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# ALASKA BOARD OF GAME

## Central/Southwest Region Meeting

Dillingham, AK | February 16-23, 2018

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**ALASKA BOARD OF GAME**  
**Central/Southwest Region Meeting**  
Dillingham, AK | February 16-23, 2018

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**On-Time Public Comment Index**

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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



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

#### **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 concern 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  
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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 – 5 AAC 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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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



PC05  
1 of 1

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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[Info@ArcticBirdDog.org](mailto:Info@ArcticBirdDog.org)

January 29, 2018

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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 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 – 5 AAC 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", written over a light blue circular stamp.

Tim Gallagher, President Arctic Bird Dog Association



Submitted By  
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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.



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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



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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





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I support proposition #92 in the repeal of the community subsistence hunt of moose and caribou.



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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:

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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, 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.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*:

<b><u>2016 Compound Bows</u></b>					
<b>Make</b>	<b>Arrow Speed</b>	<b>Unit Wt.</b>	<b>Draw Wt.</b>	<b>Draw Lgth.</b>	<b>MSRP</b>
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**

<b>Make</b>	<b>Arrow Speed</b>	<b>Unit Wt.</b>	<b>Draw Wt.</b>	<b>Draw Lgth.</b>	<b>MSRP</b>
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.*



Submitted By  
Clifton Derrick, III  
Submitted On  
2/2/2018 1:22:12 PM  
Affiliation

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[trip@mac.com](mailto:trip@mac.com)

Address  
1908 Stonegate Cir.  
Anchorage, Alaska 99515

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.



Submitted By  
Neil DeWitt  
Submitted On  
1/17/2018 11:04:55 PM  
Affiliation

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Address  
P.O.Box 672024  
Chugiak, Alaska 99567

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 and 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



Submitted By  
Alan Echols  
Submitted On  
1/20/2018 7:32:37 PM  
Affiliation

Phone  
907-322-6632  
Email  
[Alanml@wildblue.net](mailto:Alanml@wildblue.net)  
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

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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 impassable 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 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

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[jdhallz10@gmail.com](mailto: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. I've 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. I've 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

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907.227.7076

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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

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907-953-0567  
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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

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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  
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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 Klingenstein  
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

2

**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, appearing to read "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.  
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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	)	<b>CLASS ACTION</b>
ALASKA BOARD OF GAME,	)	<b>COMPLAINT</b>
Defendants,	)	<b>OF RACIAL DISCRIMINATION</b>
	)	
_____	)	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](mailto:attorney.general@alaska.gov)  
ADF&G Commissioner [Sam Cotten](mailto:Sam Cotten); [dfg.commissioner@alaska.gov](mailto:dfg.commissioner@alaska.gov)



Kenneth H. Manning, J.D.  
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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 28 2018

Landy 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




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




**Certificate of Service**

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

Kenneth Manning  
PO Box 775  
Kasilof, AK 99610-0775

John M. Starkey  
Landye Bennett Blumstein, LLP  
701 West Eighth Avenue, Suite 1200  
Anchorage, AK 99501

  
Cierra N. Britton      11/22/18  
Law Office Assistant I      Date



JAN 23 2018

## In the Supreme Court of the State of Alaska

Landye Bennett  
Blumstein LLP

Kenneth H. Manning,

Appellant/Cross-Appellee,

v.

Alaska Department of Fish &amp; Game,

Appellee/Cross-Appellant,

v.

Ahtna Tene Nene',

Appellee.

Supreme Court Nos. S-16511 &amp; 16531

## 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

## Distribution:

Cheryl A Brooking  
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1031 W. 4th Ave., Ste. 200  
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John M Starkey  
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Kenneth Manning  
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RECEIVED  
JAN 24 2013  
Judge Bennett  
Blumstein LLP

**In the Supreme Court of the State of Alaska**

**Kenneth H. Manning,**

Appellant/Cross-Appellee, )

Y.

**Alaska Department of Fish & Game,**

Appellee/Cross-Appellant, )

**Y.**

## Ahtna Tene Nene'.

Appellee.

Supreme Court Nos. S-16511 & 16531

## Order

## Denying Supplemental Briefing

**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

Richard F. Lamm

**Mikkel Foltmar, Deputy Clerk**

cc: Supreme Court Justices

**Distribution:**

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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 ]



**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.<sup>1</sup> 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."<sup>2</sup> [Exc. 225] Since the 2011-2012 season, however, the State has not included a Certification Statement as part of the CSH requirements.<sup>3</sup> Instead, the State has simply required a report of the applicant's prior CSH hunts providing

<sup>1</sup> 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).

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

<sup>3</sup> 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.”<sup>4</sup>

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.<sup>[5]</sup>

---

<sup>4</sup> See *id.*

<sup>5</sup> 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."<sup>6</sup>

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.<sup>7</sup>

**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

<sup>6</sup> 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)).

<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup> [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.<sup>10</sup> 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.<sup>11</sup>

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

<sup>8</sup> 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.”).

<sup>9</sup> “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).

<sup>10</sup> 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.”).

<sup>11</sup> 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.<sup>12</sup> 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,"<sup>13</sup> whether the State is entitled to enhanced Rule 82 fees, and indeed,

---

<sup>12</sup> 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").

<sup>13</sup> AS 09.60.010(c)(2).



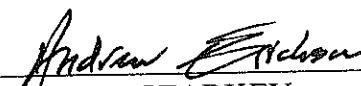
whether the State can even be considered the prevailing party on that claim,<sup>14</sup> Ahtna Tene Nene' respectfully requests this Court order expedited supplemental briefing on the issue.

### 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.<sup>15</sup> 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.

  
For JOHN M. STARKEY ABA #1605049  
Alaska Bar No. 8611141  
Attorney for Ahtna Tene Nene'

<sup>14</sup> 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.").

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



**Certificate of Service**

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

Cheryl R. Brooking  
Assistant Attorney General  
1031 W. 4<sup>th</sup> Ave, Suite 200  
Anchorage, AK 99501

*and emailed*

Kenneth Manning  
PO Box 775  
Kasilof, AK 99610-0775

By *Cheri Woods*  
Cheri Woods

LANDYE BENNETT BLUMSTEIN LLP  
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TELEPHONE (907) 276-5152, FAX (907) 276-8433



**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 )

Trial Court No. 3KN-13-00708 CI

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

**FILED**

**JAN 19 2018**

APPELLATE COURTS  
OF THE  
STATE OF ALASKA

**(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:

Cheryl R. Brooking  
Assistant Attorney General  
1031 W. 4<sup>th</sup> Ave, Suite 200  
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.	)	<b><u>MOTION TO RECONSIDER</u></b>
	)	<b>JUSTICE WINFREE'S ORDER</b>
	)	<b>DENYING MANNING'S</b>
ALASKA DEPARTMENT OF FISH & GAME,	)	<b>MOTION TO DISQUALIFY</b>
Appellee/Cross-Appellant,	)	<b>JUSTICE WINFREE</b>
	)	
AHTNA TENE NENE,	)	
Appellee.	)	
	)	
<hr/>		
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.<sup>1</sup>

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<sup>1</sup> 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.<sup>2</sup> 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*<sup>3</sup> 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,<sup>4</sup> 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

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<sup>2</sup> Judicial Canon 3E(1)(a).

<sup>3</sup> *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)).

<sup>4</sup> *Adarand Constructors, Inc. v. Peña*, 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!<sup>5</sup>), whether by intent or by diminished mental capacity, racism,<sup>6</sup> 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;<sup>7</sup> (B) failure to conduct strict scrutiny compelling state interest standard of review<sup>8</sup> 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

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

<sup>6</sup> 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.

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

<sup>8</sup> "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 discrimination<sup>9</sup>); (3) CSH eligibility limitations and bar to the CSH user group, at a Tier-hunt,<sup>10</sup> requires analysis under "decisional law"<sup>11</sup> and constitutional equal protections analysis;<sup>12</sup>



(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,<sup>13</sup> no matter what his cause for judicial

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<sup>9</sup> 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).

<sup>10</sup> *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.

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

<sup>12</sup> *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.

<sup>13</sup> 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,"<sup>14</sup> 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.<sup>\*</sup>  
(b) A judge shall be faithful to the law.<sup>\*</sup> A judge shall not deviate from the law to appease public clamor, to avoid criticism, or to advance an improper interest.

<sup>\*</sup> "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

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

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



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.<sup>15</sup>



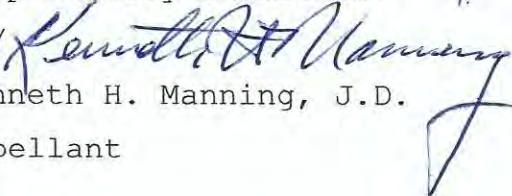
Justice Winfree, and this Court, failed to maintain professional competence in the law by totally ("unanimously") ignoring racial discrimination claims, failed to consider the continued compounding of irreparable harms to Manning and hundreds of others, failed to conduct *de novo* appellate standards 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

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<sup>15</sup> *Adarand, Id.*



KENNETH H. MANNING,

Appellant

v.

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

Appellees

Supreme Court No. S-16461

Superior Court No. 3KN-13-00367 CI

**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*,<sup>1</sup> 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

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<sup>1</sup> 355 P.3d 530 (Alaska 2015).





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

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”<sup>3</sup> — 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.<sup>4</sup> 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.”<sup>5</sup> The exception to the general rule would rarely occur at the appellate level, and Mr. Manning has made no

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<sup>2</sup> 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).

<sup>3</sup> *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)).

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

<sup>5</sup> *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)).



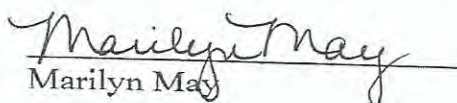


showing whatsoever — other than his personal disagreement with the resolution of the previous matter and his continued assertion that existing hunting regulations violate constitutional equal protection guarantees and constitute unconstitutional racial discrimination — that something of such significance 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.<sup>6</sup>

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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Kenneth Manning  
PO Box 775  
Kasilof AK 99610

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<sup>6</sup> 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



PC34  
30 of 31

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

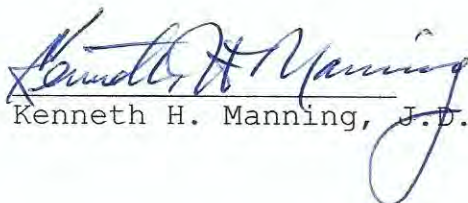
I, Kenneth Manning, hereby certify that a true and correct copy of the MOTION TO RECONSIDER JUSTICE WINFREE'S ORDER DENYING MANNING'S MOTION TO DISQUALIFY JUSTICE WINFREE, was mailed by pre-paid U.S. Postal Service on September 18, 2017, to the following parties of record:

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.





Alaska Dispatch News | www.adn.com

SUNDAY, OCTOBER 8, 2017

Section B

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 Winchester 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 Committees 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 Federation of Fishermen's Associations.





Submitted By  
Eric Menck  
Submitted On  
1/21/2018 3:05:18 PM  
Affiliation

Phone  
907-440-0472

Email  
[alaskaelmer@gmail.com](mailto:alaskaelmer@gmail.com)

Address  
8016 Country Woods Drive  
Anchorage, Alaska 99502

Please vote in favor of proposal 92 to repeal the community subsistence/harvest hunt in unit 13/copper river basin for moose and caribou. These hunts go against the constitution of the state of Alaska which mandates equal use/opportunity for ALL Alaska residents, not just a select few!! Vote for the repeal to be effective immediately for the 2018 /2019 Hunting season! Thank you, Eric Menck Thank you



Submitted By  
Adam Messmer  
Submitted On  
2/2/2018 8:51:29 AM  
Affiliation

I support proposal #128 to remove the restrictions on bull caribou in Unit 10, Adak Island. The intent of the proposal was **not** to remove any reporting requirements.

Adam Messmer



Submitted By  
Dan Montgomery  
Submitted On  
2/2/2018 4:14:32 PM  
Affiliation

I,m a 36 year resident of Alaska and have lived, hunted and guided in region 4 for the last 25 years.

I oppose the following proposals: 74, 75, 86, 87, 88, 107, 110, 131, 132, 133, and 148.

I support the following proposals: 79, 80, 90, 92, 93, 95, 102, 109, 111, 139, 141, 147, 1nd 149.

I strongly oppose proposal 133. It has no basis on conservation and is very self-serving to the proposer. There is no harvest data that suggests that the bears are being over harvested in this area. I have guided in this area since 1997 and have seen a lot of changes over the years and there has been a dramatic drop in harvest and participation in the last 6 years. In my opinion we had a bear die off in the winter of 2011/12 where we lost most of our young bears. The two younger bears we harvested in the fall of 2011 were thin with very little fat on them. I believe this very long, cold winter killed them. There was also a very high incidence of bear problems in the villages that summer and fall with a large number of bears being killed in defense of life and property. That is a indication of stress in the population. We saw very few sows with cubs and hardly any young bears in the fall of 2013, which alarmed us. We have personally cut the number of clients we take in half since 2013 and urge other guides to do the same until there is a recovery in the bear population. This will dramatically reduce any crowding issues. We saw some rebound in the number of sows with cubs and young bears observed in the fall of 2017. The ADF&G comment about shorting the seasons is a good idea in my opinion and I would recommend that they return to thier old dates of Fall seasons from October 7th to October 21st and Spring seasons from May 10th to Mat 25th. The Dept. and board needs to strongly recommend to avoid the harvest of sows to all hunters.

Thank you for this opportunity to comment.

Respectfully yours;

Dan Montgomery



Submitted By  
Benjamin R Moyer Sr.  
Submitted On  
1/22/2018 10:40:30 AM  
Affiliation

Phone  
(907) 344-0642

Email  
[benlana@gci.net](mailto:benlana@gci.net)

Address  
6420 Winchester st  
Anchorage, Alaska 99507

I support Proposal 92-AAC 85.025 and 85.045 and 92.072. I have been hunting in Unit 13 since 1968 and have seen too many changes in access being closed off to hunting state lands and regulations that are limiting the rights of all residents to hunt in this unit. All game in this state belongs to all residents and all residents have the rights to hunt and harvest these resources. We deserve to be treated equally and fairly and all residents should be hunting under the same rules and regulations. Thank You, Benjamin Moyer SR.



Submitted By  
Tim Nelson  
Submitted On  
1/19/2018 10:59:31 AM  
Affiliation

Phone  
9078234076  
Email  
[chitinatim@gmail.com](mailto:chitinatim@gmail.com)

Address  
po box 110  
Chitina, Alaska 99566

As lifelong trapper and resident of unit 11 **I fully support proposal 115.**

The short wolverine season has caused a lot of frustration for all trappers in units 11 and 13 because wolverine are caught in the same sets as Lynx and it is virtually impossible to target one and not the other. Aligning the seasons just makes sense.



## Pilot Point Tribal Council

2200 Main Street  
P. O. Box 449  
Pilot Point, Alaska 99649

Telephone (907) 797-2208  
Fax (907) 797-2258

September 14, 2017

ADF&G Boards Support Section  
ATTN: Board of Game Comments  
P.O. Box 115526  
Juneau, AK 99811 – 5526

Re: PROPOSAL 125 – 5AAC 85.025. / OPPOSE

To: The Alaska Board of Game

The Pilot Point Tribal Council at a meeting held on September 13<sup>th</sup> unanimously agreed that we oppose proposal 125.

We do not feel changing the hunting season dates is in the best interest of our residents. By the end of September the caribou are in rut and not edible, we prefer the earlier dates of August 10<sup>th</sup> to September 20<sup>th</sup> for that reason. The proposed dates would put more pressure on hunters to only take female caribou. This is not acceptable as our herd is still rebounding from previous low numbers.

When Caribou were abundant (Prior to Tier II), the migration patterns were perfect for the current hunting season dates. Since the herd is still not back to the size it was, we do not want to change anything in hopes that the migration patterns will return. The migration is not a problem it is just that there are less caribou.

Thank you for your time and consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Vict A. Seybert".

Victor Seybert, President  
Pilot Point Tribal Council



Submitted By  
Gina Poths  
Submitted On  
2/1/2018 11:13:50 PM  
Affiliation

Phone  
907-440-6597  
Email  
[akpwcrdr@yahoo.com](mailto:akpwcrdr@yahoo.com)  
Address  
12621 Alpine Drive  
Anchorage, Alaska 99516

Based on the information I have read regarding the proposal to provide Ahtna Alaska Natives priority harvest of moose and caribou in the Nelchina Basin (GMU 13, 11 parts of 12) I would like to give my support to Proposal 92.

The Alaska State Constitution does not provide for a 'requirement' to provide any user group with a priority harvest of publicly owned game when abundant harvest is available.

My issue with giving any specific user group priority provisions clearly keeps the lines drawn between ethnicity and race. It is unacceptable to provide one race benefits not available to others. We are never going to live in a day where everyone is treated equal when there are still user groups asking for unique benefits based on their race, ethnicity, religion etc.

I believe the provisions provided in Proposal 92 to be discussed today at the Dillingham BOC meeting is fair to all user groups.

Thank you,

Gina Poths



Submitted By  
James Prichard  
Submitted On  
1/21/2018 6:15:28 AM  
Affiliation

Proposal 92: All hunters should be treated equally. If someone qualifies for subsistence, then those persons should be treated like others who qualify for subsistence. Natives should not be given a higher status for hunting than the rest of the hunters. Doing so opens up a Pandora's box. Who qualifies as a Native? Someone who is 1/2, 1/4, 1/8, etc? How does one prove they're a Native. By singling out one group, the cost of issuing permits will rise and residents will end up paying the price. The Natives have reasonable opportunity now. As the saying goes "if it ain't broke, don't fix it".





Submitted By  
Gregory Rodgers  
Submitted On  
1/21/2018 7:29:55 PM  
Affiliation

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907-696-4160

Email  
[tgrodgers@matonline.net](mailto:tgrodgers@matonline.net)

Address  
10950 Corrie Way  
Eagle River, Alaska 99577

I wish to add my enthusiastic support for Proposal #92.



Submitted By  
theresa rodgers  
Submitted On  
1/21/2018 3:37:39 PM  
Affiliation

Phone  
9076964160

Email  
[huskyhills@gmail.com](mailto:huskyhills@gmail.com)

Address  
10950 Corrie Way  
Eagle River, Alaska 99577

Dear Mr. Spraker, I am writing in support of Proposal 92 concerning moose and caribou in unit 13. The community subsistence harvest program is broken and unnecessary given the abundance of federal subsistence opportunities available in the area and the 1.7 million acres of private Ahtna land that is hunted without regard to management for a sustainable future. Please consider that these resources belong to all state residents and not special populations, regardless of politics. Thank you, Theresa Rodgers



Submitted By  
Danny Rosenkrans  
Submitted On  
10/30/2017 6:03:26 AM  
Affiliation

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907-822-5582

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PO Box 432  
Copper Center, Alaska 99573

I am in support of proposals #118 and/or #117. I have encountered numerous small parties of hunters in August and September along the McCarthy Road. The birds congregate along the road in August which is during the tourist season. Grouse are shot on, across and along the road which is dangerous and poses a risk to tourists and adversely affects their park experience. More importantly the current harvest limits significantly reduce the opportunities for local residents, affect the ecosystem natural balances and do not appear to be sustainable for the long-term given the current level and increase in hunting pressure.



Corey Schwanke  
PO Box 612  
Glennallen, AK 99588  
907 822 3421

I do not support proposals 113, 114 and 115 as written (lengthening the wolverine season in GMU 13). I would support a modified version of the proposals if subunits 13A, 13B and 13E were omitted. GMU 13 is 23,361 square miles, and the subunits are distinct enough to warrant different management strategies wolverine.

I've been trapping wolverine for 20 years, have read most scientific literature on them, and have written several articles about them in the Alaska Trapper Magazine as well as given presentations about trapping them. This testimony will consist of two parts: a very brief summary of scientific literature and how I think it relates to Unit 11 and 13, and then my personal experiences trapping in GMU 11 and 13.

All the literature suggests that refugia is paramount in the management of wolverine, wolverine need to be harvested at low levels, and that trapping during the denning season can be detrimental. This proposal goes against all of these concerns for much of the GMU 13.

**Refugia-** Unit 13 has plenty of trappers but due to its extensive size, refugia exists in parts of GMU 13. One important reason this refugia exists is because of conservative season lengths. The current wolverine season ends on January 31, and this regulation effectively ensures refugia because it self-regulates snowmachine and airplane access deep in the unit where the refugia currently is (certainly for Subunits 13A, B and E). Snowmachine and airplane travel is much easier in February than in November, December and January due to a combination of better snow conditions, better ice on the rivers and lakes, and more daylight. Extending the season will provide opportunity for trappers to penetrate the refugia.

**Harvest Trends-** In the absence of known wolverine population levels (especially in the trapped areas), basic harvest numbers are a key ingredient in the management process. Harvest numbers have increased the last decade. Extending the wolverine season during a time of increased harvest goes against conservative management. It is reasonable to believe there are more wolverine in the GMU13 than there was 15 years ago. Intensive management of wolves, a caribou herd above the population objective level, and all the thousands of ungulate remains left by hunters probably had a positive correlation with wolverine abundances. The unfortunate part is this information is merely speculation, and even if the wolverine population has ballooned a bit recently, one can argue that it may be temporary as wolf numbers increase and ADF&G/mother nature regain control of the caribou herd. Increasing harvest rates on a temporarily boosted wolverine population would likely create sustainability issues in the future.

**Denning-** Wolverine begin the denning process in February. Trapping into the denning season in a heavily trapped unit with increasing harvest rates is not a conservative approach preached in the scientific literature. Wolverine become more vulnerable during the denning season as females seek





denning habitat. Access to denning areas also becomes much easier in February as daylight and snow conditions improve.

Now for my personal experience portion of the testimony. I have trapped wolverine in 14C, 13D, 13B and 11. The bulk of my knowledge has come from trapping the heart of 13B. I can tell you, a lot has changed in 13B the last 15 years. When my wife and I first started trapping in 13B in 2003, overall harvest numbers were low. There were no trappers close to where we chose to trap and we had instant success. We initially trapped three consecutive years with decreasing catch rates those three years. We decided on a more conservative harvest approach and started trapping every other year. Our mean annual harvest increased substantially and we started doing quite well. Things unfortunately changed for us the last five years. More trappers started working adjacent areas (what we always considered core refugia) and our catch rates dropped significantly. Our catch rates have plummeted to near zero since then. I do not expect the Board to react based on my personal experiences alone in this single area, but I think my observations are significant for subunit 13B. We trap near the geometric center of subunit 13B and we now have trappers on all sides of us in the subunit. Trapper distribution is now widespread and there is little refugia left in subunit 13B. I suspect the mean annual harvest the last 5 years has approached, or exceeded sustainability. Extending the season another month and allowing people to trap during the onset of denning is very risky. Even though Subunit 13E is over twice as large as 13B, similar issues exist there. A large chunk of traditional refugia is now being trapped, and like 13B, it has a road transecting it which allows for easy access in the subunit's best wolverine habitat. Subunit 13A has plenty of people trapping it and extending the season is not warranted there either. There is certainly some refugia on the NW corner of subunit 13A and SE corner of 13E, but as I stated earlier, extending the season into the February when conditions are much better for traveling, and when wolverine start moving more might jeopardize these areas.

My experience and knowledge of wolverine trapping and trapper distribution suggests that extending the wolverine season in Subunits 13C, 13D and GMU 11 would provide for sustainable harvests. Early access to these areas is often constrained because of high gradient rivers and large lakes which do not freeze until well after trapping season begins. These areas are also difficult to access due to general remoteness. GMU 13 is over 23,000 square miles (the size of 6.5 Kodiak Islands), with one corner butting up to the most major metropolitan area of the state, and the other corners butting up to near nothing in the terms of population centers. If the Department and the Board of Game are inclined, now might be a good time to institute different seasons at the subunit level.

Corey Schwanke



Submitted By  
Rebecca Schwanke  
Submitted On  
2/2/2018 10:24:00 AM  
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Proposal 93 – I still support the concept of eliminating the community subsistence harvest caribou hunt in Unit 13. This hunt is unnecessary. There is ample subsistence opportunity offered under the Tier I registration hunt.

To improve the Tier I hunt, I would like to see hunters spread out into different hunt periods. Given the high numbers of caribou at this time, it might also help to extend the season, starting Aug. 1 and increase the bag limit to 2. Caribou are generally difficult to access Aug. 1 through Aug. 15, so this wouldn't have a huge effect except offering additional hunting opportunity for hunters that wanted to put in the extra effort.

Three possible fall hunt periods could run Aug. 1 to 15, Aug. 17 to 31, and Sept. 1 to 20. Tier I hunters would be able to sign up for one hunt period at a time, and permit numbers would be limited to 3000 permits (less in years of low caribou numbers, as determined by the Department). The winter season could run as a separate hunt period or hunt Oct. 21 to March 31.

With allowing hunters to proxy for up to two Unit 13 caribou per regulatory year, people would be able to help out neighbors, elders and friends that need it.

Proposal 96 – I still support the concept of eliminating the community subsistence harvest moose hunt in Unit 13, 11, and a portion of 12. This subsistence hunt does not reflect traditional harvest patterns of moose in this area. The longer seasons and pull of an any bull hunt has brought so many new hunters to Unit 13, now every participant believes they're a subsistence hunter here. This is unfortunate.

Please reassess whether a special subsistence moose hunt is even necessary in Unit 13 in particular. The moose population has increased substantially, general harvest is up. Combined with federal harvest in this area, the total take of moose well exceeds ANS.

I still support a registration hunt with a unique bag limit, one bull per household with antlers less than 50-inches wide, and at least two brow tines on both sides. Permit numbers should be set by the Department and offered on a first come first serve basis. This bag limit would help combat the constant pressure on the population from the general season bag limit 50-inches, 4BT.

If this is not an acceptable hunt option, please consider that the general hunt meets subsistence needs.

Given the increase in moose numbers across Unit 13 due to Intensive Management, it is conceivable at this time to consider a longer general season for those areas with bull:cow ratios above objective 13B, 13C, 13D, and 13E.

Harvest success increases significantly towards the end of September due to rutting behavior. Due to this, in the past I have not supported extending the moose hunt in Unit 13 to September 25th, instead I generally prefer an extension on the beginning of the season, adding 10 days at the end of August. At this time, given the pressure the moose population has received from the CSH hunt and increased general hunt numbers, I believe an extension either into August or later in September would be sustainable for 13B, 13, 13D, and 13E.

Proposals 113, 114, and 115 – Lengthening the wolverine trapping season across Unit 13 would likely result in lower wolverine populations in a few short years. Wolverine habitat spreads across the high country in this unit. The Denali Highway cuts through prime wolverine habitat in 13B and 13E, offering substantial access to important wolverine habitat. These animals are reclusive and slow to reproduce. Current trapping through Nov, Dec, and January offers ample opportunity to catch these highly valued furbearers. It's cold, rivers and waterways are still sometimes open, and wolverine stick to relatively small home ranges. Still, wolverine are harvested successfully across the unit, and harvest is up.

Come February daylight is longer, temperatures are warmer, and snow conditions are significantly better. Many more people would be out setting for wolverine, and success rates would climb significantly for a short period of time. Female wolverine begin to den in February and males tend to increase their home ranges during this time marking their territory and looking for food.

All wolverine literature available indicates harvest rates must be conservative, and refugia must be retained. Currently there is refugia in the core of Unit 13, but each year better snowmachines push further and further. Aircraft are also used for wolverine trapping in this unit, and can penetrate the best refugia.



There is very little data on wolverine population numbers in Unit 13, and existing data is insufficient to support a season extension unitwide at this time. Snapshot SUPE surveys must be viewed with caution, as scientific assumptions are generally broken every time. The main assumption broken regularly in these is that wolverine are always leaving tracks. Spending time in wolverine habitat teaches you quickly that hard packed snow and high winds commonly obliterate tracks on contact.

If any season extension is considered, I would suggest limiting it to 13C and 13D, units with less harvest pressure and more difficult access.



Submitted By  
Timothy Shine  
Submitted On  
1/27/2018 7:37:32 AM  
Affiliation  
??

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Proposal 92.072, to eliminate Community Subsistence harvest hunts in units 11,12,& 13, is long overdue. Here is why: 1) Community subsistence needs are abundantly met in these units through the forced imposition of discriminatory Federal Local Priority mechanisms. 2) Nothing in the Alaska Constitution requires the State to impose similar unfair rules. 3) The Community Harvest system is regularly abused, to the detriment of all all Alaskans not qualifying for the artificial priority. 4) The State of Alaska should manage public resources for equal opportunity during times of abundant harvest. Please do away with the grossly unfair Community Harvest System. Tim Shine





Submitted By

Mary Silvey

Submitted On

1/21/2018 9:19:44 PM

Affiliation

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9073475886

Email

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Address

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fairbanks, Alaska 99707

I support Proposal 92



**Sleetmute Traditional Council**  
**PO Box 109**  
**Sleetmute, Alaska 99668**  
**Phone: 907 449-4263**  
**Fax: 907 449-4265**

November 28, 2017

To: The Alaska State Board of Game

**RE: Proposal 165 - OPPOSE**

The Sleetmute Traditional Council, (STC), sent comments to the Board of Game, (BOG), opposing the acceptance of ACR 1. STC opposes Proposal 165 for the same reasons it gave then, as well those reasons given by the Stony Holitna Fish & Game Advisory Committee, (SHAC).

STC was, and is in full support of the closure that went into effect in 2006. This council, as well as those from Stony River, Red Devil, and Lime Village all sent resolutions of support to the Board of Game for that 2006 Region III BOG meeting. STC is aware that a harvestable surplus does not have to be hunted, and can be used to help build the moose herd. That is why it agreed to a closure rather than Tier II.

The ADF&G wolf and bear predator control programs have been beneficial for the increase of moose numbers. Within the Bear Control Area, tribal members have seen a noticeable increase in the moose herd, but not in the remainder of the closure area.

Certainly, members of the council and community would like to hunt, but we are concerned and anxious about how any hunt will impact the existing low moose herd numbers throughout the area. For that reason, STC fully supports the SHAC recommendations for conditions on any limited hunt that is open in future years. These recommendations were made to help provide a limited hunt, while allowing the herd to increase.

The author of Proposal 165 does not represent the people of Sleetmute or the area; SHAC does. STC is opposed to having permits issued at the author's store, and believes the council office to be a more appropriate place.

STC supports the recommendation that if a hunt is opened before the next Region III Cycle, it should not be sooner than fall of 2019. The purpose is to give another generation of cows the opportunity to calve and contribute to herd growth, before there is any hunting pressure in the area. This policy would be similar to the 5-year moratorium on moose hunting in the McGrath area, following its bear control program.

Thank you for your time and attention,

Sandra Greger, President, Sleetmute Traditional Council



Submitted By  
Joe Stam  
Submitted On  
1/30/2018 2:58:37 PM  
Affiliation

proposal #92 - 92-5 AAC 85.025. Hunting seasons and bag limits for caribou; 85.045. and hunting seasons and bag limits for moose; 92.072

***Repeal the current community subsistence harvest hunts for the Copper Basin Area.*** Default back to the old general season moose hunt: Sept 1 through Sept 20, spike fork, four brow tines, 50 inch spread. increase the number of draw permit tags from 5 to 100 tags.

There is no longer a need for this special community hunt. customary and traditional needs are being met and this special hunt is no longer needed. Joe Stam



IN REPLY REFER TO

# United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE  
1011 East Tudor Road  
Anchorage, Alaska 99503-6199



PC52  
1 of 3

FWS/R7/FES

FEB 02 2018

Mr. Ted Spraker, Chairman  
Alaska Department of Fish and Game  
Boards Support Section  
P.O. Box 115526  
Juneau, Alaska 99811-5526

Dear Mr. Spraker:

The U.S. Fish and Wildlife Service (Service) appreciates the opportunity to comment on proposals to be considered by the Alaska Board of Game (Board) during its February 16-23, 2018 meeting addressing Central and Southwest Region Regulations. We reviewed the proposals and offer the following comments regarding Proposals 136 -139, 142-145, and 147-148.

**Proposal 136 - Reauthorize the antlerless moose season in Unit 17A.**

**POSTION:** The Service **Supports** the proposed regulatory change

**Rationale:** The Unit 17A Moose Management Plan (MMP) states that antlerless moose hunting can be offered when the population is above 600 moose and increasing. The MMP also recommends a bag limit of up to two moose when the population exceeds 1,200 moose. The October 2017 moose population survey estimated 1,715 moose in Unit 17A and therefore an increased harvest can be provided.

**Proposal 137 - Shift the Unit 17A fall resident moose season by starting and ending the season five days later than the existing season.**

**POSTION:** The Service **Supports** the proposed regulatory change - see comments for Proposal 138.

**Proposal 138 - Lengthen the Unit 17A fall resident moose season by five days.**

**POSTION:** The Service **Supports** the proposed regulatory change

**Rationale:** The Unit 17A moose population is above the management objective range of 800-1200 moose and can support additional harvest of bulls. Composition data from recent surveys in October 2016 and 2017 estimated 60 and 77 bulls:100 cows, respectively. Providing the additional harvest opportunity is consistent with the objectives of the Unit 17A Moose Management Plan.



Mr. Ted Spraker

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**Proposal 139 - Lengthen the Unit 17A fall nonresident drawing permit hunt by ten days.**

**POSTION:** The Service is **Neutral** regarding the proposed regulatory change

**Rationale:** The current September 5-15 season provides a reasonable opportunity for nonresident hunters to harvest moose in Unit 17A. Liberalizing the harvest of antlerless moose during resident seasons (Proposal 136) and modifying harvest season dates (Proposals 137-138) may be sufficient to reduce population growth.

**Proposal 142 - Shift the fall hunting season dates for moose in a portion of Unit 17C to start and end five days later than the current season dates.**

**Proposal 143 - Open the resident winter season for moose in a portion of Unit 17C by emergency order.**

**POSTION:** The Service **Opposes** both proposed regulatory changes

**Rationale:** 1) The moose population in the affected area is stable to decreasing and this proposal has the potential to increase harvest, 2) the proposal would change the hunt unit boundaries and proposes to use a river as a unit boundary which creates both compliance and enforcement problems, and 3) if adopted, the proposal could create inconsistencies between federal and state seasons, and inconsistencies within Unit 17C moose seasons.

**Proposal 144 - Controlled Use Areas. Allow the use of motorized vehicles for moose hunting in the Upper Mulchatna Controlled Use Area (UMCUA).**

**POSTION:** The Service **Opposes** this proposed regulatory change

**Rationale:** A small portion of Togiak National Wildlife Refuge (Refuge) lies within UMCUA in western Unit 17B. The regulations at 43 CFR 36.11(g) restrict use of off-road vehicles within the Refuge. If this proposal was adopted, federal regulations would be in conflict with State regulations. State and Federal regulations currently align within the UMCUA.

**Proposal 145 – Open a nonresident registration hunt for bull caribou in Unit 17 and the portion of Unit 9 that lies within the range of the Mulchatna caribou.**

**POSTION:** The Service **Opposes** this proposed regulatory change

**Rationale:** The estimated number (27,000) of caribou in the Mulchatna Herd is below the population objective of 30,000-80,000. A composition survey in October 2017, estimated 32 bulls:100 cows which is below the management objective of 35 bulls:100 cows.



Mr. Ted Spraker

3

**Proposal 147 – Open a nonresident draw hunt for bull caribou in Units 18 and 19.**

**POSTION:** The Service **Opposes** this proposed regulatory change

**Rationale:** The estimated number (27,000) of caribou in the Mulchatna Herd is below the population objective of 30,000-80,000. A composition survey in October 2017, estimated 32 bulls:100 cows which is below the management objective of 35 bulls:100 cows.

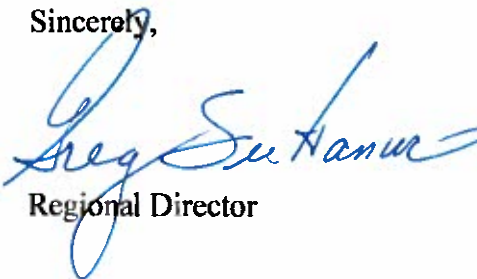
**Proposal 148 – Unlawful methods of taking big game. Allow the use of a snowmachine for positioning caribou, wolf, or wolverine in Unit 17.**

**POSTION:** The Service **Opposes** this proposed regulatory change

**Rationale:** An existing regulation (50 CFR 36.12 (d)(3)) on Alaska National Wildlife Refuges states snowmachines shall be operated in such a manner as to prevent the herding, harassment, hazing or driving of wildlife for hunting or other purposes. The language to permit “use of a snowmachine to position caribou, wolf and wolverine” implies consent to herd, harass, haze or drive animals. Given that caribou occur in herds, pursuing caribou by snowmachine puts the entire herd into flight, causing physiological stress to unharvested animals during stressful winter periods.

Thank you for your time to review our comments on these proposals. If you have any questions, please contact our Regional Subsistence Coordinator, Ms. Carol Damberg, at (907) 786-3400 or email at [carol\\_damberg@fws.gov](mailto:carol_damberg@fws.gov) or our Supervisory Biologist, Togiak National Wildlife Refuge, Mr. Patrick Walsh, at (907) 842-8404 or email at [patrick\\_walsh@fws.gov](mailto:patrick_walsh@fws.gov).

Sincerely,



Regional Director





IN REPLY REFER TO:

## United States Department of the Interior

Office of Subsistence Management  
1011 East Tudor Road MS 121  
Anchorage, Alaska 99503-6199

OSM 17109.PM

**FEB 02 2018**

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

Dear Chairman Spraker:

The Alaska Board of Game is scheduled to meet February 16-23, 2018 to deliberate proposals concerning changes to regulations governing hunting and trapping of wildlife for the Central/Southwest region. We have reviewed the 94 proposals the Board will be considering at this meeting.

The Office of Subsistence Management, working with other Federal agencies, has developed preliminary recommendations on those proposals that have potential impacts on both Federal subsistence users and wildlife resources. Our recommendations are enclosed, some of the proposals received a descending opinion.

We appreciate the opportunity to comment on these important regulatory matters and look forward to working with your Board and the Alaska Department of Fish and Game on these issues. Please contact George Pappas, State Subsistence Liaison, 907-786-3822, with any questions you may have concerning this material.

Sincerely,

Eugene R. Peltola Jr.,  
Assistant Regional Director

Enclosure



Chairman Spraker

2

cc: Anthony Christianson, Chair, Federal Subsistence Board  
Thomas Doolittle, Deputy Assistant Regional Director, Office of Subsistence Management  
Jennifer Hardin, PhD, Policy Coordinator, Office of Subsistence Management  
George Pappas, State Subsistence Liaison, Office of Subsistence Management  
Chris McKee, Wildlife Division Chief, Office of Subsistence Management  
Chair, Southcentral Alaska Subsistence Regional Advisory Council  
Chair, Bristol Bay Subsistence Regional Advisory Council  
Chair, Kodiak/Aleutians Subsistence Regional Advisory Council  
Kristy Tibbles, Executive Director, Board of Game, Board Support Section,  
Alaska Department of Fish and Game  
Bruce Dale, Wildlife Division Director, Alaska Department of Fish and Game  
Jill Klein, Federal Subsistence Liaison Team Leader,  
Alaska Department of Fish and Game  
Interagency Staff Committee  
Administrative Record





**RECOMMENDATIONS**  
**ALASKA BOARD OF GAME PROPOSALS**

**Central/Southwest Region**

**February 16-23, 2018**

**Dillingham, Alaska**

**Office of Subsistence Management (OSM)**



**PROPOSAL 76 – 5 AAC 92.015. Brown bear tag fee exemption.** Reauthorize the brown bear tag fee exemptions for the Central/Southwest Region.

**Current Federal Regulations:**

**§ 100.6 Licenses, permits, harvest tickets, tags, and reports**

*(a)(3) Possess and comply with the provisions of any pertinent permits, harvest tickets, or tags required by the State unless any of these documents or individual provisions in them are superseded by the requirements in subpart D of this part.*

**Is a similar issue being addressed by the Federal Subsistence Board?** No.

**Impact to Federal subsistence users/wildlife:** There would be no impact on brown bears if this proposal was adopted; however, there would be an increased cost for subsistence users harvesting a brown bear if the tag fee exemptions are not reauthorized.

**Federal Position/Recommended Action:** The OSM recommendation is to **support** this proposal (although the National Park Service expressed opposition).

**Rationale:** There are no known conservation concerns for brown bears in the affected units. If this proposal is adopted it would continue the tag fee exemption, which eliminates the requirement that Federally qualified subsistence users purchase a \$25 tag before hunting brown bears in these units. Retaining this tag fee exemption is particularly important in areas where there are few vendors and local economies are in a depressed state.

**PROPOSAL 85 – 5 AAC 85.045. Hunting seasons and bag limits for moose.** Lengthen the resident hunting season for moose in Unit 16B Remainder (DM540, YM541 and RM574).

**Current Federal Regulation**

**Unit 16— Moose**

<i>Unit 16B—Redoubt Bay Drainages south and west of, and including the Kustatan River drainage—1 bull</i>	<i>Sep. 1 - 15</i>
<i>Unit 16B—Denali National Preserve only—1 bull by Federal registration permit. One Federal registration permit for moose issued per household</i>	<i>Sep. 1 - 30</i> <i>Dec. 1 - Feb. 28</i>
<i>Unit 16B, remainder—1 bull</i>	<i>Sep. 1 - 30</i>



*Dec. 1 – Feb. 28*

**Is a similar issue being addressed by the Federal Subsistence Board?** No.

**Impact to Federal subsistence users/wildlife:** These changes may benefit Federally qualified subsistence users, who would be able to harvest any bull during an extended fall season under State regulation. Any benefit to Federally qualified subsistence users is expected to be modest, given the small amount of Federal land in Unit 16B, and its distance from communities. However, these changes may result in increased harvest by non-Federally qualified users on non-Federal land, which could have a detrimental effect on the Unit 16B moose population.

**Federal Position/Recommended Action:** The OSM recommendation is to **oppose** this proposal.

**Rationale:** The proponent's request includes the addition of 5 days to the end of the season, the elimination of all antler restrictions, and the relaxation of permitting and reporting requirements. Collectively, these changes represent a significant liberalization of the harvest regulations for moose in Unit 16B. While bull:cow ratios are high and recruitment is good, the most recent management report published by ADF&G indicates that the Unit 16B moose population is within the State's population objective. In addition, harvest has increased in recent years. For the three regulatory years between 2014 and 2016, total moose harvest from Unit 16B averaged 331 moose, a 37% increase compared to the previous 3 regulatory years, when 242 moose were harvested. For the past two regulatory years, harvest has been within the harvest objective established for this Unit. This increase is attributable to increased harvest in both the general season hunt (GM000) and in the draw hunts established for regulatory year 2014 (DM540, YM541). While some liberalization of harvest may be warranted in Unit 16B, a more conservative approach is appropriate at this time.

**PROPOSAL 104 – 5 AAC 85.045(11). Hunting seasons and bag limits for moose.** Reauthorize the antlerless moose seasons in Unit 13.

**Current Federal Regulations:**

**Unit 13—Moose**

*Unit 13E—1 antlered bull moose by Federal registration permit only; only 1 permit will be issued per household Aug. 1-Sep. 20.*

*Unit 13, remainder—1 antlered bull moose by Federal registration permit only Aug. 1-Sep. 20.*

**Is a similar issue being addressed by the Federal Subsistence Board?** No.

**Impact to Federal subsistence users/wildlife:** This proposal will increase harvest opportunity for Federally qualified subsistence users. Additionally, the moose population in Unit 13A is above State



management objectives. Antlerless moose harvest is recommended to slow the growth of the Unit 13A moose population, preventing nutritional stress and habitat degradation.

**Federal Position/Recommended Action:** The OSM recommendation is to **support** this proposal.

**Rationale:** This proposal would allow additional opportunity for Federally qualified subsistence users to harvest moose in this unit and provide management flexibility. Additionally, it may help to slow growth of the Unit 13A moose population.

**PROPOSAL 105 – 5 AAC 85.045. Hunting seasons and bag limits for moose.** Eliminate the antlerless moose hunt in Unit 13.

**Current Federal Regulations:**

**Unit 13—Moose**

*Unit 13E—1 antlered bull moose by Federal registration permit only; only 1 permit will be issued per household Aug. 1-Sep. 20.*

*Unit 13, remainder—1 antlered bull moose by Federal registration permit only Aug. 1-Sep. 20.*

**Is a similar issue being addressed by the Federal Subsistence Board?** No.

**Impact to Federal subsistence users/wildlife:** Eliminating the antlerless moose season would decrease opportunity for Federally qualified subsistence users. Additionally, the moose population in Unit 13A is above State management objectives. Antlerless moose harvest is recommended to slow the growth of the Unit 13A moose population, preventing nutritional stress and habitat degradation.

**Federal Position/Recommended Action:** The OSM recommendation is to **oppose** this proposal.

**Rationale:** This proposal would decrease opportunity for Federally qualified subsistence users and may contribute to unsustainable growth of the Unit 13 moose population.

**PROPOSAL 112 – 5 AAC 85.020. Hunting seasons and bag limits for brown bear.** Lengthen the hunting season for brown bear in Unit 11.

**Current Federal Regulations:**

**Unit 11—Brown Bear**

*1 bear*

*Aug. 10-June 15.*



**Is a similar issue being addressed by the Federal Subsistence Board?** No.

**Impact to Federal subsistence users/wildlife:** Adopting Proposal 112 would provide Federally qualified subsistence users with more harvest opportunity. However, it would also misalign State and Federal regulations, which increases regulatory complexity and user confusion. There are no conservation concerns for this proposal as the Unit 11 brown bear population is considered abundant and likely not influenced by hunting, the unit experiences low harvest pressure, and most bears are harvested in the fall (Stantorf 2015).

**Federal Position/Recommended Action:** The OSM recommendation is to **support** this proposal (although the National Park Service expressed opposition with concurrence from the U.S. Fish and Wildlife Service).

**Rationale:** There are not conservation concerns and this proposal would provide an additional 15 days of harvest opportunity for Federally qualified subsistence users. However, it may increase user confusion and regulatory complexity by misaligning State and Federal regulations.

Stantorf, C.J. 2015. Unit 11 brown bear. Chapter 10, Pages 10-1 through 10-7 [In] P. Harper and L.A. McCarthy, editors. Brown bear management report of survey and inventory activities 1 July 2012-30 June 2014. Alaska Department of Fish and Game, Species Management Report ADF&G/DWC/SMR-2015-1, Juneau.

**PROPOSAL 113 – 5 AAC 84.270. Furbearer trapping.** Lengthen the trapping season for wolverine in Unit 13 to February 28.

## **Current Federal Regulation**

### **Trapping**

#### **Unit 13—Wolverine**

*No limit*

*Nov. 10 – Jan. 31*

**Is a similar issue being addressed by the Federal Subsistence Board?** Yes. Proposal WP18-14, submitted by the Wrangell-St. Elias National Park Subsistence Resource Commission, requests an extension of the wolverine hunting and trapping seasons in Unit 13. The proposed Unit 13 trapping season would change from Nov. 10 – Jan. 31 to Nov. 10 – Feb. 28, which would match the existing trapping season in Unit 11.



**Impact to Federal subsistence users/wildlife:** If adopted, Federally qualified subsistence users would be provided more opportunity to harvest wolverine under the proposed trapping regulations. The State and Federal seasons for wolverine trapping in Unit 13 would also be aligned if Proposal WP18-14 was adopted by the Board. In addition, it would allow trappers to keep wolverines incidentally caught in a lynx set.

Wolverines, which occur at low densities throughout Alaska, have large home ranges ranging from 39 mi<sup>2</sup> to 386 mi<sup>2</sup>. The breeding season extends from May through August. Following implantation which generally occurs from November through March, and a gestation period of 30-40 days, 1-2 kits are born between February and April. The kits remain with female for 12-14 weeks. Adoption of this proposal would extend the harvest into the denning period.

The annual wolverine harvest in Unit 13 from 2007-2016, averaged 51 (range 37-63) animals (Robbins 2013). Wolverine populations occur in low densities and thus are susceptible to overharvest. Harvest opportunity is already being provided for in Unit 13 and seems to be currently sustainable with the hunting and trapping season closing on January 31. Given the lack of biological data on wolverine populations in Unit 13, it is difficult for managers to monitor the harvest and thus the biological impact extending the harvest season is unknown. In the past this was one of the factors why the wolverine season was a month shorter in Unit 13 than in Unit 11.

**Federal Position/Recommended Action:** The OSM recommendation is to **oppose** this proposal.

**Rationale:** Extending the wolverine trapping season on State lands would provide Federally qualified subsistence users with additional harvest opportunity and has the potential, depending on the Federal Subsistence Board's action on WP18-14, to align State and Federal wolverine and lynx seasons. However, adopting these regulations also has the potential for overharvest. Low reproductive rates, inherently low population densities, and susceptibility to harvest pressure combined with the lack of population data to assess the biological impact of increased harvest suggest that conservative harvest strategies are warranted for wolverines in Unit 13.

**Literature Cited:**

Robbins, W. F. 2013. Units 11 and 13 furbearer management report. Pages 138-162 in P. Harper and L.A. McCarthy, editors. Furbearer management report of survey and inventory activities 1 July 2009 – 30 June 2012. ADF&G, Species Management Report, ADF&G/DWC/SMR-2013-5, Juneau, AK.

**PROPOSAL 114 – 5 AAC 84.270 Furbearer trapping.** Extend the trapping season for wolverine in Unit 13 to February 28.

See comments for Proposal 113.





**PROPOSAL 115 – 5 AAC 84.270. Furbearer trapping.** Extend the trapping season for wolverine in Units 11 and 13 to February 28.

#### **Current Federal Regulation**

##### **Trapping**

###### **Unit 11—Wolverine**

*No limit*

*Nov. 10 – Feb. 28*

###### **Unit 13—Wolverine**

*No limit*

*Nov. 10 – Jan. 31*

**Is a similar issue being addressed by the Federal Subsistence Board?** Yes. Proposal WP18-14, submitted by the Wrangell-St. Elias National Park Subsistence Resource Commission, requests an extension of the wolverine hunting and trapping seasons in Unit 13. The proposed Unit 13 trapping season would change from Nov. 10 – Jan. 31 to Nov. 10 – Feb. 28, which would match the existing trapping season in Unit 11.

#### **Impact to Federal subsistence users/wildlife:**

##### **Unit 11**

If adopted, Federally qualified subsistence users would be provided more opportunity to harvest wolverine under the proposed trapping regulations in Unit 11. State and Federal seasons for wolverine trapping in Unit 11 would also be aligned if Proposal WP18-14 was adopted by the Federal Subsistence Board. In addition, it would allow trappers to keep wolverines incidentally caught in a lynx set.

Wolverines, which occur at low densities throughout Alaska, have large home ranges ranging from 39 mi<sup>2</sup> to 386 mi<sup>2</sup>. The breeding season extends from May through August. Following implantation which generally occurs from November through March, and a gestation period of 30-40 days, 1-2 kits are born between February and April. The kits remain with the female for 12-14 weeks. Adoption of this proposal would extend the harvest into the denning period.

All harvested wolverines are required to be sealed by the State. Wolverine harvest in Unit 11 remains relatively low given the amount of potential wolverine habitat that is available. Between 2006 and 2016, an average of 10 wolverines/year were reported harvested in Unit 11. In Unit 11, wolverine harvest occurred from November to February with the peak months being December through February during the period 2007-2011.

##### **Unit 13**



See comments for Proposal 113 for Unit 13.

**Federal Position/Recommended Action:** The OSM recommendation is to **oppose** this proposal.

**Rationale:** Extending the wolverine trapping season on State lands provides Federally qualified subsistence users with additional harvest opportunity and has the potential, depending on the Federal Subsistence Board's action on WP18-14, to align the State and Federal wolverine and lynx seasons. However, adopting these regulations also has the potential for overharvest. Low reproductive rates, inherently low population densities, susceptibility to harvest pressure and impacts of climate change combined with the lack of population data to assess the biological impact of increased harvest suggest that conservative harvest strategies are warranted for wolverines in Units 11 and 13.

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

**Current Federal Regulation:**

**Unit 13 – Ptarmigan (Rock, Willow, and White-tailed)**

*20 per day, 40 in possession*

*Aug. 10-Mar. 31*

**Is a similar issue being addressed by the Federal Subsistence Board?** No

**Impact to Federal subsistence users/wildlife:** This area experiences some of the highest levels of ptarmigan hunting statewide, due to its close proximity to the Denali and Richardson Highways. In 2009, the season was shortened due to low population numbers for rock ptarmigan. Since that time, rock ptarmigan and willow ptarmigan have shown a slight increasing population trend, indicating that late winter harvest in this unit may be additive and could have significant impacts to the population. Although both willow ptarmigan and rock ptarmigan populations have experienced growth during this time, rock ptarmigan populations are still low. Additional harvest in this heavily used area could result in population declines for this species.

Adoption of this proposal will result in alignment of State and Federal regulations, which will decrease regulatory complexity, user confusion, and law enforcement concerns.

**Federal Position/Recommended Action:** The OSM recommendation is to **oppose** this proposal.

**Rationale for comment:** Adoption of this proposal would increase harvest in one the most hunted units in the state. Late winter harvest in this area may be additive to natural ptarmigan mortality. Ptarmigan populations naturally fluctuate and are currently in a population high for this area and are expected to enter the population decline stage of the cycle in the next couple years. Maintaining the shorter season for ptarmigan in Unit 13B for a full population cycle would provide a better understanding of how late winter harvest impacts these populations and may also allow for the continued recovery of rock ptarmigan populations.





**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.

**Current Federal Regulation:**

**Unit 13 – Ptarmigan (Rock, Willow, and White-tailed)**

*20 per day, 40 in possession*

*Aug. 10-Mar. 31*

**Is a similar issue being addressed by the Federal Subsistence Board?** No

**Impact to Federal subsistence users/wildlife:** This area experiences some of the greatest levels of ptarmigan hunting statewide, due to its close proximity to the Denali and Richardson Highways. In 2009, the season in Unit 13B was shortened due to low population numbers for rock ptarmigan. Since that time, rock ptarmigan and willow ptarmigan have shown a slight increasing population trend in the unit, indicating that late winter harvest may be additive and can have significant impacts to the population. Although both willow ptarmigan and rock ptarmigan populations have experienced growth during this time, rock ptarmigan populations are still low. Furthermore, willow ptarmigan abundance has remained low in Unit 13E since 2005. Additional harvest in this heavily used area could result in population declines for ptarmigan.

Adoption of this proposal will result in misalignment of State and Federal regulations, which may increase regulatory complexity, user confusion, and law enforcement concerns. It would also make ptarmigan harvest less efficient for Federally qualified subsistence users harvesting on non-Federal lands, by limiting the daily bag limit.

**Federal Position/Recommended Action:** The OSM recommendation is **neutral** on this proposal.

**Rationale for comment:** A shorter ptarmigan season is already in place for Unit 13B and appears to be having a positive impact on the population in the area. Further modification of harvest regulations in Unit 13B may be unwarranted. The season in Unit 13E still extends through March 31 although ptarmigan harvest is high and populations have remained low. Although it would limit harvest opportunity for Federally qualified users harvesting on non-Federal lands, it may be worth adopting more conservative regulations in Unit 13E in the future to match previous regulatory actions taken in Unit 13B.

**PROPOSAL 121 – 5 AAC 85.065 (3). Hunting seasons and bag limits for small game.** Lengthen the hunting season for ptarmigan in Unit 13B.

**Current Federal Regulation:**

**Unit 13 – Ptarmigan (Rock, Willow, and White-tailed)**

*20 per day, 40 in possession*

*Aug. 10-Mar. 31*

**Is a similar issue being addressed by the Federal Subsistence Board?** No



**Impact to Federal subsistence users/wildlife:**

See comments for Proposal 119.

**PROPOSAL 122 – 5 AAC 92.540. Controlled Use Areas.** Modify the Sourdough Controlled Use Area.

**Current Federal Regulations:**

**§ 100.26 Subsistence Taking of Wildlife**

*(13)(ii) Within the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:*

*(C) Except for access and transportation of harvested wildlife on Sourdough and Haggard Creeks, Middle Fork trails, or other trails designated by the Board, you may not use motorized vehicles for subsistence hunting in the Sourdough Controlled Use Area. The Sourdough Controlled Use Area consists of that portion of Unit 13B bounded by a line beginning at the confluence of Sourdough Creek and the Gulkana River, then northerly along Sourdough Creek to the Richardson Highway at approximately Mile 148, then northerly along the Richardson Highway to the Middle Fork Trail at approximately Mile 170, then westerly along the trail to the Gulkana River, then southerly along the east bank of the Gulkana River to its confluence with Sourdough Creek, the point of beginning.*

**Is a similar issue being addressed by the Federal Subsistence Board?** No.

**Impact to Federal subsistence users/wildlife:** This proposal would have no impact to wildlife. It will reduce user confusion by clarifying where motorized access is permitted near the Sourdough Controlled Use Area (Sourdough CUA). However, while the boundaries of the Sourdough CUA are identical under Federal and State regulations, these clarifications will not be reflected under Federal regulations. A similar Federal proposal would need to be submitted for consideration by the Federal Subsistence Board in order for Federal and State descriptors to match.

**Federal Position/Recommended Action:** The OSM recommendation is to **support** this proposal.

**Rationale:** There are no conservation concerns for this proposal, and it will reduce user confusion.

**PROPOSAL 126 - 5 AAC 85.025). Hunting seasons and bag limits for caribou.** Increase the bag limit for the Southern Alaska Peninsula Caribou Herd (SAPH) based on the harvestable surplus in Unit 9D.

**Current Federal Regulations:**



## Unit 9D – Caribou

*1 bull caribou by Federal registration permit only. Quotas and any needed closures will be announced by the Izembek Refuge Manager after consultation with ADF&G.*

*Aug. 10–Sept. 20  
Nov. 15–Mar. 31*

**Is a similar issue being addressed by the Federal Subsistence Board?** Yes. Proposal WP18–20, submitted by the Kodiak/Aleutians Subsistence Regional Advisory Council, requests that the harvest limit be changed from 1 bull to 1 caribou and that the fall harvest season be extended from Aug. 10 – Sept. 20 to Aug. 1 – Sept. 30 in Unit 9D.

**Impact to Federal Subsistence users/wildlife:** If adopted, this proposal would provide more opportunity for Federally qualified users hunting under State regulations.

The caribou population is currently at about 50% of the lower threshold of 3,000 recommended under the Southern Alaska Peninsula Caribou Herd Operational Plan. The increasing population trend and good bull:cow ratios since 2013 suggests that at current harvest rates and hunting intensity, the SAPH could sustain a slight increase in the harvest.

**Federal Position/Recommended Action:** The OSM recommendation is to **support** this proposal.

**Rationale:** The SAPH within Unit 9D is currently at approximately 1,500 animals. The population trend is increasing, and for the last 3 consecutive years, bull:cow ratios have been above 20:100, which suggest that increasing the harvest limit based on the harvestable surplus is a viable option. However, the tendency for this population to undergo wide fluctuations and a current population level at approximately 50% of the recommended lower threshold also suggests caution.

**PROPOSAL 127 – 5 AAC 85.025. Seasons and bag limits for caribou.** Open a resident hunting season for caribou in a portion of Unit 9C.

## Current Federal Regulation

### Unit 9— Caribou

*Unit 9C, that portion within the Alagnak River drainage—2 caribou by State registration permit; no more than 1 caribou may be a bull, and no more than 1 caribou may be taken Aug. 1-Jan. 31*

*Aug. 1 – Mar. 15*

*Unit 9C, remainder—1 bull by Federal registration permit or State permit. Federal public lands are closed to the taking of caribou except by residents of Unit 9C and Egegik*

*May be announced*



**Is a similar issue being addressed by the Federal Subsistence Board?** Yes. Proposal WP18-21 requests, in part, the changes requested by State Proposal 127.

**Impact to Federal subsistence users/wildlife:** These changes will likely benefit Federally qualified subsistence users, who will have additional opportunity to harvest caribou in Unit 9C. In addition, if both the Alaska Board of Game and the Federal Subsistence Board adopt these proposals, State and Federal caribou regulations in this area will continue to be well aligned, minimizing confusion for those who hunt under both sets of regulations. These changes are not expected to have a detrimental effect on the Mulchatna Caribou Herd (MCH), primarily because they do not alter harvest limits for the herd. Rather, they align hunt areas for this population with its current distribution patterns.

**Federal Position/Recommended Action:** The OSM recommendation is to **support** this proposal.

**Rationale:** Establishing a season and harvest limit in the northern portion of the Naknek drainage shifts the primary regulatory emphasis from the Northern Alaska Peninsula Caribou Herd (NAPCH) to the MCH. This area has been used by the NAPCH in the past, when population density was high. However, the regulatory structure continues to reflect this, despite infrequent presence of the NAPCH north of the Naknek River. The proposed change will reflect the management needs of the MCH, and appears to be biologically appropriate at this time given current movement and distribution patterns. These changes are not expected to have a detrimental effect on either herd but will provide additional opportunity for resident hunters to harvest caribou in Unit 9.

**PROPOSAL 128 – 5 AAC 85.057. Hunting seasons and bag limits for caribou.** Allow the harvest of any caribou in Unit 10, Adak Island.

**Current Federal Regulation:**

**Unit 10 – Caribou**

*Unit 10 – remainder – no limit.*

*July 1–June 30*

**Is a similar issue being addressed by the Federal Subsistence Board?** No.

**Impact to Federal subsistence users/wildlife:** Federally qualified subsistence users would be provided more opportunity to harvest caribou with fewer restrictions under the proposed hunting regulations.

The Adak caribou population increased about 300% from 1993 to 2005 and has remained at approximately 2500 animals from 2005 -2012. The caribou population estimate in 2012 was between 2512 and 2880 animals. One of the concerns of the Alaska Maritime National Wildlife Refuge about this herd is the potential adverse impact on native plant communities and the natural integrity of Adak Island.



**Federal Position/Recommended Action:** The OSM recommendation is to **support** this proposal.

**Rationale:** The removal of restrictions under State regulations provides more opportunity for Federally qualified subsistence users. Maintaining hunting pressure on this introduced caribou herd on Adak Island may help limit the population size and limit the ecosystem impacts.

**PROPOSAL 129 – AAC 85.045. Hunting seasons and bag limits for moose.** Lengthen the resident hunting season for moose in Unit 9B.

**Current Federal Regulation**

**Unit 9— Moose**

*Unit 9B—1 bull by State registration permit*

*Sep. 1 – 20*

*Dec. 1 – Jan. 15*

**Is a similar issue being addressed by the Federal Subsistence Board?** No.

**Impact to Federal subsistence users/wildlife:** Federally qualified subsistence users will likely benefit from this change, due to increased opportunity on non-Federal lands. Because this change will align State and Federal fall moose seasons in Unit 9B, Federally qualified subsistence users will also benefit from reduced regulatory complexity. This change is not expected to have a detrimental effect on the Unit 9B moose population.

**Federal Position/Recommended Action:** The OSM recommendation is to **support** this proposal.

**Rationale:** Although the Unit 9B moose population is a low-density population, it is believed to be relatively stable. The bull:cow ratio has increased in recent years, and currently exceeds the State's management objective. Harvest remains low, relative to population size, and it is likely that this population can support additional bull harvest. This change will align State and Federal fall moose seasons in Unit 9B, which will ease confusion among those users eligible to hunt under both State and Federal regulation.

**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.

**Current Federal Regulation:**

**Unit 9 – Ptarmigan (Rock, Willow, and White-tailed)**

*20 per day, 40 in possession*

*Aug. 10-Apr. 30*

**Is a similar issue being addressed by the Federal Subsistence Board?** No





**Impact to Federal subsistence users/wildlife:** Adoption of this proposal will result in misalignment of State and Federal regulations, which may increase regulatory complexity, user confusion, and law enforcement concerns. Furthermore, this proposal would decrease opportunity for Federally qualified subsistence users to harvest ptarmigan on non-Federal lands in Unit 9.

Ptarmigan populations in Unit 9 appear to be very low. Wet and cold summers during the last two years led to high chick mortality across the Alaska Peninsula. Populations have had limited concealment in the winter due to the lack of snow in the area, and therefore a lack of camouflage, which has led to higher predation.

Ending the season on March 1 would close the season prior to most ptarmigan arriving on breeding grounds. This would protect the population during the breeding season, but would also limit the ability of Federally qualified users to harvest ptarmigan on non-Federal lands, due to the season closure prior to the arrival of ptarmigan to the most western reaches of their range.

A companion proposal would need to be submitted to the Federal Subsistence Board to gain consistency across State and Federal regulations.

**Federal Position/Recommended Action:** The OSM recommendation is to **support** this proposal.

**Rationale for comment:** Although this proposal would decrease opportunity for local Federally qualified subsistence users, these users could still harvest under Federal regulations on Federal public lands and it would provide protection to ptarmigan and give populations a chance to recover in portions of Unit 9.

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

**Current Federal Regulations:**

**Unit 9 – Hare**

*No limit.*

*July 1–June 30*

**Is a similar issue being addressed by the Federal Subsistence Board?** No.

**Impact to Federal subsistence users/wildlife:** If this proposal was adopted there would be little to no impact on Federal qualified subsistence users but it would eliminate hunting pressure on declining populations of Arctic hare (*Lepus othus*) in the southern portion of the Alaska Peninsula. For these regulations to be more effective, similar regulations would need to be made in Federal Subsistence regulations as Federal public lands comprise approximately 85% of Unit 9C, 45% of Unit 9D, and 49% of Unit 9E. Since Federal Subsistence regulations currently do not distinguish between the two species of



hares that occur in Alaska, the snowshoe hare (*Lepus americanus*) and the Arctic hare (*Lepus othus*), new regulations, specifically for the Arctic hare, would have to be developed.

**Federal Position/Recommended Action:** The OSM recommendation is to **support** this proposal.

**Rationale:** Arctic hares were once abundant in Unit 9 and now occur at low densities. Although little is known about the Arctic hare populations in the Alaska Peninsula, the decrease may be related to habitat changes as a result of climate change and/or predation. Eliminating the hunting pressure will help address some conservation concerns for local populations of Arctic hares in Units 9C, 9D, and 9E.

**PROPOSAL 136 – 5 AAC 85.045(15). Hunting seasons and bag limits for moose.** Reauthorize the antlerless moose season in Unit 17A.

#### **Current Federal Regulation**

##### **Unit 17— Moose**

*Unit 17A—1 bull by State registration permit*

*Aug. 25 – Sep. 20*

*Unit 17A—up to 2 moose; one antlered bull by State registration permit, one antlerless moose by State registration permit*

*Up to a 31 – day season may be announced between Dec. 1 – last day of Feb.*

**Is a similar issue being addressed by the Federal Subsistence Board?** No.

**Impact to Federal subsistence users/wildlife:** This proposal will increase harvest opportunity for Federally qualified subsistence users. It is not expected to have a detrimental effect on the Unit 17A moose population.

**Federal Position/Recommended Action:** The OSM recommendation is to **support** this proposal.

**Rationale:** This proposal is consistent with the Unit 17A moose management plan, which indicates a limited antlerless harvest when the moose population exceeds 600 animals. The current population estimate is in excess of that threshold, and this proposal provides management flexibility. It also provides additional harvest opportunity to Federally qualified subsistence users without risking the long-term viability of the population.

**PROPOSAL 142 – 5 AAC 85.045(a)(15). Hunting seasons and bag limits for moose.** Shift the resident fall hunting season dates for moose in a portion of Unit 17C.

#### **Current Federal Regulation**



## Unit 17— Moose

*Units 17B and 17C—one bull.*

*Aug. 20 – Sep. 15*

*Dec. 1 – 31*

*During the period Aug. 20 – Sep. 15—one bull by State registration permit;*

*or*

*During the period Sep. 1 – 15—one bull with spike-fork or 50-inch antlers or antlers with three or more brow tines on at least one side with a State harvest ticket;*

*or*

*During the period Dec. 1 – 31—one antlered bull by State registration permit*

**Is a similar issue being addressed by the Federal Subsistence Board?** Yes. Proposal WP18-26 requests the same changes as State Proposal 142.

**Impact to Federal subsistence users/wildlife:** These changes would provide additional opportunity to Federally qualified subsistence users. Harvest would likely increase, which may have a detrimental effect on the Unit 17C moose population.

**Federal Position/Recommended Action:** The OSM recommendation is to **oppose** this proposal.

**Rationale:** These changes are likely to increase moose harvest within Unit 17C. Delaying the season by 5 days will allow hunters more access to moose as bulls enter the rutting season and become more vulnerable to harvest. While this may increase subsistence opportunity in the short term, it is not clear that the moose population in Unit 17C can sustain additional harvest without negative consequences. Maintaining more conservative harvest regulations in this area offers the best chance for long-term subsistence opportunity.

**PROPOSAL 143 – 5 AAC 85.045(a)(15). Hunting seasons and bag limits for moose.** Open the resident winter season for moose in a portion of Unit 17C by emergency order only.

## Current Federal Regulation

### Unit 17— Moose





*Units 17B and 17C—one bull.*

*Aug. 20 – Sep. 15*

*Dec. 1 – 31*

*During the period Aug. 20 – Sep. 15—one bull by State registration permit;*

*or*

*During the period Sep. 1 – 15—one bull with spike-fork or 50-inch antlers or antlers with three or more brow tines on at least one side with a State harvest ticket;*

*or*

*During the period Dec. 1 – 31—one antlered bull by State registration permit*

**Is a similar issue being addressed by the Federal Subsistence Board?** Yes. Proposal WP18-25 requests the same changes as State Proposal 143.

**Impact to Federal subsistence users/wildlife:** These changes would provide additional opportunity to Federally qualified subsistence users. Harvest would likely increase, which may jeopardize the long-term viability of the Unit 17C moose population.

**Federal Position/Recommended Action:** The OSM recommendation is to **oppose** this proposal.

**Rationale:** Winter moose harvest within Unit 17C is likely to increase if the season occurs when conditions are favorable, rather than at a fixed time. The proximity of this hunt area to Dillingham, whose residents harvest most of the moose taken within Unit 17C, increases the likelihood of additional harvest. While these changes are likely to increase subsistence opportunity in the short term, low recruitment in at least some portions of Unit 17C has resulted in low bull:cow and calf:cow ratios, which presents conservation concerns for this population. Maintaining more conservative harvest regulations in this area offers the best chance for long-term subsistence opportunity.

**PROPOSAL 148 – 5 AAC 92.080(4)(B)(i). Unlawful methods of taking big game.** Allow the use of a snowmachine for harvesting caribou, wolf, or wolverine in Unit 17.

#### **Existing Federal Regulation**

##### **50 CFR 100.4 and 36 CFR 242.4 Definitions**

*Take or taking as used with respect to fish or wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.*



§ \_\_\_\_ .26 Subsistence taking of wildlife

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*(b) Except for special provisions found at paragraphs (n)(1) through (26) of this section, the following methods and means of taking wildlife for subsistence uses are prohibited:*

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*(4) Taking wildlife from a motorized land or air vehicle when that vehicle is in motion, or from a motor-driven boat when the boat's progress from the motor's power has not ceased;*

*(5) Using a motorized vehicle to drive, herd, or molest wildlife.*

**Is a similar issue being addressed by the Federal Subsistence Board?** Yes. Proposal WP18-24 requests the same changes as State Proposal 148.

**Impact to Federal subsistence users/wildlife:** This proposal would address the need for Federally qualified subsistence users to be able to use the most efficient and effective methods to take wild resources important for their livelihood. The proposed regulation is not expected to result in significant population changes for caribou, wolves, or wolverines as snowmachines are already extensively utilized in Unit 17 to access hunting grounds and trap lines, and harvest numbers will continue to be managed by season and limits within regulation.

This proposal was opposed by the Bristol Bay Regional Subsistence Advisory Council.

**Federal Position/Recommended Action:** The OSM recommendation is to **support** this proposal (although the National Park Service expressed opposition with concurrence from the U.S. Fish and Wildlife Service).

**Rationale:** The proposed regulatory changes would ensure that Federally qualified subsistence users are provided the opportunity to use snowmachines as an efficient and effective means to harvest caribou, wolves, and wolverines during winter months in Unit 17.

The proposed changes would have little to no effect on current hunting behavior, and any changes in the population status of caribou, wolves, and wolverines are anticipated to continue to be addressed through season and bag limits.

**PROPOSAL 150 – 5 AAC 85.045(1). Hunting seasons and bag limits for moose.** Reauthorize the antlerless moose hunts in Unit 1C.

**Current Federal Regulation**



## Unit 1— Moose

*Unit 1C—that portion south of Point Hobart including all Port Houghton drainages—1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on one side, or antlers with 2 brow tines on both sides, by State registration permit only*      *Sep. 15 – Oct. 15*

*Unit 1C, remainder, excluding drainages of Berners Bay—1 bull by State registration permit only*      *Sep. 15 – Oct. 15*

*Unit 1C, Berners Bay*

*No open season*

**Is a similar issue being addressed by the Federal Subsistence Board?** No.

**Impact to Federal subsistence users/wildlife:** This proposal will help ensure population viability and subsistence opportunity in the long term.

**Federal Position/Recommended Action:** The OSM recommendation is to **support** this proposal.

**Rationale:** The option for antlerless hunts is an important component in Unit 1C moose management. The Berners Bay hunt area is relatively small and its geography allows for little immigration or emigration of moose. Consequently, this population requires careful management of size and sex ratios. Similarly, habitat overuse is of concern in the Gustavus hunt area. In both of these areas, antlerless hunt have been used to help maintain appropriate population metrics. Although the harvestable surplus in these populations is sometimes quite low and antlerless hunts are not offered every year, they remain an important tool for local managers. Retention of this management flexibility offers the best potential for long term viability of these moose populations, which is important for long term subsistence opportunity.

**PROPOSAL 151 – AAC 85.045(3). Hunting seasons and bag limits for moose.** Reauthorize the antlerless moose hunt in Unit 5A, the Nunatak Bench hunt.

## **Current Federal Regulation**

### Unit 5— Moose

*Unit 5A—Nunatak Bench—1 moose by State registration permit only. The season will be closed when 5 moose have been taken from the Nunatak Bench*      *Nov. 15 – Feb. 15*



**Is a similar issue being addressed by the Federal Subsistence Board?** No.

**Impact to Federal subsistence users/wildlife:** This proposal will help ensure harvest opportunity for Federally qualified subsistence users in the long term. There will be no effect on the moose population at this time, because no harvest permits are currently being offered. In the long term, this proposal helps ensure population viability.

**Federal Position/Recommended Action:** The OSM recommendation is to **support** this proposal.

**Rationale:** The option for antlerless hunts is an important component of managing this population. Because the hunt opens after other Unit 5 moose hunts have closed, it offers additional opportunity to hunters who were otherwise unsuccessful. However, this is a time when few moose carry antlers, particularly later in the season. Given the limited habitat in this area, careful regulation of population size is necessary to avoid overpopulation. Although the Nunatak Bench moose population is currently below the State's population objective and no harvest is allowed, authorizing antlerless harvest provides local managers the flexibility to provide harvest opportunity if and when the population reaches the requisite size. It also guards against overpopulation. As such, it offers the best opportunity for both long term viability of the moose population and long term subsistence opportunity.

**PROPOSAL 152 - 5 AAC 85.045(4). Hunting seasons and bag limits for moose.** Reauthorize the antlerless moose hunting season in Unit 6C.

#### **Current Federal Regulations**

##### ***Unit 6C—Moose***

*1 antlerless moose by Federal drawing permit only. Permits for the portion of the antlerless moose quota not harvested in the Set. 1-Oct. 31 hunt may be available for redistribution for a Nov. 1-Dec. 31 hunt.*

*Sept. 1 – Oct. 31*

*1 bull by Federal drawing permit only.*

*Sept. 1 – Dec. 31*

*In Unit 6C, only one moose permit may be issued per household. A household receiving a State permit for Unit 6C moose permit may not receive a Federal permit. The annual harvest quota will be announced by the U.S. Forest Service, Cordova Office, in consultation with ADF&G. The Federal harvest allocation will be 100% of the antlerless moose permits and 75% of the bull permits. Federal public lands are closed to the harvest of moose except by Federally qualified users with a Federal permit for Unit 6C moose, Nov. 1-Dec. 31.*

**Is a similar issue being addressed by the Federal Subsistence Board?** No.



**Impact to Federal Subsistence users/wildlife:** The population estimates for moose in Unit 6C in 2013 and 2014 was 609 and 601, respectively. The State population objective for Unit 6C is 400-500 moose and a minimum bull:cow ratio of 25 bulls:100 cows.

Currently, demand for moose in Unit 6C exceeds the number of moose that can be harvested. From 600 to 900 Cordova residents have annually applied for between 5 and 104 Federal subsistence draw permits for moose in Unit 6C. The current Federal regulations for moose in Unit 6C, generated with great community support, have worked well since adopted in its current form by the Federal Subsistence Board in 2002.

All allowable antlerless moose harvest and 75% of the allowable bull moose harvest in Unit 6C are allocated to Federally qualified subsistence users of Units 6A, 6B, and 6C, specifically, residents of Cordova. The State's proposal was intended to harvest moose allocated to the Federal quota that may not be taken during the Federal subsistence hunt.

**Federal Position/Recommended Action:** The OSM recommendation is **neutral** on this proposal.

**Rationale:** This proposal has potential to allow additional opportunity for non-Federally qualified users to harvest moose in Unit 6C if the current demand for moose goes down. However, the demand by Federally qualified users currently exceeds the allowable harvest and is not likely to change in the immediate future.

**PROPOSAL 154 - 5 AAC 85.045(13). Hunting seasons and bag limits for moose.** Reauthorize the antlerless moose season and targeted moose season in Unit 15C, that portion south of the south fork of the Anchor River and northwest of Kachemak Bay.

**Current Federal Regulations:**

**Unit 15A remainder, 15B, 15C—Moose**

*Unit 15A—remainder, 15B, and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only. Aug. 10–Sept. 20*

*Units 15B and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only. The Kenai NWR Refuge Manager is authorized to close the October/November season based on conservation concerns, in consultation with ADF&G and the Chair of the Southcentral Alaska Subsistence Regional Advisory Council. Oct. 20–Nov. 10*

*Unit 15C—1 cow by Federal registration permit only Aug. 10–Sept. 20*



**Is a similar issue being addressed by the Federal Subsistence Board?** No.

**Impact to Federal subsistence users/wildlife:** This proposal would increase harvest opportunity for Federally qualified subsistence users. In February 2013, the moose population in Unit 15C was 3,204 (range 2,544-3,855), which the State considers stable. The 2013 bull: cow ratio was 22 bulls:100 cows which is above the State's management post-hunting objective of 15-20 bulls: 100 cows but below recommendations by the Kenai NWR of 40-60 bulls:100 cows for the Caribou Hills and 25-30 bulls:100 cows for the remainder of Unit 15C.

**Federal Position/Recommended Action:** The OSM recommendation is to **support** this proposal.

**Rationale:** This proposal would allow additional opportunity for Federally qualified subsistence users to harvest moose in this unit and provide management flexibility. An antlerless hunt is currently sustainable given the current population levels and tracking of harvest via a registration and drawing permits.

**PROPOSAL 155 – 5 AAC 85.045(5). Hunting seasons and bag limits for moose.** Reauthorize the antlerless moose season in the Twentymile/Portage/Placer hunt area in Units 7 and 14C.

**Current Federal Regulations:**

**Unit 7—Moose**

*Unit 7, remainder--1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only Aug. 10-Sep. 20.*

**Unit 14—Moose**

*No Federal open season*

**Is a similar issue being addressed by the Federal Subsistence Board?** No.

**Impact to Federal subsistence users/wildlife:** This proposal will increase harvest opportunity for Federally qualified subsistence users. There are no conservation concerns because ADF&G determines the number of permits to issue for this hunt each year based on current estimates of the moose population, bull:cow ratios, and winter mortality.

**Federal Position/Recommended Action:** The OSM recommendation is to **support** this proposal.

**Rationale:** This proposal would allow additional opportunity for Federally qualified subsistence users to harvest moose in this unit and provide management flexibility. There are no conservation concerns.

**PROPOSAL 161 - 5 AAC 85.045(24). Hunting seasons and bag limits for moose.** Reauthorize the antlerless moose hunting season and targeted moose season in the western portion of Unit 26A.





**Current Federal Regulations:**

**Unit 26A—Moose**

*Unit 26A—that portion west of 156°00'W Long. and excluding the Colville River Drainage—1 moose, however, you may not take a calf or a cow accompanied by a calf. July 1–Sept. 14*

**Is a similar issue being addressed by the Federal Subsistence Board?** No.

**Impact to Federal subsistence users/wildlife:** This proposal will increase harvest opportunity for Federally qualified subsistence users.

Moose numbers declined by 75% from 2008 in Unit 26A in 2013-2014 due to severe winter conditions and predation. As a result the Alaska Department of Fish and Game issued emergency orders for RY14 which closed the drawing permit hunts, all nonresident hunts, and the winter hunt. The limited moose hunt in western Unit 26A from July 1 - Sept. 14 remained open because very few moose are harvested in this area.

**Federal Position/Recommended Action:** The OSM recommendation is to **oppose** this proposal.

**Rationale:** Although this proposal would allow additional opportunity for Federally qualified subsistence users to harvest moose in, an antlerless hunt is not recommended at this time due to the declining moose population in this portion of Unit 26A.

**PROPOSAL 162 – 5 AAC 92.015(a)(4). Brown bear tag fee exemptions.** Reauthorize resident brown bear tag fee exemptions throughout Interior and Eastern Arctic Alaska.

**Current Federal Regulations:**

**§ 100.6 Licenses, permits, harvest tickets, tags, and reports**

*(a)(3) Possess and comply with the provisions of any pertinent permits, harvest tickets, or tags required by the State unless any of these documents or individual provisions in them are superseded by the requirements in subpart D of this part.*

**Is a similar issue being addressed by the Federal Subsistence Board?** No.

**Impact to Federal subsistence users/wildlife:** There would be no impact on brown bears if this proposal was adopted; however, there would be an increased cost for subsistence users harvesting a brown bear if the tag fee exemptions are not reauthorized.



**Federal Position/Recommended Action:** The OSM recommendation is to **support** this proposal (although the National Park Service expressed opposition).

**Rationale:** There are no known conservation concerns for brown bears in the affected units. If this proposal is adopted it would continue the tag fee exemption, which eliminates the requirement that Federally qualified subsistence users must purchase a \$25 tag before hunting brown bears in these units. Retaining this tag fee exemption is particularly important in areas where there are few vendors and local economies are in a depressed state.

**PROPOSAL 163 – 5 AAC 92.015(a)(4). Brown bear tag fee exemptions.** Reauthorize the current resident tag fee exemptions for brown bear in Units 18, 22, 23, and 26A.

**Current Federal Regulations:**

**§ 100.6 Licenses, permits, harvest tickets, tags, and reports**

*(a)(3) Possess and comply with the provisions of any pertinent permits, harvest tickets, or tags required by the State unless any of these documents or individual provisions in them are superseded by the requirements in subpart D of this part.*

**Is a similar issue being addressed by the Federal Subsistence Board?** No.

**Impact to Federal subsistence users/wildlife:** There would be no impact on brown bears if this proposal was adopted; however, there would be an increased cost for subsistence users harvesting a brown bear if the tag fee exemptions are not reauthorized.

**Federal Position/Recommended Action:** The OSM recommendation is to **support** this proposal (although the National Park Service expressed opposition).

**Rationale:** There are no known conservation concerns for brown bears in the affected units. If this proposal is adopted it would continue the tag fee exemption, which eliminates the requirement that Federally qualified subsistence users must purchase a \$25 tag before hunting brown bears in these units. Retaining this tag fee exemption is particularly important in areas where there are few vendors and local economies are in a depressed state.



Submitted By  
Ernie Weiss  
Submitted On  
1/10/2018 10:26:37 AM  
Affiliation  
Aleutians East Borough

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Anchorage, Alaska 99504

Re: Support for Proposal 126

The Aleutians East Borough is a municipal government located on the Alaska Peninsula and Eastern Aleutian Islands. Our local communities include Akutan, Cold Bay, False Pass, King Cove, Nelson Lagoon and Sand Point. Our Borough fully envelopes Game Unit area 9D. The Aleutians East Borough *supports* ADFG Proposal 126 to increase the bag limit for the South Alaska Peninsula caribou herd in Unit 9D as the population increases. We agree with the Department that the caribou population is increasing and can now support increased harvest. We believe the proposed strategy for a stepwise increase in the bag limit based on population increases will help keep the herd at sustainable levels, while providing needed increased hunting opportunities for AEB residents. The proposed strategy should be an excellent management tool for the Department to manage this caribou herd.

Thank you for the opportunity to comment.

Ernie Weiss, AEB Natural Resources Director



Submitted By  
Tom Wellman  
Submitted On  
1/21/2018 9:33:39 AM  
Affiliation  
None

I support Proposal 92. As a long time Alaska resident, I find this solution to be fair and equitable. It has been far too long that the table has been tipped too far toward local priority, thus depriving the rest of Alaskans to be disenfranchised.

**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 I 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 my equal opportunity to hunt during times of abundant harvest on 9.5 million acres of easily accessible state-owned lands in GMU 13.



Submitted By  
Don Welty  
Submitted On  
10/4/2017 9:45:15 AM  
Affiliation

~~PROPOSAL 117-- 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:

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.

Regarding the above proposal: I support the above proposal as written. I believe it will spread opportunity and the harvest of grouse out over a wider variety of users.



Central/Southwest Region

OCT 25 2017

Proposal 74. Support. Why should it matter if a non-resident wants to hunt every year and is successful? **BOARDS ANCHORAGE**

Proposal 75. Against. This would prohibit a sheep hunter from maximizing his guided hunt. Many non-resident sheep hunters also hunt moose, caribou or bear while on their sheep hunt, adopting this proposal would eliminate this opportunity. He already needs the guide for the sheep, why not let him take other animals too.

Proposal 76. Support.

Proposal 79. Against. Non-resident allocation should not be increased. Every year many residents apply for but do not receive permits. It is disgraceful that any permits go to non-residents when resident demand cannot be met.

Proposal 83. Against. Prosecute the illegal hunters. Just because a number of unethical hunters will shoot anything with antlers does not mean you should punish those who are able to determine antler spread. Prosecuting those who shoot under sized animals would solve the problem.

Proposal 92. Support. The CSH was instituted in response to the Ahtna tribe complaining that they did not receive enough permits under the Tier II system and their desire to be guaranteed hunting opportunities. There is no reasonable explanation as to why the CSH exists. Any hunter is free to share his kill with any community/household member he chooses. In its essence customs and traditions are based on an individual. Every community is made up of individuals. A CSH designation is not needed for a person or group of individuals to practice customs and traditions. These may also vary among individuals. Also, all customs and traditions can be passed from one generation to another through oral history.

Proposal 93. Support

Proposal 94. Support

Proposal 95. Support.

Proposal 96. Support

Proposal 97. Support.

Proposal 98. Against. This is another attempt by Ahtna to impose their values on all Alaskans. Some of the items identified are ill-legal for non-natives. How can new comers to the State ever hope to qualify under this proposal? This proposal and the CSH program are racially preferenced.

Proposal 99. Support

Proposal 100. Support.

Proposal 101. Against. Unit 13 caribou are highly sought after by many user groups. There is no logical reason for a youth hunt. The current hunt opens August 10, several weeks before the start of the





school year. This appears to be a means for adults to hunt early and bring a kid along. If they are worried about safety they may want to utilize the Clearwater controlled use area.

Proposal 102. Against.

Proposal 103. Against. Eliminate the CSH, it cannot be fixed.

Proposal 107. Against. I made a similar request last year in response to a number of proposals. However, this would only be agreeable if the CSH for any bull moose was eliminated.

Proposal 123. Support.

Proposal 124. Support. The intent of the proxy system is to allow an individual to harvest game for someone who is physically unable to do so. It is not always possible for an individual to find a proxy because of the restrictions. A willing hunter who hunts in a different area should be able to hunt by proxy for an individual regardless of where he may have hunted.

Proposal 140. Against. The Board has no authority to establish a guide requirement for moose. Such action should be opposed. The legislature established the species requiring guides and they do not include moose. The Board should not be in the business of providing clients to guides.

Proposal 141. Against.

Proposal 144. Against.

Proposal 146. Against. See response above to 140. Also a guide requirement is not necessary as it is doubtful that a non-resident would hunt this area without a guide.



RECEIVED

JAN 29 2018

BOARDS  
ANCHORAGE

ADF & G Boards Support Section  
ATTN: Board of Game Comments  
P.O. Box 115526  
Juneau, Alaska 99811-5526

Submitted by: Brian West  
1000 Oceanview Dr.  
Anchorage, Alaska 99515

February 2018 Central / Southwest Region

### Proposal 166. AGAINST

This proposal appears to be about increasing the number of animals taken from the Fortymile herd.

Changing the fall hunt opening to August 10 will have no impact on the number of caribou taken. Currently two of the four zones open Aug 10 and the two road accessible zones open Aug 29. The two highway zones normally close within 48 hours. Start date is not the issue, the issue is herd location relative to the Steese and Taylor Highways. The only way to increase the number of caribou taken is to increase the fall quota.

The seasons were changed ~ 10 years ago from Aug 10 to Aug 29 to try and allow for a season that would be open more than a few days and to align closer with the moose season. This has worked in a few of the years.

The fall seasons should remain as they are. To increase the number of caribou taken increase the quota. The Fish & Game might also consider a cow only drawing permit and allow successful applicants to still hunt for bulls under a registration permit.





**Wrangell-St. Elias National Park  
Subsistence Resource Commission**

P.O. Box 439  
Mile 106.8 Richardson Hwy.  
Copper Center, AK 99573

November 14, 2017

Ted Spraker, Chair  
Alaska Board of Game  
c/o ADF&G Boards Support  
PO Box 115526  
Juneau, AK 99811-5526

Subject: Comments on proposals for the February 2018 Southwest/Central Meeting

Dear Mr. Spraker:

The Wrangell-St. Elias National Park Subsistence Resource Commission (SRC) met in Copper Center, Alaska, on October 26 and 27, 2017. At this meeting, the SRC reviewed several proposals that will be considered at the February 2018 Southwest/Central meeting of the Alaska Board of Game and would like to provide the following comments:

**Proposal 113: Lengthen the trapping season for wolverine in Unit 13**

**Proposal 114: Extend the trapping season for wolverine in Unit 13**

**Proposal 115: Extend the trapping season for wolverine in Units 11 and 13**

These proposals all address wolverine trapping seasons in the Copper Basin. The Wrangell-St. Elias SRC supports these proposals with modification to extend wolverine trapping to the end of February in all of Unit 11 and in Unit 13A, 13C, 13D, and 13E. The commission opposes extending the season in Unit 13B due to the potential for conservation concerns from increased harvests. Unit 13B is more accessible and sees increased snowmachine traffic during February as the weather warms up.

**Proposal 117: Reduce the harvest and possession limits for grouse in Unit 11:** The Wrangell-St. Elias SRC supports Proposal 117 for the reasons stated in the proposal, which the commission submitted.

**Proposal 118: Reduce the bag limit and shorten the season for grouse in Unit 11:** The Wrangell-St. Elias SRC opposes Proposal 118. The commission does not see a need to shorten the season for grouse in Unit 11.

Thank you for the opportunity to comment.

Sincerely,

Daniel E. Stevens  
Chair

Note: Karen Linnell was not present for the SRC's discussion of Board of Game proposals.

Chair: Daniel Stevens; Members: Don Horrell, Gloria Stickwan, Karen Linnell, Jamie Marunde, Raymond Sensmeier, Robert Fithian, Sue Entsminger, and Suzanne McCarthy



Submitted By  
Craig Aglietti  
Submitted On  
1/20/2018 10:18:29 AM  
Affiliation

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Please reverse decision to spit up the Unit 13 caribou hunt.



Submitted By  
Nathaniel Buck  
Submitted On  
9/18/2017 2:26:50 PM  
Affiliation

**5 AAC 85.020. Seasons and bag limits for brown bear and for hunting brown bear with the use of bait.**

Proposal: increase the bag limit for brown bear across unit 14A from one bear every four regulatory years to one bear every year or every regulatory year. Additionally, authorize the taking of brown bears at bait stations within this GMU and for the brown bear season to be extended to June 30th to match the black bear baiting season.

**What is the issue you would like the board to address and why?**

The brown bear population is out of control across GMU 14A; from Big Lake to Houston, through Hatcher's Pass and even in the Knik River Basin Brown Bears have become excessively prevalent. This has led to an increased number of human to bear conflict (such as Hatcher's Pass), it has driven black bears into residential areas and forced ADF&G to respond to bear problems (such as in the Butte), it has also created a large safety concern for hunters who hunt black bear with bait as they are unable to shoot brown bears in the area until they feel imminent danger.



Submitted By  
Larry DeBoard  
Submitted On  
11/11/2017 4:32:30 PM  
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Seward, Alaska 99664

Considering the latest herd population estimates of the Fortymile Caribou herd, would you please consider raising the number of caribou permits for YC831 for the 2018 draw? The current number of permits available is 30. I think we could raise that number substantially, at least for Zone 3. Thank you.





Submitted By  
Tamara Harper  
Submitted On  
10/25/2017 6:41:01 PM  
Affiliation  
McCarthy resident

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i think the limit for spruce grouse in unit 11 should be reduced to 5 per day/10 in possession. lots of people are coming from anchorage and hunting in groups on the mccarthy road and they sometimes have 50 birds or more! that's too much impact on our local grouse population and i think they are harvesting them for commercial reasons. 5 a day is plenty for most hunters, especially locals, and it would help maintain a viable population of grouse. 30 grouse in possession per person just encourages people to take too many and probably sell them. please limit the daily take to 5 per person. thank you, tamara harper



Submitted By  
Wally Hickel III  
Submitted On  
1/19/2018 3:58:13 PM  
Affiliation

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I'm writing to ask you to reverse the decision to divide the hunting times for the Unit 13 Nelchina Caribou hunt RC566 in 2018 and beyond. I understand the reason behind this was to alleviate hunting pressure and "spread out" hunters. I believe this will have an opposite effect and create a bottleneck of hunters into the September timeframe. When faced with the choice, I believe most hunters will choose September because; Labor Day weekend is the most popular time to hunt as most people take advantage of the three day weekend, and they are required to only hunt moose in Unit 13 in September. By limiting the times of this hunt people cannot go on a caribou hunt in August, come up empty, and try again in September. I own property along the Denali Highway across from the campground at Brushkana Creek and Labor Day weekend is always of particular concern because of the increased number of hunters. Over the years I've had break-ins and people camped out by my cabin due to the campground being full on Labor Day weekend. I understand stuff like this happens, but it has the potential to be more prevalent if this bottleneck takes place.

When hunters choose this hunt, they understand the advantages and disadvantages that come with it. The ease of access, guaranteed tag, and six week hunt time are nice. The disadvantages are of course; the crowds, only being allowed to harvest one caribou and requirements to only hunt moose in Unit 13. Now, with the decision to split up the hunt, we are restricted to essentially half the hunt time (three weeks from six weeks).

I respectfully ask that you reverse the decision to split up the hunt and restore it back to the way it was when hunters could choose to go from opening day in August to closing in September.

Regards,

Wally Hickel III



Submitted By  
Gerald Newton  
Submitted On  
10/4/2017 10:30:23 AM  
Affiliation  
Mr.

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2815 Beulah Ct.  
North Pole, Alaska 99705

Sirs:

I got one thing to say. Your denying my wife and me permission to hunt caribou in unit 13 this fall was simply wrong. My wife is an Athabascan native born and raised in Nenana. She is 69 years old and has never taken a caribou. I am 73 years old and have lived in Alaska since 1954 except for the Army and college. I am a veteran. I haven't taken a caribou in over 50 years. We live in North Pole. We wanted to drive down and get a caribou in unit 13 when the season was extended. We were told at the Fairbanks F&G office on College Road that we couldn't legally take a caribou. Furthermore we were told if we get a permit after applying in October for next year we would have to hunt moose in Unit 13 and will not be able to hunt moose in unit 20.

Based on what we learned I talked to our Representative Tammie Wilson and asked her to cut the F&G budget to the bone. She replied that the F&G board doesn't listen to the public and that she and others have had difficulty dealing with them for years.

Yours,

Gerald Newton

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North Pole, Alaska 99705

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Submitted By  
Douglas Wilber  
Submitted On  
9/19/2017 10:34:30 PM  
Affiliation

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I was hunting unit 13 when the 3 brow tines or 36" was implemented.

The ADF&G said then it was to build a bigger, better herd by increasing the Bull to Cow ratio. In my opinion it works. Then came the 3 brows or 50" then the 4 brows or 50".

This moose season in unit 13 we seen 10 bulls in 9 days. Of the 10 bulls only one was probally over 50" but didn't chance it and one spike.

My understanding if I had 3 community tags, I could of shot three bulls including the one over 50". Out of the 10 bulls we seen, realistically we would of been able to shoot 7

We met a lone community hunter and we were thinking once he harvested his bull he would of been done and leave, but he had two tags.

As for policing , I have passed up a sub legal bull that gets shot a short time afterwards do you call ADF&G? or assume they are community hunters.

I'm trying to understand why the Board would allow community subsistance hunt in area with size restrictions and open the season earlier to boot.

I believe the size restrictions is working. On the amount of brow tines requirements shooting smaller bulls with 4 brows appears to be affecting the geneitics so there are less four brow tine moose.

I have several suggests.

- 1) Stopping the community hunts it size restricted areas.
- 2) Remove the 3 and 4 brow tines out of the equation for determining mature bulls.
- 3) If you believe you must keep a community hunt, then they should start at the same timeas all general hunters and not be allowed to shoot a bull over 50" or four brow tines.

I know the board must make some difficult decisions and can't please everyone.



Submitted By  
Carl Wright  
Submitted On  
9/21/2017 12:30:59 PM  
Affiliation

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Chugiak, Alaska 99567

Board of Game Members, the purpose of my comment is to provide a suggestion to facilitate a method to assist in promoting the respect for obeying the hunting rules and regulations of Alaska.

Every year I spend considerable time in area 13B before and during the hunting season. I see numerous violations of hunters violating rules and regulations of shooting prohibited animals; not removing the required animal parts; waste of animal meat; violating rules of leaving the trails and driving on the tundra; disobeying the BLM trail markers and traveling on restricted trails.

Where I hunt there is no cell phone coverage and rarely frequented by a Fish and Wildlife Officer. To report violations, I have to break camp and travel to the nearest lodge to report the violation, and then only able to leave a message of the violation because the Officer is unavailable to talk to. By the time Law Enforcement arrives the violator is departed. Without names or vehicle license plate numbers, that violator faces no penalty.

I am a retired Alaska State Trooper and I am aware of other personnel who would be willing to be deputized to issue a citation, write a report, and testify in court. Three Fish and Wildlife Officers (one recovering from surgery and unable to perform his duty), and one additional Federal Park Ranger were the only law enforcement for the vast area 13 hunting area.

State Biologist of Fish and Game enforcement authority is a model of how this special deputizing could be implemented. They write citations, (they don't confiscate weapons or meat), they take pictures, write reports, and testify in court.

Thank you for considering my suggestion.