from the federal program if they meet the local residency requirements.

Ahtna members have access to hunt under the Federal program on their own land and do not need to be adding to the over crowding and harvest of animals on public land, unless of course they would want to open their land for public use.

The fact that a group of people from various parts of the state can form a "community" and then have a small percentage of that group harvest for the "community" under the guise of a proxy is, in my opinion, a gross abuse of a true community hunt and a abuse of the system.

Thank You,

Terry Harling



Submitted By
Raymon L. hedges
Submitted On
1/20/2018 5:37:53 PM
Affiliation

I am commenting in support of PROPOSAL 92 – 5 AAC 85.025. Hunting seasons and bag limits for caribou; 85.045. Hunting seasons and bag limits for moose; and 92.072. Community subsistence harvest hunt area and permit conditions.

This proposal would eliminate the community subsistence harvest hunts for moose and caribou as follows: Repeal the current community subsistence harvest hunt for the Copper Basin area. Default back to the old general season moose hunt: September 1 through September 20, spike-fork, four brow tines, 50-inches. Increase the number of draw permit tags from the current allocation of five to 100 tags.

There should be no preferential treatment of citizens based solely on race or living location, especially in road accessible areas. Subsistence permit are already available for those that wish to avail themselves of that program.



Submitted By
Rita Heidkamp
Submitted On
1/27/2018 8:00:51 PM
Affiliation

PROPOSAL 92 Hunting seasons and bag limits for caribou in Copper Basin

I Support Proposal #92. Please repeal the Ahtna community subsistence hunt and give all Alaskans the same opportunity to hunt moose and caribou in the Copper Basin during times of abundant game. I have a cabin down that way and it is frustrating to not be able to hunt in the area.

Thanks,

Rita Heidkamp



Submitted By
Scott Heidorn
Submitted On
1/27/2018 8:10:23 PM
Affiliation

I Support Proposal #92. Please Repeal the **unconstitutional** Ahtna community subsistence hunt and give all Alaskans the same opportunity to hunt moose and caribou in the Copper Basin during times of abundant game. Residents in this area already benefit from a Federal hunt. BOG should manage the Copper Basin region for ALL Alaskans.

Thanks,

Scott



Submitted By
Darrell Hill
Submitted On
1/25/2018 5:25:28 PM
Affiliation

I definitely support Prop. 92, community hunts are unfair, allowing a select group to hunt early with no restrictions on what kind of bull to harvest. These hunters are actually bragging about they are able to do. By the time the regular season starts, so many animals have already been harvested and scattered. Totally unfair!



Submitted By
Lyndon Ibele
Submitted On
1/22/2018 10:56:51 AM
Affiliation

Dear Chairman Spraker

I stand firmly in support of Proposal 92 to repeal the current community subsistence harvest hunt for moose and caribou in the Copper Basin area. This hunt is unnecessary, and has grown far beyond its well-intentioned albeit misguided origin. "Local" residents have sufficient opportunity to harvest moose and caribou, through state management, federal management, and Ahtna private lands. Please repeal the community harvest hunts.

Sincerely,

Lyndon Ibele



Submitted By
Loren J Karro
Submitted On
2/2/2018 1:07:39 PM
Affiliation
Self

Phone
907-745-3712
Email
lorenk@mtaonline.net
Address
26239 E Buckshot Dr.
Palmer, Alaska 99645

I am OPPOSED to Proposal 133.

This proposal is not biologically based, has no facts or figures to back it up, and is limited to a small portion of the area and to state land only. It leaves the federal land users free to continue their level of use, which in one case is limited only by a "22 client" agreement in the Concession Prospectus.

I have been guiding in this exact location for over 20 years. During this time I have been registered for the guide use areas both north and south of Mud Creek (9-99 and 9-19). I guide on state and private (APC) land and my clients harvest almost exclusively large, older boars. The last few years I have been one of only 2 guides registered in the Southern part of this area, 9-19.

In 2013, we noticed possible lower numbers of younger bears in all of our guiding areas. We therefore cut our number of clients in from 2015 on, in all of our combined guide use areas. Since 2013 we have harvested only 2 bears every other year on state land in the 9-19 and 9-99 areas together. We seldom hunt this area during the spring hunt years and have only harvested 1 during the spring hunt in the last 10 years. (I am generally the only guide registered in 9-19 during the spring seasons.) This does not in any way contribute to an over harvest.

If the bear harvest records and any Department surveys do show a problem with bear populations or bear harvest demographics, I would recommend returning to a 2 week hunt season for both spring and fall hunts.



Submitted By
Loren Karro
Submitted On
2/2/2018 7:19:35 PM
Affiliation
Self

Phone
907-745-3712
Email
lorenk@mtaonline.net
Address
26239 E Buckshot Drive
Palmer, Alaska 99645

I SUPPORT PROPOSAL 79. Unit 14A has been an any ram area since 2008. I believe there have been too many permits issued and very few older rams are left available to hunt. The original goal of rebuilding the sheep population, and the number of older rams in it, is not being met with 75 any ram permits being issued at present. This proposal outlines a good strategy to go for the long range goal of getting back to an open season in the future. Additionally, changing the nonresident allocation would put it to what it should have been if existing (and present) Board policy had been followed when it was first put to a draw hunt. If this is not acceptable to the Board, I would support PROPOSAL 109.

I SUPPORT PROPOSAL 80. I think that this would offer more opportunity for resident goat hunters and I believe the population can handle the harvest that would occur under the registration permit scenario. Less people are in the field now that the area is a draw area for sheep, and the area is not easy to access.

I also SUPPORT PROPOSALS 93, 95, 111, 147 AND 149.

I OPPOSE PROPOSALS 74, 75, 86, 88, 89, 107, 110, 131, 132, 133 (written comments about 133 were submitted separately), and 148.



Submitted By
Max Klingrstein
Submitted On
1/21/2018 9:30:22 AM
Affiliation

I support proposal 92. It is outrageous that there are currently 5 any bull draw tags for an area of over 9 million acres. Meanwhile community hunts and ahtna can hunt additional lands. Non local folks are basically getting the middle finger right now. Hello? People are flooding out of the state because they lost their jobs and you guys make it so hard to take advantage of a plentiful resource that might help keep people here. Fix this crazy rule already!



Kodiak/Aleutians Subsistence Regional Advisory Council
c/o Office of Subsistence Management
1011 East Tudor Road M/S 121
Anchorage, Alaska 995031
Phone: (907) 786-3888, Fax: (907) 786-3898
Toll Free: 1-800-478-1456

RAC 17028.KD

JAN 11 2018

Mr. Ted Spraker
Chair
Alaska Board of Game
Boards Support Section
ATTN: Board of Game Comments
P.O. Box 115526
Juneau, Alaska 99811-5526

Subject: Comments on the Board of Game Proposals, King Salmon area, Units 9 and 10

Dear Chairman Spraker:

I am writing on behalf of the Kodiak/Aleutians Subsistence Regional Advisory Council (Council) to provide the Council's comments on regional Alaska Board of Game proposals for the King Salmon area, Units 9 and 10.

The Council is one of ten regional advisory councils formed under Title VIII of the Alaska National Interests Lands Conservation Act (ANILCA) and chartered under the Federal Advisory Committee Act. Section 805 of ANILCA and the Council's charter establish its authority to initiate, review and evaluate regulations, policies, management plans, and other matters related to subsistence within the Kodiak/Aleutians Region. The Council provides a public forum for discussion and recommendations for subsistence fish and wildlife management in the region. The Council also reviews resource management actions that may impact subsistence resources critical to Federally qualified subsistence users, whom the Council represents.

The Council held a public meeting on September 26 and 27, 2017 in Cold Bay, during which it discussed various proposed changes to the State of Alaska hunting and trapping regulations. Specifically, the Council discussed and voted on Proposals 126 and 128, with recommendations are noted below.



Chairman Spraker

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Proposal 126. Increase the bag limit for the Southern Alaska Peninsula caribou herd (SAP) in Unit 9D for residents and non-residents as follows:

- 1) if the harvestable surplus is greater than 150, then 2 caribou each;*
- 2) if the harvestable surplus is greater than 250, then 3 caribou each;*
- 3) if the harvestable surplus is greater than 450, then 4 caribou each and;*
- 4) if the harvestable surplus is greater than 550, then 5 caribou each.*

The Council recognizes that the Alaska Department of Fish and Game (ADF&G) is concerned with controlling herd trajectory, but believes too many animals will be allotted to non-residents when local residents need more opportunity. The Council is appreciative of the adaptive management approach proposed by the ADF&G but still has conservation concerns for the herd as it has not yet reached the lower end of the State's population objective. This population has undergone wide fluctuations in the past and consideration should be given to its history, as well as herd growth potential with or without predator control and hunting cessations.

The Council voted to support Proposal 126 with following modification:

- 1) if the harvestable surplus is greater than 150, then 2 caribou for residents, 0 for non-residents;*
- 2) if the harvestable surplus is greater than 250, then 3 caribou for residents, 1 caribou for non-residents;*
- 3) if the harvestable surplus is greater than 450, then 4 caribou for residents and 2 caribou non-residents;*
- 4) if the harvestable surplus is greater than 550, then the Council would like the opportunity to discuss bag limits for both residents and non-residents.*

Proposal 128. Allow the harvest of any caribou in Unit 10, Adak Island with no limit, harvest ticket, no closed season. This proposal is supported by local residents and does not appear to cause conservation concerns for the caribou herd on Adak. Most locals go after caribou for the meat and are not necessarily looking to hunt large bulls. The Council understands that this proposal would allow for the take of more cows and address suspected herd growth. Council members did express concerns over the lack of recent surveys for caribou on the Island.

The Council voted to support Proposal 128.

If you have any questions regarding this correspondence, please contact Karen Deatherage, Subsistence Council Coordinator, Office of Subsistence Management, at 1-800-478-1456 or (907) 786-3586 or at karen_deatherage@fws.gov.



Chairman Spraker

3

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Della Trumble".

Della Trumble
Vice-Chair

cc: Eugene R. Peltola, Jr., Assistant Regional Director, Office of Subsistence Management
Thomas Doolittle, Deputy Assistant Regional Director, Office of Subsistence Management
Jennifer Hardin, PhD., Subsistence Policy Coordinator, Office of Subsistence Management
Carl Johnson, Council Coordination Division Supervisor,
Office of Subsistence Management
Kodiak/Aleutians Subsistence Regional Advisory Council
George Pappas, State Subsistence Liaison, Office of Subsistence Management
Pippa Kenner, Acting Anthropology Division Supervisor,
Office of Subsistence Management
Chris McKee, Wildlife Division Supervisor, Office of Subsistence Management
Karen Deatherage, Subsistence Council Coordinator, Office of Subsistence Management
Jill Klein, Special Assistant to the Commissioner, Alaska Department of Fish and Game
Administrative Record



Submitted By
Wayne Kubat
Submitted On
2/2/2018 7:06:54 PM
Affiliation
self

Proposal 84 - Support - I support raising the Population objective for moose in 16 B. I feel the moose population is steadily recovering, but regardless of whether the population is within the current objective range, and whether it is what it is reported to be, it is still far less than I witnessed through the 80's and into the mid-90's. Whenever there was a decline, it was weather related, not habitat related. The area can hold a lot more moose than it holds now. I feel the current objective is closer to the minimum we should be working for instead of the mid range.

Proposal 85 - Support and Amend - My preference would be to leave the season length as is - Aug. 20th - Sept. 25th, get rid of the winter hunts, and make it an any bull for residents from Aug. 20th - Sept. 15th.

Proposal 86 - Oppose - I think we should leave the current black bear baiting season as it is for at least one more 3 year cycle. I supported proposal 84 to raise the moose population objective. Black bears are a significant predator on moose calves. Longer black bear baiting seasons will help reduce moose calf predation and achieve a higher moose population objective faster. The department has said there is no biological concern.

Proposal 87 - Oppose - I think we should continue to allow the harvest of brown bear at black bear bait stations for at least one more 3 year cycle. I supported proposal 84 to raise the moose population objective. Brown bears are a significant predator on all age classes of moose. Keeping this tool in place will help us achieve a higher moose population objective faster. The department has said there is no biological concern.

Proposal 88 - Oppose - I think we should continue to leave the current brown bear seasons and harvest in GMU 16B as is for at least one more 3 year cycle. I supported proposal 84 to raise the moose population objective. Brown bears are a significant predator on all age classes of moose. Keeping the current seasons and harvest in place will help us achieve a higher moose population objective faster. The department has said there is no biological concern.

Proposal 89 - Oppose - I think we should keep the current intensive management plan on the books until its scheduled expiration in 2021.



Kenneth H. Manning, J.D.
P.O. Box 775
Kasilof, AK 99610
907-394-4377
kasilofken@gmail.com

Alaska Board of Game
P.O. Box 115526
Juneau, AK 99811-5526

January 20, 2018

Re: Comments to the Board Of Game, Feb. 2018 Meeting.

I submit **SUPPORT** recommendations to pass the following proposals as submitted:

PROPOSALS NO. 92 THROUGH 97; 99, 100, 104, [based on the reasons submitted in the proposals.]

I submit strong recommendations **OPPOSED** to the following proposals:

PROPOSALS NO. 98 (Submitted by Ahtna Tene Nene)
[OPPOSED because it denies equal protections of the laws and constitutions; grants unconstitutional racial discrimination] (see NOTICE OF INTENT TO FILE CLASS ACTION RACIAL DISCRIMINATION LAW SUIT IN FEDERAL COURT, copy attached);
PROPOSAL NO. 103; 107.

Respectfully submitted:

/s/ Kenneth H. Manning, J.D.



Kenneth H. Manning, J.D.
P.O. Box 775
Kasilof, AK 99610
907-394-4377

IN THE UNITED STATES DISTRICT COURT
AT ANCHORAGE, ALASKA

KENNETH H. MANNING,)	
Plaintiff,)	
)	
Vs.)	
	)	U.S. District Ct. Case No. _____ CI
STATE OF ALASKA DEPARTMENT OF)	
FISH & GAME;	)	NOTICE OF INTENT TO FILE
TED SPRAKER, BOG CHAIR; and	)	CLASS ACTION
ALASKA BOARD OF GAME,	)	COMPLAINT
Defendants,	)	OF RACIAL DISCRIMINATION
)	
_____	)	DEMAND FOR JURY TRIAL

I, Plaintiff Kenneth H. Manning, J.D., hereby give Notice Of Intent To File CLASS ACTION COMPLAINT OF RACIAL DISCRIMINATION AND DENIAL OF CONSTITUTIONAL EQUAL RIGHTS for violations of Alaska Constitution Article I Section 1 Equal Rights, Section 3 Civil Rights Freedom From Racial Discrimination, Article VIII Section 3 Common Use Rights of State Fish, Game, and Water Resources, Section 7 Due Process, and the 14th Amendment of U.S. Constitution equal protections of the laws.

Defendants are the State of Alaska Department of Fish & Game (“ADF&G”), and Ted Spraker, Chair of Alaska Board of Game (“BOG”) in his official and personal capacity, and the Alaska Board Of Game.

This U.S. District Court has jurisdiction over the parties and the cause of action against the defendants and State ADFG, under claims of violations of Alaska and U.S. Constitutions, and Alaska State Hood Act Section 6(e), and ANCSA 44 U.S.C. 1601, Section 4(b). and the U.S. Constitution 14th Amendment equal protections.

In accordance with Federal Rules of Civil Procedure, Plaintiff Manning files this notice to file CLASS ACTION COMPLAINT OF RACIAL DISCRIMINATION as an action at law to seek relief from decades of continued unconstitutional and irreparable harms to Plaintiff Manning and thousands of Alaska residents by the ADF&G and Alaska Board of Game.

Respectfully submitted:

/s/ Kenneth H. Manning, J.D.

January 20, 2018

cc: Governor Bill Walker
Alaska Attorney General Jahna Lindemuth, attorney.general@alaska.gov
ADF&G Commissioner Sam Cotten; dfg.commissioner@alaska.gov



Kenneth H. Manning, J.D.
P.O. Box 775
Kasilof, AK 99610
907-394-4377
kasilofken@gmail.com

Alaska Board of Game
P.O. Box 115526
Juneau, AK 99811-5526

January 25, 2018

Re: Comments to the Board Of Game, Feb. 2018 Meeting.

REPLY REBUTTAL to Dept. of Law Comments, dated Jan. 9, 2018, and recently posted on the ADF&G Board of Game website.

REQUEST TO DEFER / TABLE or POSTPONE PROPOSAL 98, Pending the Alaska Supreme Court appeal review in *Manning v. State ADFG, Ahtna*, S-16511/S-16531, with oral argument scheduled for Feb. 13, 2018. SEE Ahtna Motion for Expedited Supplemental Briefing and Orders attached.

The State DOL Position in its recent comments to the BOG is very inconsistent and opposite of its court argument against Manning's claims on appeal. The State's change in position from its court appellee briefing, and refusal to submit clarifying supplemental brief, leaves the BOG no choice but to defer all action on Proposal No. 98 pending a decision by the Alaska Supreme Court.

Comment Reply/Rebuttal: Reasons for SUPPORT FOR PROPOSALS NO. 91-97.

The Dept. of Law comments by SAAG Cheryl R. Brookings, are erroneous and incorrect where stating the Alaska Supreme Court has already ruled against claims of racial discrimination on the community subsistence harvest (CSH) permits.

No court has yet ruled on the claim of unconstitutional ADF&G racial discrimination eligibility criteria requirement that all applicants must practice or convert to Ahtna Athabaskan aboriginal primitive racial customs and traditions. (See Ahtna Motion, Court Orders, attached). The court must rule on the claim of unconstitutional CSH racial discrimination and unlawful eligibility criteria, as an unconstitutional limitation and bar to the community subsistence harvest (CSH) user group for CSH moose and caribou permits in GMU 13. (See *Alaska Fish & Wildlife Conservation Fund v. State & Ahtna Tene Nene*, 347 P.3d 97 (Alaska 2015); *State v. Morry*, 836 P.2d 358 (Alaska 1992). Distinctions between users



are only authorized at the Tier II level, AS 16.05.258(b)(4)(B); *McDowell v. State*, 785 P.2d 1 (Alaska 1989), limitation and bar to a subsistence user group requires constitutional analysis by *de novo* strict scrutiny compelling state interest justification legal review. *McDowell, Id.*; *Adarand v. Pena*, 515 U.S. 200 (1995).

In *Manning v. State*, 315 P.3d 530 (Alaska 2015), Justice Winfree held the challenged discrimination regulations only affect the classification of game [i.e., only affects the moose and caribou!] and did not address (intentionally ignored) the racial eligibility criteria as an unconstitutional limitation and bar to CSH for Manning and thousands of Alaska residents, ignoring and contrary to case precedents of *McDowell, Id.*; *Adarand, Id.*; *Morry, Id.*

A Petition For Rehearing to address the claims of unconstitutional racial discrimination eligibility criteria for the CSH moose and caribou permits was denied without review by the Alaska Supreme Court in *Manning v. State*, 315 P.3d 530 (Alaska 2015).

Respectfully submitted:
/s/
Kenneth H. Manning, J.D.



IN THE SUPREME COURT OF THE STATE OF ALASKA **RECEIVED**

KENNETH H. MANNING,)
)
 Appellant/Cross-Appellee,)
)
 v.)
)
 STATE OF ALASKA, DEPARTMENT)
 OF FISH AND GAME,)
)
 Appellee/Cross-Appellant,)
)
 v.)
)
 AHTNA TENE NENE,)
)
 Appellee.)

JAN 23 2018
 Landye Bennett
 Blumstein LLP

Supreme Court Nos.: S-16511/ S-16531

Trial Court Case #: 3KN-13-00708 CI

STATE'S OPPOSITION TO AHTNA TENE NENE'S NOTICE AND MOTION FOR EXPEDITED SUPPLEMENTAL BRIEFING

The only issues before the Court on appeal are res judicata, collateral estoppel, and whether the State should have been awarded a portion of its attorney's fees as the prevailing party. (See Brief of Appellee, State of Alaska dated May 24, 2017, generally).

The State objects to Ahtna Tene Nene attempting to raise a claim on appeal that was never raised in this case and never presented to the superior court. "We have repeatedly held that 'a party may not raise an issue for the first time on appeal.'" *Hymes v. DeRamus*, 222 P.3d 874, 889 (Alaska 2010) citing *Brandon v. Corr. Corp. of America*, 28 P.3d 269, 280 (Alaska 2001). "Issues that are not raised in the superior

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court are waived and cannot be asserted on appeal as grounds for overturning a judgment.” *Still v. Cunningham*, 94 P.3d 1104, 1111 (Alaska 2004).

In addition, any alleged challenge to a regulatory proposal submitted by Ahtna Tene Nene to the Alaska Board of Game, which has not yet been addressed by the Board, and may or may not be adopted, is not ripe for judicial review. Exhibit D attached to Ahtna Tene Nene’s January 19, 2018 Motion is a memorandum provided to the Board of Game with regard to regulatory proposals scheduled to be heard in February 2018. Proposal 98 was submitted by Ahtna Tene Nene. Public comments and testimony are being solicited prior to the Board’s deliberations next month. A “case is not ripe for adjudication until an injury is asserted to have occurred, or prospectively will occur to an interested party, under the new [regulations].” *Bowers Office Products, Inc. v. University of Alaska*, 755 P.2d 1095 (Alaska 1988).

No supplemental briefing is warranted.

DATED: January 22, 2018.

JAHNA LINDEMUTH
ATTORNEY GENERAL

By: 
Cheryl R. Brooking
Assistant Attorney General
Alaska Bar No. 9211069

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Certificate of Service

This is to certify that on this date,
a copy of the foregoing document
is being mailed to:

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Date
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JAN 23 2018

In the Supreme Court of the State of Alaska

Landye Bennett
Blumstein LLP

Kenneth H. Manning,)
) Supreme Court Nos. S-16511 & 16531
 Appellant/Cross-Appellee,)
 v.)
)
 Alaska Department of Fish & Game,)
)
 Appellee/Cross-Appellant,)
 v.)
)
 Ahtna Tene Nene',)
)
 Appellee.)

Order

Date of Order: **January 22, 2018**


Trial Court Case # **3KN-13-00708CI**

Ahtna Tene Nene' filed a motion for expedited supplemental briefing on January 19, 2018, requesting that the State provide clarification on its position.

IT IS ORDERED: The State of Alaska shall file its response to the motion for supplemental briefing by **January 26, 2018**.

Entered by direction of an individual justice.

Clerk of the Appellate Courts


 Mikkel Foltmar, Deputy Clerk

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JAN 24 2018
Landye Bennett
Blumstein LLP

In the Supreme Court of the State of Alaska

Kenneth H. Manning,)	
	)	Supreme Court Nos. S-16511 & 16531
Appellant/Cross-Appellee,)	
v.)	
)	
Alaska Department of Fish & Game,)	
)	
Appellee/Cross-Appellant,	)	Order
v.	)	Denying Supplemental Briefing
)	
Ahtna Tene Nene',)	
)	
Appellee.	)	Date of Order: January 23, 2018

Trial Court Case # **3KN-13-00708CI**

On consideration of the appellee's **January 19, 2018** motion for expedited supplemental briefing, and appellee/cross-appellant's **January 22, 2018** opposition,

IT IS ORDERED:

The motion is **DENIED**.

Entered by direction of an individual justice.

Clerk of the Appellate Courts

Mikkel Foltmar, Deputy Clerk

cc: Supreme Court Justices

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Attorney for Ahtna Tene Nene'

IN THE SUPREME COURT FOR THE STATE OF ALASKA

KENNETH MANNING,
Appellant/Cross-Appellee,
vs.
STATE OF ALASKA,
DEPARTMENT OF FISH AND
GAME,
Appellee/Cross-Appellant,
AHTNA TENE NENE',
Appellee.

Supreme Court Nos.:
S-16511/S-16531

FILED

JAN 19 2018

APPELLATE COURTS
OF THE
STATE OF ALASKA

Superior Court No. 3KN-13-00708 CI

**APPELLEE AHTNA TENE NENE'S NOTICE OF INCONSISTENCY
IN STATE'S POSITION IN THIS APPEAL AND
MOTION FOR EXPEDITED SUPPLEMENTAL BRIEFING**

In the interests of justice, Ahtna Tene Nene' hereby submits this notice and motion regarding the State of Alaska, Department of Fish and Game's ("ADF&G") apparent change in position on the merits of a central issue in this case. Appellant Manning has alleged the community subsistence hunting ("CSH") regulations codified at 5 A.A.C. 92.072 are illegal because his eligibility to participate in the CSH

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requires him to engage in the community pattern of subsistence use the Alaska Board of Game (“BOG”) has identified as the foundation for the CSH. [See At. Br. 3; At. R. Br. 7-8; exc. 1 (complaint); exc. 98 (amended complaint)] The State defended against Manning’s complaint by denying Manning’s claims and asserting affirmative defenses of res judicata and collateral estoppel. [R. 384 (answer); State Br. 12] The State is now seeking attorney’s fees as the prevailing party. [State Br. 14]

Although Ahtna Tene Nene’ maintains its position that Manning’s claims were properly denied by the superior court, [see Ahtna Br. 21-22] it has come to Ahtna Tene Nene’s attention that the Alaska Department of Law (“DOL”) is advising ADF&G and the BOG that these agencies are without legal authority to enforce the very same condition of the community subsistence hunt that is the basis of Manning’s appeal. Consequently, the State may now be seeking an award of attorney’s fees while abandoning its defense of the regulation central to Manning’s claim. In the interests of fairness to all parties, Ahtna Tene Nene’ respectfully requests this Court order expedited supplemental briefing to clarify whether the State has changed its position on the enforceability of the requirement in 5 A.A.C. 92.072 that groups must engage in the identified subsistence use pattern. The State should also identify how its current position affects the State’s arguments on the merits of the appeal and those related to its appeal of the lower court’s decision denying it attorney’s fees, including its argument that Manning’s claims were “frivolous” [See State Br. 15-16]

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1. The State has apparently changed positions on the enforceability of 5 A.A.C. 92.072.

There is considerable evidence that the State no longer believes 5 A.A.C. 92.072 is enforceable despite the superior court's decision in this case concluding correctly that Manning's claim would not survive a motion to dismiss. [See exc. 145 (superior court order)] Manning's main grievance with 5 A.A.C. 92.072 is demonstrated by his repeated reference to the CSH Hunt Conditions "Certification Statement," which was required for CSH participation in the 2011-2012 season. [Exc. 225] The Certification Statement required applicants to agree "to observe the customary and traditional use patterns" as established by the BOG's 2006 and 2011 findings.¹ The 2011-2012 Certification Statement was implemented "to comply with 5 A.A.C. 92.072(c)(1)(F)," which requires participating communities and groups to "make efforts to ensure that the applicable customary and traditional use pattern . . . is observed."² [Exc. 225] Since the 2011-2012 season, however, the State has not included a Certification Statement as part of the CSH requirements.³ Instead, the State has simply required a report of the applicant's prior CSH hunts providing

¹ See Findings for the Alaska Board of Game, 2006-170-BOG, Game Management Unit 13, Caribou and Moose Subsistence Uses, available at <http://www.adfg.alaska.gov/static/regulations/regprocess/gameboard/pdfs/findings/06170bog.pdf> (exc. 23); Findings for the Alaska Board of Game, 2011-184-BOG, Game Management Unit 13, Caribou and Moose Subsistence Uses, available at <http://www.adfg.alaska.gov/static/regulations/regprocess/gameboard/pdfs/findings/11-184-bog.pdf> (exc. 31).

² 5 A.A.C. 92.072(c)(1)(D) (re-codified from 5 A.A.C. 92.072(c)(1)(F)).

³ See Alaska Department of Fish and Game, Copper Basin, Community Subsistence Harvest Permit Program 2012-2013, 2013-2014, 2015-2016, 2016-2017, 2018-2019 (attached as Exhibit A).



“[a] specific description of how the community or group observed the customary and traditional use pattern described in 2006-170-BOG.”⁴

The State’s position, or at least DOL’s position is now apparently that so long as a CSH applicant returns the completed report for the prior hunting season, the State may not deny the applicant a CSH permit, notwithstanding the requirements in 5 A.A.C. 92.072. According to a November 17, 2017 BOG letter requesting an opinion from the Alaska Attorney General,

the Department [of Fish and Game] has taken the position that it can deny a group, and the members of that group, the opportunity to participate in a community hunt the next season if the group fails entirely to file a report. However, the Department has also expressed the opinion that it *does not have the same authority (to deny) if a group submits a report, regardless of attempts to meet any customary and traditional use patterns.* . . .

...

The Board has been advised that it does not have the legal authority to enforce this hunt condition though a reporting and scoring system approved by the Board and applied to all participating groups, and which could result in participating group being denied the opportunity to participate in a future hunt for a limited period of time.^[5]

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⁴ See *id.*

⁵ Letter from Ted Spraker, Chairman, Alaska Board of Game, to Scott Kendall, Chief of Staff, Office of the Governor, State of Alaska (Nov. 14, 2017) (emphasis added) (attached as Exhibit B); see also Letter from Jahna Lindemuth, Attorney General, State of Alaska, to Ted Spraker, Chairman, Alaska Board of Game (Dec. 4, 2017) (attached as Exhibit C); Memorandum from Cheryl Rawls Brooking, Assistant Attorney General, State of Alaska, to Kristy Tibbles, Executive Director, Alaska Board of Game (Jan. 9, 2018) (attached as Exhibit D).



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The State's attorney explained to the BOG that "the [B]oard doesn't have the authority to—under statute[—]the ability to determine who is or is not eligible to participate" because, according to the State, "[w]e have the Alaska Supreme Court decision in the *Morry* case, and . . . that's still good law."⁶

The State's position indicates that it no longer believes it can enforce 5 A.A.C. 92.072 or the BOG's 2006 findings regarding Copper Basin moose and caribou hunting. The implications of the State's position are profound. Enforcement of the customary and traditional use requirement is an essential component of the regulatory scheme for the CSH. [See exc. 23 (2006 Findings)] If the State believes 5 A.A.C. 92.072 is unenforceable, it should have disclosed that fact before taking an inconsistent position on the merits and before moving for attorney's fees under either AS 09.60.010 or Alaska Rule of Civil Procedure 82.⁷

2. The State's position on this issue is crucial to the resolution of the issues in this case.

Manning's central argument related to the community subsistence hunt is that Alaska law provides no authority for ADF&G or the BOG to require him to conform to the customary and traditional use pattern described in the BOG's 2006 findings in order to participate in the CSH. The CSH at issue here was established on the basis of

⁶ Transcript of Alaska Board of Game Special Meeting on Copper Basin Moose and Caribou Hunting (Excerpt) at 12-13 (Mar. 20, 2017) (attached as Exhibit E) (citing *State v. Morry*, 836 P.2d 358 (Alaska 1992) *superseded in part by statute*, Ch. 1, SSSLA 1992, Ch. 86, SLA 1995, Ch. 130, SLA 1996 (codified at AS 16.05.258), *as recognized in, Alaska Fish and Wildlife Conservation Fund v. State of Alaska*, No. 4FA-11-1474C1 (Alaska Super. Ct. Aug. 5, 2011) (available at exc. 36-52)).

⁷ See ALASKA R. CIV. P. 82(b)(3)(G), (K) (The Court may vary an attorney's fee award based on a party's "vexatious or bad faith conduct" or "other equitable factors deemed relevant.").



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those Findings and the customary and traditional community use pattern documented therein.⁸ The letter and intent of 5 AAC 92.072 requires groups to engage in this pattern of use as a condition for participation in the subsistence hunting opportunity provided by the CSH.⁹ [See Ahtna Br. 6-9] As demonstrated, however, most recently through the DOL's advice to the BOG on January 9, the DOL's position is that the BOG and ADF&G lack the legal authority to enforce the very same aspect of the CSH regulation that is the focus of Manning's appeal.¹⁰ When the BOG requested a clarification on DOL's advised limitation of its authority, the Attorney General responded with a letter that sidestepped the request and provided no clarification.¹¹

The result of DOL's advice is that any group of 25 or more Alaskan residents can join in and participate in the CSH regardless of whether that group makes any effort to conform to the community customary and traditional pattern of use upon which the hunt was founded. Under the DOL's advice, a group which has no relationship other than meeting and organizing on the internet, and which provides a report can continue to participate in the CSH year after year even if the group's report

⁸ See *Alaska Fish & Wildlife Conservation Fund v. State*, 347 P.3d 97, 100 (Alaska 2015) (“[T]he Board made extensive findings about the area in 2006, describing the customary and traditional subsistence use of moose and caribou.”).

⁹ “A community harvest permit is issued to members of a group of 25 or more *who agree to engage in the hunting practices described in the Board's 2006 findings*, including meat sharing and organ salvage.” *Id.* at 101 (emphasis added).

¹⁰ Memorandum from Cheryl Rawls Brooking, Assistant Attorney General, State of Alaska, to Kristy Tibbles, Executive Director, Alaska Board of Game at 6-7 (Jan. 9, 2018) (attached as Exhibit D) (“Although not all Alaskans participate in a subsistence lifestyle, all Alaskans, urban or rural, are eligible to participate in subsistence hunts, including community subsistence hunts. The Department of Law has consistently advised that using scoring criteria to discriminate between, and eliminate, applicants for a Tier I hunt is impermissible.”).

¹¹ See *supra*, note 5.



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admits that the members of the group have not, and do not intend in the future to follow the community customary and traditional use pattern documented in the 2006 findings. According to the DOL, eligibility for the CSH does not turn on whether the members of his group agree to and actually follow the customary and traditional pattern of use; so long as the group files the required report, no matter what it says, the group and its members are eligible to continue to participate in the hunt.

If DOL's position is as described above, it is an admission that Manning could form a group and participate in the CSH without conforming to the customary and traditional use pattern and without consequence. If that is the State's position, it raises the question of whether the State should be considered the prevailing party on Manning's claims regarding 5 A.A.C. 92.072.¹² It also raises the propriety of the State's request for attorney's fees. It is Ahtna Tene Nene' position that both Manning's claims related to 5 AAC 92.072 and the State's position on the enforceability of the regulation are without merit.

Because the State's position on the enforceability of 5 A.A.C. 92.072 is central to the questions now before the Court as to whether Manning's complaint was "frivolous,"¹³ whether the State is entitled to enhanced Rule 82 fees, and indeed,

¹² See *Progressive Corp. v. Peter ex rel. Peter*, 195 P.3d 1083, 1094 (Alaska 2008) (noting that the "catalyst theory" for determining the prevailing party may be employed where "a lawsuit brings about relief in a manner other than formal judgment").

¹³ AS 09.60.010(c)(2).



whether the State can even be considered the prevailing party on that claim,¹⁴ Ahtna Tene Nene' respectfully requests this Court order expedited supplemental briefing on the issue.

CONCLUSION

It is particularly important that the State's position on this issue be clarified prior to oral argument in this appeal, which is scheduled for February 13. The State bases its position on an interpretation of a 1992 decision of this Court.¹⁵ Only this Court can make a final determination on the interpretation of that opinion, and the issue is raised squarely in this appeal.

Ahtna Tene Nene' therefore requests that the Court order the State to provide clarification on its position by January 26, 2018, and that Ahtna Tene Nene' and Manning have the opportunity to respond by February 5, 2018.

Respectfully submitted January 19, 2018.

Andrew Starkey
For JOHN M. STARKEY ABA #16050419
Alaska Bar No. 8611141
Attorney for Ahtna Tene Nene'

¹⁴ Cf. *City of Kenai v. Friends of Recreation Center, Inc.*, 129 P.3d 452, 456 (Alaska 2006) ("We will decide the merits of otherwise-moot cases in order to determine the prevailing party for purposes of attorney's fee awards.").

¹⁵ See *supra* note 6; *Morry*, 836 P.2d (ruling based on statute that has now been amended and superseded).

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Certificate of Service

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By *Cheri Woods*
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IN THE SUPREME COURT FOR THE STATE OF ALASKA

KENNETH H. MANNING,)
)
 Appellant/Cross-Appellee,)
)
 v.)
)
 STATE OF ALASKA,)
 DEPARTMENT FISH AND GAME,)
)
 Appellee/Cross-Appellant,)
)
 v.)
)
 AHTNA TENE NENE',)
)
 Appellee)
)

Supreme Court Nos.: S-16511/ S-16531

FILED

JAN 19 2018

APPELLATE COURTS
OF THE
STATE OF ALASKA

Trial Court No. 3KN-13-00708 CI

**(PROPOSED) ORDER GRANTING APPELLEE AHTNA TENE NENE'S
MOTION FOR EXPEDITED SUPPLEMENTAL BRIEFING CONCERNING
STATE'S INCONSISTENT POSITION IN THIS APPEAL**

HAVING given due consideration to Appellee Ahtna Tene Nene's Notice of Inconsistency in State's Position in this Appeal and Motion for Expedited Supplemental Briefing and finding good cause to grant the motion;

IT IS HEREBY ORDERED that Appellee Ahtna Tene Nene's Motion for Expedited Supplemental Briefing is GRANTED. Appellee State of Alaska shall file their brief on or before January 26, 2018. Ahtna Tene Nene' and Appellant Manning have the opportunity to respond by February 5, 2018.



Dated this _____ day of January, 2018.

Supreme Court Justice

Certificate of Service

On January 19, 2018, a true and correct copy of the foregoing was served by first class mail to the following:

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Assistant Attorney General
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Anchorage, AK 99501 and emailed

Kenneth Manning
PO Box 775
Kasilof, AK 99610-0775

By Cheri Woods
Cheri Woods



IN THE SUPREME COURT FOR THE STATE OF ALASKA


KENNETH H. MANNING,)
Appellant/Cross-Appellee,) Case No. S-16461
)
Vs.) **MOTION TO RECONSIDER**
) **JUSTICE WINFREE'S ORDER**
) **DENYING MANNING'S**
ALASKA DEPARTMENT OF FISH & GAME,) **MOTION TO DISQUALIFY**
Appellee/Cross-Appellant,) **JUSTICE WINFREE**
)
AHTNA TENE NENE,)
Appellee.)
)

Trial Court Case No.3KN-11-00367CI.

I, Appellant Kenneth Manning, in accordance with Appellate Rule 503(h)(2)(b) request the full court to reconsider the Order of Justice Winfree dated Sept. 13, 2017, denying the motion to disqualify Justice Winfree, based on the following:

1. Justice Winfree again failed to comprehend the claims of ADF&G racial discrimination regulations that limit and bar Manning and hundreds of Alaskans from the CSH permits hunting eligibility, as primary basis for disqualification. He erroneously contends there must be "personal bias against him." This is the third order from Justice Winfree that totally ignored claims of ADF&G racial discrimination regulations.¹

¹ Appeal *Manning v. State, Ahtna*, 355 P.3d 530 (Alaska 2015) claims of racial discrimination regulations ignored "unanimously" by the Court; and Order Sept. 7, 2017 Denying Disqualification S-16511/S-16531; and Order dated Sept. 13, 2017 Denying Disqualification S-16461.

2. A motion to disqualify must be distinguished from a motion for recusal.² Recusal only requires "if the ju  officer believes a fair and impartial decision cannot be given." (Order at p.1-2; fn 2, referencing AS 22.20.020(a)(9)).

3. Justice Winfree has again failed (intentionally and totally ignored) claims of racial discrimination eligibility criteria in ADF&G regulations 5 AAC 92.072 et seq (Exc 103, 225). His order erroneously assumes his alleged personal racial bias and prejudice against Manning. He does not comprehend his failure to conduct proper *de novo*³ strict scrutiny standards of review of ADF&G regulations imposing racial discriminatory intent and effect that limits and bars Manning and many others from participation in the CSH user group,⁴ and denial of individual constitutional equal rights. His order denying motion to disqualify, obviously fails to comprehend the issues indicating an impaired or diminished capacity to be able to recognize and understand the claims and averments on racial discrimination imposed by the challenged state ADF&G regulations 5 AAC 92.072 et seq. (Exc 103, 225).

4. Pursuant to Judicial Canon 2, Commentary:

The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that

² Judicial Canon 3E(1)(a).

³ *Gilbert v. State, Dep't of Fish & Game, Bd. of Fisheries*, 803 P.2d 391, 394 (Alaska 1990) (citing *Southeast Alaska Constr. Co. v. State, Dep't of Transp.*, 791 P.2d 339, 342 (Alaska 1990); *Grand v. Municipality of Anchorage*, 753 P.2d 141, 143 n.3 (Alaska 1988)).

⁴ *Adarand Constructors, Inc. v. Pena*, 515 U.S. 200 (1995), "All racial classifications, imposed by whatever federal, state, or local governmental actor, must be analyzed by a reviewing court under strict scrutiny." P.10-29; 34-37.



Here, Judge Winfree's total ignoring claims of racial discrimination in ADF&G regulations (i.e., holding it only affects the moose and caribou!⁵), whether by intent or by diminished mental capacity, racism,⁶ and/or impaired judicial competence to comprehend the issues for proper *de novo* appellate review, is still "impaired competence" in reasonable minds, especially where racial discrimination is "unanimously" ignored (approved) by the entire Court.

5. Pursuant to Judicial Canon 3(E)(1) Disqualification, Commentary:

A judge should disclose on the record information that the judge believes the parties or their lawyers might consider relevant to the question of disqualification, even if the judge believes there is no real basis for disqualification.

Justice Winfree's order failed to disclose or comprehend the stated reasons in the motion to disqualify, which included: (A) failure to conduct *de novo* standard of appellate review;⁷ (B) failure to conduct strict scrutiny compelling state interest standard of review⁸ on: (1) claims of racial discrimination in ADF&G regulations; (2) regulations mandating one race (Ahtna) aboriginal primitive local customs and traditions (C&T) are imposed on all community subsistence harvest (CSH) applicants, no matter what their race C&T or their location of residence

⁵ *Manning v. State ADFG, Ahtna*, 355 P.3d 530 (Alaska 2015).

⁶ The BOG finds that only Ahtna racial C&T matters, that all other White man's and non-Ahtna races must practice or convert to Ahtna aboriginal racial local primitive customs and traditions for eligibility for a state-issued CSH priority preference hunting permit. Exc 103, 225.

⁷ *Manning v. State ADFG, Ahtna*, 355 P.3d 530 (Alaska 2015).

⁸ "The relevant standards of review are critical to the outcome of the case." *Walsh v. Centeio*, 692 F.2d 1239, 1241 (9th Cir. 1982).

(i.e., invidious discrimination⁹); (3) CSH eligibility limitations and bar to the CSH user group, at a Tier-hunt,¹⁰ requires analysis under "decisional law"¹¹ and constitutional equal protections analysis;¹²



(C) failure to review the administrative record (DVD) of Board of Game (BOG) Meetings on-the-record audio recordings and transcripts submitted in the trial court and appeal record; and (D) failure to consider or apply "decisional law" case precedents (i.e., *McDowell, Id; Morry, Id; Adarand Id; Zobel v. Williams*, 455 U.S. 55 (1982)).

6. Pursuant to Judicial Canon 2:

A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All the Judge's Activities.

A. In all activities, a judge shall exhibit respect for the rule of law, comply with the law,* avoid impropriety and the appearance of impropriety, and act in a manner that promotes public confidence in the integrity and the impartiality of the judiciary.

Justice Winfree's total ignoring challenges to racial discrimination eligibility criteria in regulations, and failure to conduct proper relevant strict scrutiny *de novo* appellate standard of review,¹³ no matter what his cause for judicial

⁹ The common judicial definition of invidious discrimination "is a classification which is arbitrary, irrational and not reasonably related to a legitimate purpose." *McLaughlin v. Florida*, 379 U.S. 184 (1964).

¹⁰ *State v. Morry*, 836 P.2d 358 (Alaska 1992), held there is no statutory authority to put eligibility requirements at the Tier-1 level; AS 16.05.258 *et seq.* The CSH is a Tier-1 level hunt.

¹¹ Judicial Conduct, Terminology: "Law" means court rules as well as statutes, constitutional provisions, and decisional law."

¹² *McDowell v. State*, 785 P.2d 1 (Alaska 1989); Any limitation and bar to participate in a user group implicates constitutional equal protections analysis. Manning and hundreds of others are barred CSH participation.

¹³ Standard of review must comport to and be relevant to the claims presented. Here challenges to racial discrimination regulations, requires strict

incompetence, is clear impropriety and destroys the public confidence in the integrity of the judiciary, the law constitutions.



7. Justice Winfree's contentions of perceived personal racial actions by him against Manning (Order at p.1-2), evidences his failure to comprehend the reasons for his disqualification, such that his impaired competence "is so prejudicial that further participation would be unfair to the parties,"¹⁴ to Appellant Manning and hundreds of others, including present and future generations of Alaskans.

8. Pursuant to Canon 3(C) (2) (a):

A judge shall maintain professional competence in the law.*
(b) A judge shall be faithful to the law.* A judge shall not deviate from the law to appease public clamor, to avoid criticism, or to advance an improper interest.

* "Law" means court rules as well as statutes, constitutional provisions, and decisional law.

9. Justice Winfree's statement that he "vacated" attorney fees against Manning, erroneously insinuates fees were completely vacated, where the remand only required clarification of fees for non-constitutional defense work. Manning contends it is gravely unjust to award any fees and costs on remand where the trial court and appellate court failed to address claims of racial discrimination, failed to review the ADF&G BOG agency administrative record (DVD BOG audio records; transcripts of

scrutiny compelling state interest standard of *de novo* review. See *Adarand Constructors, Inc. v. Pena*, 515 U.S. 200 (1995).

¹⁴ *Grace v. State Dept. Health & Soc.Servs*, 329 P.3d 980, 988-89 (Alaska 2014)
A very contentious divorce child custody case.

MOTION TO RECONSIDER
Manning v. State, Ahtna
Case No. S-16461

records), and failed to conduct proper *de novo* appellate strict scrutiny compelling state interest standard of review challenges to state-imposed racial discrimination CSH permit eligibility regulations.¹⁵



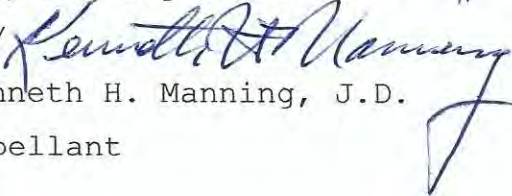
Justice Winfree, and this Court, failed to maintain professional competence in the law by totally ("unanimously") ignoring racial discrimination claims, failed to consider the continued compounding of irreparable harms to Manning and hundreds of others, failed to conduct *de novo* appellate standards of review, and failed to uphold statutes, constitutional provisions, and failure to consider controlling decisional case law precedents.

Based on obvious bias, prejudice, racial improprieties, and impaired judicial competence, Justice Winfree must be disqualified from all appellate review in this matter.

WHEREFORE, based on all the above, Appellant Manning's motion to reconsider the motion to disqualify Justice Winfree, must be granted.

Date: Sept. 18, 2017

Respectfully submitted:

/s/ 
Kenneth H. Manning, J.D.
Appellant

cc: Governor Bill Walker
Alaska Commission On Judicial Conduct
Alaska Senate Judiciary Committee
Alaska House Judiciary Committee
Alaska Fish & Wildlife Conservation Fund/AOC

¹⁵ *Adarand, Id.*



KENNETH H. MANNING,
Appellant

)
) Supreme Court No. S-16461
)
) Superior Court No. 3KN-13-00367 CI

v.

STATE OF ALASKA, DEPARTMENT
OF FISH & GAME,
and AHTNA TENE NENE,
Appellees

)
) **JUSTICE WINFREE'S**
) **ORDER DENYING**
) **MR. MANNING'S**
) **RECUSAL MOTION**
)

) Dated: September 13, 2017
)

It is hereby **ORDERED**:

Kenneth H. Manning has moved for my disqualification in this appeal after remand, arguing that because I authored the opinion in the original appeal, joined unanimously by the other justices, ruling mostly against him in *Manning v. State of Alaska, Department of Fish & Game*,¹ I must be — or perhaps at least appear to be — racially biased against him and therefore have a conflict of interest requiring recusal. Before ruling on Mr. Manning's motion, I note that he prevailed on the attorney's fees issue in the original appeal, which is why the issue was remanded to the trial court for further proceedings.

I do not know Mr. Manning. I have not received any information about Mr. Manning from any source other than his case files, and I have not made any statements to anyone about Mr. Manning except in connection with working on his case files. I have no extrajudicial personal bias or prejudice against Mr. Manning that would

¹ 355 P.3d 530 (Alaska 2015).



cause me to believe I cannot give a fair and impartial decision in his case.²

The questions then are whether my participation in the original decision somehow rendered me racially or otherwise biased or prejudiced against Mr. Manning, or — because “[a] judicial officer must disqualify himself or herself in any proceeding in which the judicial officer’s impartiality might reasonably be questioned”³ — somehow created that appearance. Generally a judicial officer has no obligation to recuse from a case merely because that judicial officer presided over a related case involving the same party.⁴ And generally a judicial officer’s decision against a party in a prior proceeding does not reflect judicial bias or an appearance of impropriety requiring recusal in later proceedings “unless the [judicial officer] hears something or does something so prejudicial that further participation would be unfair to the parties.”⁵ The exception to the general rule would rarely occur at the appellate level, and Mr. Manning has made no

² See AS 22.20.020(a)(9) (stating that recusal for cause is appropriate when a judicial officer believes that “a fair and impartial decision cannot be given”); Alaska Code Jud. Conduct Canon 3E(1)(a) (regarding recusal for personal bias or prejudice).

³ *Hanson v. Hanson*, 36 P.3d 1181, 1184 (Alaska 2001) (citing *Amidon v. State*, 604 P.2d 575, 578 (Alaska 1978); *Perotti v. State*, 806 P.2d 325, 327 (Alaska App. 1991)) (crafting rule statement under AS 22.20.020 employing language from Alaska Code of Judicial Conduct Canon 3(E)(1)(a)).

⁴ See *Jerry B. v. Sally B.*, 377 P.3d 916, 925 (Alaska 2016).

⁵ *Grace L. v. State, Dep’t of Health & Soc. Servs., Office of Children’s Servs.*, 329 P.3d 980, 988-89 (Alaska 2014) (citing *Lacher v. Lacher*, 993 P.2d 413, 420-21 (Alaska 1999); *R.J.M. v. State, Dep’t of Health & Soc. Servs.*, 946 P.2d 855, 869-70 (Alaska 1997); *Cook v. State*, 36 P.3d 710, 728-29 (Alaska App. 2001); *State v. City of Anchorage*, 513 P.2d 1104, 1112 (Alaska 1993)).

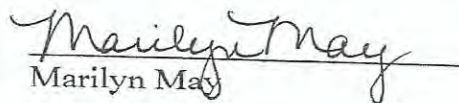


showing whatsoever — other than his personal disagreement with the resolution of the previous matter and his continued assertion that existing hunting regulations violate constitutional equal protection guarantees and constitute unconstitutional racial discrimination — that something of such significance occurred here; I conclude that the exception to the general rule does not apply in his case. In my view, my participation in the resolution of Mr. Manning’s previous matter did not create on my part an actual personal bias against him, or even a reasonable appearance of racial or any other bias against him. Finally, I note that I have an obligation to participate absent good reason not to do so.⁶

I therefore deny Mr. Manning’s motion for my recusal from his appeal. I hereby refer my decision to the full court for review pursuant to AS 22.20.020(c).

Entered by direction of Justice Winfree.

Clerk of the Appellate Courts


Marilyn May

cc: Supreme Court Justices

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⁶ See *DeNardo v. Maassen*, 200 P.3d 305, 310-11 (Alaska 2009) (quoting *Amidon*, 604 P.2d at 577); Alaska Code Jud. Conduct Canon 3B(1) (“A judge shall consider and decide all matters assigned to the judge except those in which the judge’s disqualification is required.”).

Kenneth H. Manning, J.D.
P.O. Box 775
Kasilof, AK 99610
907-394-4377



IN THE SUPREME COURT FOR THE STATE OF ALASKA

KENNETH H. MANNING,)
Appellant/Cross-Appellee,)
Vs.)
)
ALASKA DEPARTMENT OF FISH & GAME,) Case No. **S-16461**
Appellee/Cross-Appellant,)
v.)
AHTNA TENE NENE,)
Appellee.)
Trial Court Case No. 3KN-11-00367CI.

CERTIFICATE OF SERVICE

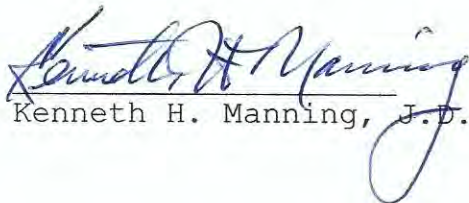
I, Kenneth Manning, hereby certify that a true and correct copy of the MOTION TO RECONSIDER JUSTICE WINFREE'S ORDER DENYING MANNING'S MOTION TO DISQUALIFY JUSTICE WINFREE, was mailed by pre-paid U.S. Postal Service on September 18, 2017, to the following parties of record:

SAAG Cheryl Brooking
Alaska Dept. of Law
1031 W. Fourth Ave., #200
Anchorage, AK 99501

Clerk of Court
Alaska Supreme Court
303 K Street
Anchorage, AK 99501

John Starkey, Ahtna Attorney
LANDYE BENNETT BLUMSTEIN, LLP
701 W. 8th Avenue, Suite 1200
Anchorage, AK 99501

I further certify the foregoing motion was typed in Courier New font size 12.


Kenneth H. Manning, J.D.



Additionally, in units 11 and 13, there is a Memorandum of Agreement between the Department of the Interior and the Ahtna Intertribal Resource Commission that states “federal wildlife proposals will be written to accommodate Ahtna customary and traditional ways of harvesting large wild game.”

That doesn't mean snowshoes and spears. Federal definition indicates that mountain sleds and .300 Winchesters have also become “traditional.”

Proposal number WP18-18, which will be in front of the Federal Southcentral Subsistence Advisory Board in Homer on Nov. 5-6, is an effort to achieve the fairy tale.

AITRC has proposed a registration bull moose hunt that would run from Aug. 1 through March 31. Unit 13E would get one bull moose permit per household. The proposal for the remainder of Unit 13 reads “one antlered bull.” AITRC would issue permits to Ahtna tribal members and BLM would issue the permits to “other federally qualified subsistence hunters.”

Bull moose hold their antlers at least through December, sometimes much longer. A neophyte would instantly realize that an unrestricted snowmobile winter hunt would decimate the bull moose population in the wintering areas along the Gulkana, Delta

See B3, *SCHANDELMEIER*

Some of the Unit 13 game proposals need a reality check

A couple of decades back, in a movie called “Pretty Woman,” Julia Roberts said to Richard Gere: “I want the fairy tale.” She gets it, and they live happily ever after.

As with all fairy tales, the story only concerns the chase. The reality of living happily ever after is left to the imagination.

Some of the current game proposals for Unit 13, the most heavily utilized hunting area in Alaska, read like fairy tales.

The “I want” and “I must have” framework in which they are written will baffle the concepts of biology and fairness of allocation. If you are a hunter, or someone who uses any fish or game resource, make no mistake: fish and game management in our state is more concerned with allocation than biology.

The Alaska constitution tells us our fish and game resources are to be utilized equally by all residents, regardless of who they are and where they might live. Allocation, done at the State Board of Game level, should attempt to make sure that happens. The Federal Subsistence Council, which controls hunting on federal lands within Alaska, is unhampered by such scruples and works with a rural-preference mandate.



**JOHN
SCHANDELMEIER**

OUTDOORS

SCHANDELMEIER: Unit 13 game proposals

Continued from B1

and Gakona River drainages. The bull-to-cow ratios in many areas of Unit 13 would be reduced to a point where we would need years of recovery.

Do you hunt Unit 13? If so, be at that meeting in Homer. A hunter need not be federally qualified to be heavily affected. The fairy tale is “I want a moose.”

The state hunt proposal book offers a few fairy tales of its own. The community hunt, contentious since its inception in 2009, is back in front of us.

This hunt worked for its authors in 2009 because hardly anyone was aware of it. The communities eligible were all Copper Basin communities.

That concept was successfully challenged in court and the original eight communities have grown tenfold. This translates into more than 2,000 hunters in the field from Aug. 1 forward. One hundred of them have “any bull” permits.

It is time for the Prince (the Alaska Board of Game) to

rationale of the Ahtna communities and I sympathize. Communities are struggling to not be overrun with urban hunters.

However, it has become obvious that keeping this hunt in place and making continuous attempts to tweak it is not going to work. Urban hunters will always be able to meet any new requirements that are implemented as well as rural folks. And they generally have more toys to hunt with.

Reality is that the Ahtna have 3.7 million acres of their own on which they are the only hunters. There are also more than a million acres of federal land in the area open to rural users. A reasonable suggestion is to make these lands work for the locals and go back to a general hunt that is fair for all users.

Last winter, a special Board of Game meeting was held in Glennallen to address the community hunt issue. One hundred percent of the Fish and Game Advisory Committee advocated eliminating the

in favor of the hunt and accepted it. Whatever happened to a Board of Game that is supposed to “rely heavily” on the advice of its advisory committees?

The Board of Game meets Feb. 2 in Dillingham. The meeting is in Southwest Alaska because that area has proposals that are also up for discussion.

I encourage all advisory committees, independent hunting organizations and local Native groups to attend. I honestly believe that if all affected user-groups sit down together for an open discussion, some sort of compromise could be hammered out.

Like Julia Roberts of the movie, I think the Princess is a reasonable gal. If she can come up with the right line, maybe we can all put a little pressure on the Prince and achieve a true happily ever after.

John Schandelmeyer is a lifelong Alaskan who lives with his family near Paxson. He is a Bristol Bay commercial fisherman and a member of the Alaska Native