



2017/2018 Alaska Board of Game (101) Proposals

Statewide Proposals: (51 Proposals)

Definitions (5 Proposals)

PROPOSAL 1 – 5 AAC 92.990(a)(6) Definitions. By Jack Frost. Modify the definition of bag limit as follows:

The definition of "bag limit" should be as follows:

5 AAC 92.990(a)(6) “bag limit” means the maximum number of animals of any one game species a person may **kill or harvest** [TAKE] in the unit or portion of a unit in which the **killing** [TAKING] occurs; an animal disturbed in the course of legal hunting does not count toward a bag limit;

Comments:

We oppose Proposal 1 to change definition for bag limit to **kill or harvest** to strengthen definition. When taking a wild game animal, the method or means of its demise inferred and clearly understood through interpretation of the regulation. Pursuing a wild game is considered to be killing a wild game and is counted towards harvesting an animal. A less restrictive definition will allow hunters to hunt in the field without wild game being counted against his/her bag limit.

PROPOSAL 2– 5 AAC 92.990(a)(87). Definitions; 92.010. By Joseph Mattila. **Harvest tickets and reports; and**

92.003. Hunter education and orientation requirements. Modify the definition of youth hunt, allow youth hunters to obtain their own harvest ticket, and remove the hunter education requirement for youth hunters as follows:

There are three areas in current regulation that would need to be adjusted to accomplish change:

1) I recommend the Board of Game (board) change the definition of youth hunt to accommodate hunters starting at eight years of age (this is the minimum age allowed by state statute).

Regulation:

a. Youth Hunt – a hunt limited to a child aged **8** [10]–17 and an accompanying adult that is a licensed resident hunter 21 years of age or older. If the child is a nonresident, the accompanying adult must be a resident parent, stepparent, or legal guardian of the child. The bag limit counts against both the youth and the accompanying adult.

2 Additionally, I recommend allowing hunters from the ages of eight to seventeen to obtain their own harvest ticket or drawing tag that would allow them to participate in youth hunting seasons. The current regulation specifies the need for youth ten to seventeen obtain a harvest ticket or drawing tag for youth hunts. In conjunction, I also ask the board to consider waiving the



requirement that the youth have completed a hunter education course before partaking in youth hunts, since immediate adult supervision is required for all “youth hunts”. Regulation:

a. Hunters under age 10 may not have their own big game bag limit, so they may not obtain harvest tickets or permits **with the exception of youth hunters hunting in a youth hunting season.** (See “Youth hunts only” pg. 13 of the Alaska Hunting Regulations booklet.)

b. Youth hunts only: Hunter education is **not** required for youth hunters participating in “youth hunts[.]” **under the required supervision of an accompanying adult that is a licensed resident hunter 21 years of age or older. Additionally, participants in a “youth hunt” may obtain their own harvest ticket/draw permit.** (See page 35 of the Alaska Hunting Regulations booklet for “youth hunt” definition.)

Comments:

We oppose Proposal 2 to change the age to 8 years of age to participate in “Youth Hunts” and to eliminate hunter education requirement for youth. Alaska Board of Game has the authority to determine what age hunting may occur. Eight years of age is too young to participate in a youth hunt. Safety of a child hunting with a large caliber rifle should be considered, and eight-year-old child will have difficulty handling powerful rifles. Eliminating hunter education for youth to participate in youth hunts would take away the necessary safety precautions for all in the field.

PROPOSAL 3– 5 AAC 92.990(a)(68). Definitions. By Joseph Waters. Modify the definition of regulatory year as follows:

Replace regulatory year with calendar year regulations or define regulatory year such that it matches the definition for a calendar year. There would need to be an unusual regulatory year to transition from July 1 to January 1.

Example:

Regulatory Year 2018 (7/1/2018–6/30/2019) would become (7/1/2018–12/31/2018)

Regulatory Year 2019 and future years would run January 1 to December 31

For the purposes of hunts which might cross regulatory year boundaries, pick a simple definition such as “the regulatory year of the hunt will be the year of the normally scheduled open date of the first season” so that emergency season adjustments do not change the regulatory year of a hunt.

The shortened regulatory year for transitioning should prevent any hunts from having to occur twice in a regulatory year. Some hunts will “skip” a regulatory year but would still be held at their usual time. In the example above there would be no 2018 DB132, however it would still occur and be listed as a 2019 hunt.

Comments:



We oppose Proposal 3 to change Regulatory Year to calendar year. Changing regulation to calendar year would make it difficult to monitor and/or modify hunting/trapping bag limits since their season runs through the winter, Proposal 3 would also cause confusion to hunters, disrupt to State management practices as their fiscal year mirrors the regulatory year, but it would also be costly to the State of Alaska. Since the Alaska Board of Game does not have authority to make regulatory changes that require the State to incur additional costs, we oppose Proposal 3.

PROPOSAL 4 – 5 AAC 92.990(a)(26). Definitions. By Native Caucus of the Alaska Migratory Bird Co-Management Council. Change the definition of edible meat for large game birds as follows:

Regulation change:

5 AAC 92.990. Definitions.

(26) "edible meat" means, in the case of a big game animal, except a bear, the meat of the ribs, neck, brisket, front quarters, hindquarters, and the meat along the backbone between the front and hindquarters; in the case of a bear, the meat of the front quarters and hindquarters and meat along the backbone (backstrap); in the case of small game birds, except for cranes, geese, and swan, the meat of the breast; in the case of cranes, geese, and swan, the meat of the breast, **back, wings, gizzard, and heart** and meat of the femur and tibia-fibula (legs and thighs); however, "edible meat" of big game or small game birds does not include meat of the head, meat that has been damaged and made inedible by the method of taking, bones, sinew, incidental meat reasonably lost as a result of boning or a close trimming of the bones, or viscera;

Comments:

We support Proposal 4 to change the definition of edible meat for large game birds to add back, wings, gizzard and heart to the list. There is prized edible meat on back of large game birds, and the heart and gizzard are edible. Wings should be used for dancing feathers, and other traditional adornment practices. Excluding back, wings, gizzard, and heart from the definition of edible meat in large game birds, a lot of meat and other harvestable parts of the birds are wasted.

PROPOSAL 5 – 5 AAC 92.990. Definitions. Alaska Department of Fish and Game. Change the definition of a moose antler point/tine as follows:

5 AAC 92.990(a)(13) "brow tine" means a tine emerging from the first branch or brow palm on the main beam of a moose antler; the brow palm is separated from the main palm by a wide bay; a tine originating in or after this bay is not a brow tine; **an antler point or tine originating within two inches from the base, and less than three inches in length, will not be counted as a brow tine;**

5 AAC 92.990(a)(46) "moose antler" definitions:

- (A) "50-inch antlers" means the antlers of a bull moose with a spread of 50 inches or more measured in a straight line perpendicular to the center line of the skull;
- (B) "spike-fork antlers" means antlers of a bull moose with only one or two tines on at least one antler; **[AN ANTLER POINT OR TINE ORIGINATING WITHIN TWO INCHES FROM THE BASE, AND LESS THAN THREE INCHES IN LENGTH, WILL NOT BE COUNTED AS A**



TINE,] male calves are not considered spike-fork bulls; **spike-fork bulls can be either spike and/or fork configuration;**

(C) “spike” means antlers of a bull moose with only one tine on at least one antler; for the purposes of this subparagraph, male calves are not considered spike bulls;

(D) **“fork” means antlers of a bull moose with only two tines on at least one antler;**

5 AAC 92.990(a)(61) “point” means any antler projection that is at least one inch long, and that is longer than it is wide, measured one inch or more from the tip; **an antler point or tine originating within two inches from the base, and less than three inches in length, will not be counted as a tine;**

5 AAC 92.990(a)(80) “tine” has the same meaning as “point”;

Comments:

We support Proposal 5 to change antler tine and spike-fork bull definition to make it easier for hunters to distinguish legal bull moose from an illegal bull moose. Tines should be more three inches in length and two inches from the base so that hunters can easily determine antler size. The spike-fork bull definition will add clarity to the definition when adding that the antlers “can be either spike and/or fork configuration”, rather defining legal configuration based on the current tine definition.

Unlawful Methods

PROPOSAL 6– 5 AAC 92.095. Unlawful methods of taking furbearers; exceptions.

By Copper Basin Fish and Game Advisory Committee. Allow the incidental take of up to two furbearers per year during an open season for other furbearers as follows:

Either:

"Allow two (2) total incidental furbearer catch by trapping per licensed trapper per year for any species that have a "no limit" bag limit. The incidental closed season catch must have been taken in traps set for a species that still has an open season.

Or:

"If a trapper incidentally takes a furbearer during a closed season in a trap that is set for a furbearer species that is still open, the Department of Fish and Game (ADF&G) may issue a total of two (2) incidental take tags per licensed trapper per year only for species that have a "no limit" bag limit. The trapper must report these within 30 days to ADF&G for tagging, and sealing if required. The trapper may then keep the incidentally taken furbearer.

Comments:

We support Proposal 6 to allow trappers to keep up to two incidentally caught furbearers while using a trap. Sometimes trappers incidentally catch furbearing species whose season is closed while trapping for those with an open season. Not only does Proposal 6 reduce wanton waste, the income from trapping supplements the trapper’s household and allows them to provide for



themselves and their families. Trappers in rural areas need to have the extra income. If the fur is not sold for cash, the incidental harvest could be used for clothing.

PROPOSAL 7– 5 AAC 92.095 Unlawful methods for taking furbearers; exceptions. By John Frost. Allow the use of bow and arrow to harvest beaver under a trapping license statewide as follows:

Allow harvest of beaver with bow and arrow statewide.

Comments:

We oppose Proposal 7 that seeks to allow the use of a bow and arrow to harvest beaver under a statewide trapping license. Litters of beavers may be incidentally injured when arrows are shot into water. Arrows may not be recovered which poses a risk to other resource users (i.e. summer outdoor enthusiasts). The unrecovered arrows may also harm beavers, migratory birds, and wild game who use the waterways.

Note: Alaska Statute 16.05.783 only allows same day airborne taking of wolves and wolverine as part of a predator control program authorized by the Board of Game.

PROPOSAL 8 – 5 AAC 92.095. Unlawful methods for taking furbearers; exceptions. By John Frost. Remove the same day airborne restrictions for taking wolf and wolverine with a trapping license as follows:

Allow shooting a wolf or wolverine during trapping season on the same day airborne as long a person is more than 300 feet from his airplane and has a trapping license.

Comments:

No comments. Alaska Board of Game does not have authority to adopt this proposal.

PROPOSAL 9 – 5 AAC 92.090. Unlawful methods of taking fur animals; and 92.095. Unlawful methods of taking furbearers; exceptions. By

Upper Tanana/Fortymile Fish and Game Advisory Committee. Modify the land and shoot requirements for harvesting coyotes as follows:

5 AAC 92.090. Unlawful methods of taking fur animals ...

(3) a person who has been airborne may not take or assist in taking a fur animal, **except coyotes**, until after 3:00 a.m. following the day in which the flying occurred; this paragraph does not apply if the person is at least 300 feet from the airplane at the time of taking.

and

5 AAC 92.095. Unlawful methods of taking furbearers; exceptions ...

(8) a person who has been airborne may not use a firearm to take or assist in taking a wolf or wolverine until after 3:00 a.m. on the day following the day in which the flying occurred; or in



taking [A COYOTE,] arctic fox, red fox, or lynx, unless that person is over 300 feet from the airplane at the time of the taking; this paragraph does not apply to a trapper using a firearm to dispatch an animal caught in a trap or snare;

Comments:

We support Proposal 9 to “modify the land and shoot requirements for harvesting coyotes”.

The Department does not count coyotes, however, as of late, hare populations have been favorable to abundant coyotes populations. Hare and coyote populations can be correlated and, since hare populations are now at a peak, it is likely that coyote populations are as well.

PROPOSAL 10 – 5 AAC 92.085(8). Unlawful methods of taking big game; exceptions. By Mike McCrary. Repeal the restrictions on the use of aircraft for taking big game as follows:

Repeal 92.085(8) or Repeal (A), (D), and (G).

Comments:

We oppose Proposal 10 to repeal 92.058(8) or repeal (A), (D), and (G) as a Statewide proposal. Each region has different regulations regarding same day airborne take of big game. This proposal should not be a statewide proposal. Taking of wolverine and wolf with use of aircraft while hunting or trapping will be eliminated with the way this proposal is written.

PROPOSAL 11 – 5 AAC 92.085(8). Unlawful methods of taking big game; exceptions. By Alaska Professional Hunters Association.

Modify the restrictions on the use of aircraft for sheep hunting as follows:

5 AAC 92.085 Unlawful methods of taking big game; exceptions...(8) a person who has been airborne may not take or assist in taking a big game animal until after 3:00 a.m. following the day in which the flying occurred, and from August 10 – September 20 aircraft may not **intentionally approach any sheep or group of sheep closer than 1000 feet, or repeatedly approach them in a manner that results in them altering their behavior.** [BE USED BY OR FOR ANY PERSON TO LOCATE DALL SHEEP FOR HUNTING OR DIRECT HUNTERS TO DALL SHEEP DURING THE OPEN SHEEP HUNTING SEASON, HOWEVER, AIRCRAFT OTHER THAN HELICOPTERS MAY BE USED BY AND FOR SHEEP HUNTERS TO PLACE AND REMOVE HUNTERS AND CAMPS, MAINTAIN EXISTING CAMPS, AND SALVAGE HARVESTED SHEEP.] **This prohibition does not intend to prohibit any flight maneuvers that are necessary to make an informed and safe landing in the field.**

Comments:

No comment, see comments under Proposal 12.



PROPOSAL 12 – 5 AAC 92.085(8). Unlawful methods of taking big game; exceptions. By Jack Frost. Remove the restrictions on the use of aircraft for sheep hunting as follows: Simply rescind the regulations created by passing the Board of Game generated Proposal 207.

Comments:

We support Proposal 12 to “repeal 92.085(8), restrictions on the use of aircraft for taking sheep because law enforcement would be challenged to enforce the use of aircraft while hunting for sheep. Transporting hunters to sheep hunting camps or to leave their sheep hunting camps with an aircraft is allowed. No one will know if hunters are hunting sheep or not, this regulation cannot be enforced. Pilots may have to circle several times to land aircraft safely, which could be determined to be a violation. To law enforcement officials, it may appear that the hunters are spotting sheep and it would difficult to determine an illegal act in court.

PROPOSAL 13– 5 AAC 92.080(7). Unlawful methods of taking game; exceptions. By Alaska Wildlife Troopers. Clarify the regulation that prohibits the use of a “cellular or satellite telephone” to take game as follows:

Current regulation states that you may not use a “cellular or satellite telephone” to take game. Possible solutions might be that the use of cellular or satellite devices are exempted for certain use. Other possibilities might include re-affirming that cellular or satellite phones cannot be used for any reason to take game.

Comments:

We support Proposal 13 to clarify “regulation that prohibits the use of a cellular or satellite telephone to take game”. . Community Subsistence Hunters have to report a moose harvest within 24 hours so they should be allowed to call ADF&G to report, if they want to continue to hunt for other species.

Since law enforcement currently has a problem interpreting this regulation, it can be assumed that hunters do as well. Making regulations clear to everyone would make this regulation understandable by all and therefore enforceable.

PROPOSAL 14– 5 AAC 92.080(7). Unlawful methods of taking game; exceptions. By Stephanie McCabe. Prohibit the taking of bears in dens as follows:

The solution would be to stop the innocent slaughter of bears and their cubs in their dens.

Comments:

We oppose Proposal 14. While we do not kill cubs and female bear with cubs during winter months, Interior Athabascans do as a customary and traditional practice. The Interior Athabascans should be able to continue their way of life to harvest bears during the winter months.

PROPOSAL 15– 5 AAC 92.260. Taking cub bears and female bears with cubs prohibited.
By



Alaska Chapter One Protest

Remove the exception for taking cub bears and female bears with cubs as follows:

Taking cub bears and female bears with cubs prohibited: A person may not take a cub bear or a female bear accompanied by a cub bear. [, EXCEPT THAT A BLACK BEAR CUB OR A FEMALE BLACK BEAR ACCOMPANIED BY A CUB BEAR MAY BE TAKEN BY A RESIDENT HUNTER

(1) UNDER CUSTOMARY AND TRADITIONAL USE ACTIVITIES AT A DEN SITE

(A) FROM OCTOBER 15 THROUGH APRIL 30 IN (I) UNIT 19(A);

(II) UNIT 19(D), THAT PORTION OF THE KUSKOKWIM RIVER DRAINAGE UPSTREAM FROM THE SELATNA AND BLACK RIVER DRAINAGES; (III) UNITS 21(B), 21(C), AND 21(D); AND

(IV) UNIT 24; AND (B) FROM DECEMBER 1 THROUGH THE LAST DAY OF FEBRUARY IN UNIT 25(D); AND

(2) FROM JULY 1 THROUGH NOVEMBER 30 AND MARCH 1 THROUGH JUNE 30 IN UNIT 25(D).]

Comments:

We oppose Proposal 15. While we do not kill cubs and female bear with cubs during winter months, Interior Athabascans do as a customary and traditional practice. The Interior Athabascans should be able to continue their way of life to harvest bears during the winter months.

PROPOSAL 16– 5 AAC 92.085. Unlawful methods of taking big game; exceptions. By Val Gamerman, Allow the use of high-powered air guns during regular firearms and muzzleloader big game hunting seasons as follows:

Define high-powered air guns as the following:

- “Air gun” means a device that launches a pellet or bullet or other projectile like an arrow through the use of compressed air.
- Minimum .357 minimum caliber
- Minimum muzzle energy of 100 foot pounds (FPE)

Expressly allow using high powered air guns during regular firearms and muzzleloader hunting seasons.

Comments:

We oppose Proposal 16 to “allow the use of high-powered air guns during regular firearms and muzzleloader big game hunting seasons”. Air guns, defined as a minimum .357 minimum caliber muzzleloader rifle, should not be hunting rifles. Other high powered rifles are more than sufficient for hunting. Wounding large game will occur if high-powered air guns are allowed when hunting.



PROPOSAL 17– 5 AAC 92.085. Unlawful methods of taking big game; exceptions. By The Alaskan Bowhunters Association.

Prohibit the use of airbows for taking big game as follows:

You may NOT take big game with an “airbow,”

Or, "Airbows" are not legal for use in any archery only area, archery season or special archery hunt.

Comments:

We support Proposal 17 to “prohibit the use of airbows for taking big game”. Another method of using bow and arrows isn’t necessary for hunting hunt big game and air bows may cause wounding of big game, in which wanton waste will become more prevalent. Allowing more archery will create additional special weaponry hunts.

Falconry (Proposals 18-23)

Hunting Permits & Harvest Tickets (9 Proposals)

PROPOSAL 24– 5 AAC 92.044(10). Permit for hunting bear with the use of bait or scent lures. By Aaron Bloomquist. Define the term “equipment” for bear baiting as follows:
5 AAC 92.044. Permit for hunting bear with the use of bait

(10) a permittee must remove bait, litter, and equipment from the bait station site when hunting is completed; **for the purposes of this section "equipment" is defined as barrels, tree stands, game cameras, and other items that may be left in the field for use at a bear bait station. Tree stands may be left in the field year-round with permission of the landowner or land manager.**

Comments:

We oppose Proposal 24 to determine define "equipment" as barrels, tree stands, game cameras, and other items that may be left in the field for use at a bear bait station. Tree stands may be left in the field year-round with permission of the landowner or land manager”. All equipment must be removed from bait station. Garbage will soon be left in the field if the Board of Game passes this proposal. Bear baiters shouldn’t be allowed to leave barrels, tree stands and game cameras or other items in the field.

PROPOSAL 25– 5 AAC 92.010. Harvest tickets and reports. By Dan Montgomery. Require harvest tickets for all brown bear hunts statewide as follows:

Create a harvest ticket for brown bear and require it to hunt them statewide.

Comments:



We oppose Proposal 25 to “require harvest ticket for brown bears on a statewide basis”. Permits work fine. Each region in the State is different and regulations should be flexible to fit the resource and management in each region.

If the regulation were revised, it would State funding would be needed to set up a statewide harvest ticket system for brown bears. ABOG doesn’t have authority to pass regulations that cause the State to incur costs.

PROPOSAL 26– 5 AAC 92.050. Required permit hunt conditions and procedures. By Frank Noska IV. Animals harvested under auction and raffle permits will not count against the regular bag limit as follows:

Amend 5 AAC 92.050 to include a new subsection to read:

Permits issued under AS 16.05.343 do not count against the regular bag limit for nonresidents or residents for any big game species.

Comments:

We support Proposal 26 with amendment to allow “permits issued under AS 16.05.343 do not count against the regular bag limit for residents for any big game species”. Auction and raffle permits should not count against regular bag limit for residents. Auction and raffle permits should, however, count against nonresidents. Nonresidents make a decision to purchase hunting harvest tickets and they do so for the pleasure they take in hunting. The great majority, if not all of the Lower 48 hunters take their wild game trophy home with them and leave the meat here in Alaska. They do not need the meat (as evidenced by their practice), which means they don’t need to have more than one opportunity to harvest wild game in Alaska.

(Proposal 27-28 Drawing permit proposals)

Note: The Board of Game repealed this requirement at the February 2017 Interior/Northeast Arctic Region Meeting.

PROPOSAL 29– 5 AAC 92.130. Restrictions to bag limit. By Christ Harper. Remove the bag limit restriction for resident relatives accompanying nonresident relatives within the second degree of kindred as follows:

I ask the Board of Game to remove this "shared bag limit" restriction.

Comments:

No comments on Proposal 29, ABOG took action on “shared bag limit” at the February 2017 Interior/Northeast Arctic Regional Meeting.

PROPOSAL 30-37/40 Drawing Permit Proposals



PROPOSAL 38 – 5 AAC 92.130. Restrictions to bag limit. By Lewis Bradley. Implement a sliding scale bag limit for Dall sheep hunting for residents as follows:

I propose a resident sliding scale harvest based on age of the ram harvested such as: A Resident Ram Harvest Age Index. If a harvested ram is ten years or older, the hunter may hunt sheep the following year. If the ram is nine years old, the hunter cannot hunt sheep the following year (sits out a year). If the ram is eight years old, the hunter cannot hunt sheep for the next two years (seasons). If the ram is seven years old, the hunter cannot hunt sheep for three years. If the ram is six years or younger, the hunter cannot hunt sheep for five years. In each case, age is the criterion for when they may get a tag to hunt sheep again, regardless of whether it is full curl or not. Full curl would still apply for a legal sheep and because of the sliding scale penalizing hunters for taking younger rams even though legal by full curl standards or the eight annuli requirements, hunters would be more selective in order to be able to hunt without a break. This does not directly diminish hunter opportunity, but requires hunters to select towards older rams that are more likely to succumb to winter mortality.

The positives from such a system are: 1. Creates more selectivity, 2. Leaves more sheep on the mountain, 3. Encourages shooting older rams, 4. Strongly discourages shooting of sub-legal and younger rams, 5. Those that choose to harvest a young ram that is legal by full curl standards, shoot knowing that if it has less than ten annuli, they will have to sit out X number of years depending on the age of the ram. This will help towards leaving more mature rams on the mountain and allow some rams that become large at a younger age to possibly survive another year or two. 6. It still allows opportunity based on choice by the hunter and may help with crowding since some will be sitting out for having harvested a younger ram. 7. It could also be managed such that when a hunter harvests a sub-legal ram which is his first ram ever harvested, he could keep the ram provided it was over 7/8 curl and at least seven years of age. This is more lenient than the current regulation, but would only apply for a hunter's first ram. This would cut down on litigation for the state, help keep from having rams left in the field, create better relations with new hunters and at the same time be restrictive since they will have to sit out a number of years based on the ram's age. To further cut down on hunters leaving sheep in the field, convicted offenders of such an offense would receive a lifetime ban on hunting Dall sheep in Alaska.

If this Age Index Harvest Scale seems too harsh, the age side could be slid up one notch to read: If a hunter harvests a nine year or older ram, the hunter would be eligible to hunt sheep the following year, etc., but I personally would prefer the original scale. If this scale approach appears to have merit, relaxing it would be better than discarding it altogether.

Finally, and this has nothing to do with this proposal, but does address nonresidents harvesting fewer rams than they currently harvest, which is 45% some years. It is time that the GCP (Guide Concession Program) be resurrected and supported by such organizations as RHAK (Resident Hunters of Alaska), APHA (Alaska Professional Hunter's Association) and WSF (Wild Sheep Foundation), and get HB 158 passed. This would give the needed control of too many guides in an area and unlimited harvest by nonresidents. I believe the only way to avert going to an all draw for sheep is to go to the age index I am proposing and having a Guide Concession Program. If we do nothing and go to an all-draw for sheep, everyone loses. Nonresidents will go to a



percentage allocation and residents will seldom draw the area they really would like to hunt. We have all been too selfish and the time has come to act responsibly for the sake of the resource and quit being greedy.

Comments:

We do not support Proposal 38 to “Implement a sliding scale bag limit for Dall sheep hunting for residents”. Proposal 38 is too complicated and isn’t necessary. Furthermore, it is doubtful that this regulation modification will help the Dall sheep ram populations or hunters. Age of rams will not alleviate complications, it will only ambiguity to the regulations and confusion in the field.

PROPOSAL 39– 5 AAC 5 AAC 92.130. Restrictions to bag limit. By Aaron Bloomquist. Implement a sliding scale bag limit for Dall sheep hunting for residents and nonresidents as follows:

5 AAC 92.130. Restrictions to bag limit

Modify the statewide Dall sheep bag limit as follows

(k)Statewide Dall sheep bag limit, unless otherwise provided in 5 AAC 85-92: One “full-curl ram” ten years old or older annually, however, if the ram taken is under ten

<u>years old</u>	<u>Years off from</u>	Nonresidents
<u>sheep hunting</u>	Residents	
9 year old	1	4
8 year old	2	6
7 year old	3	8
6 years or younger	4	10
Any sub legal	5	lifetime

Comments:

We do not support Proposal 39 to “Implement a sliding scale bag limit for Dall sheep hunting for residents”. Proposal 39 is too complicated and isn’t necessary. Furthermore, it is doubtful that this regulation modification will help the Dall sheep ram populations or hunters. Age of rams will not alleviate complications, it will only ambiguity to the regulations and confusion in the field.

(Proposal 40 Drawing Permit Proposal)

PROPOSAL 41– 5 AAC 92.012. Licenses and tags. By Native Caucus of the Alaska Migratory Bird Co-Management Council. Exempt rural subsistence hunters from the requirements for obtaining a waterfowl conservation tag as follows:



The Native Caucus of the Alaska Migratory Bird Co-Management Council (AMBCC) would like the Alaska Board of Game to consider establishing an exemption from the regulation requiring all hunters under the age of 18 to purchase an Alaska Waterfowl Conservation Tag (State Duck Stamp). This would exempt rural Alaska subsistence hunters from having to purchase the waterfowl conservation tag in order to participate in the federal spring-summer subsistence harvest season for migratory birds.

Comments:

We support Proposal 41 to exempt rural subsistence hunters in certain areas in the State of Alaska who are over the age of 18 from the requirement to purchase a waterfowl conservation tag where spring/summer subsistence hunts occur. Alaska Natives have customary and traditionally hunted migratory birds to supplement food sources. Under federal management Alaska Natives do not have to purchase waterfowl conservation tags so the State of Alaska should change their regulations to regulations mirror the federal regulations and to exempt rural hunters from purchasing duck stamps in certain areas in the State of Alaska, where summer/spring hunt occurs.

PROPOSAL 42 – 5 AAC 92.069. Special provisions for moose drawing permit hunts; 92.XXX. New regulation. By Resident Hunters of Alaska. Remove the nonresident guide requirement for moose and black bear hunts as follows:

Remove moose and black bear from the list of must-be-guided species.

Comments:

We oppose Proposal 42 to “remove the nonresident guide requirement for moose and black bear hunts”. Nonresident hunters should have a guide to hunt moose and black bear. Nonresident hunters need to have a guide to hunt large game with to ensure safety of other hunters in the field as well as the safety for the nonresident hunters and the resources sought after.

PROPOSAL 44 – 5 AAC 92.011. Taking of game by proxy. By Becky Schwanke. Allow the take of moose by proxy in moose hunts having antler restrictions as follows:

Allow proxy hunting for antler restricted Bull Moose hunts statewide.

Comments:

We oppose Proposal 44 to allow the take of moose by proxy in moose hunts having antler restrictions on a statewide basis. Proxy hunting in some regions of the State of Alaska could be allowed, but not in Game Management Unit 11 or Game Management Unit 13.

Hunters that drive to rural hunting areas to hunt may abuse the system by over-harvesting moose. Proxy hunting regulations were changed several years ago because hunters proxy hunted for many people, and often over-harvested caribou and moose.



In 2017 the BOG decided not to repeal the regulatory requirement that Tier I caribou hunters in GMU 13 may only hunt for moose in GMU 13. Many people proposed eliminating this restriction because they thought that it would reduce moose hunting crowding and pressure in GMU 13. Data showed that it was the opposite. Allowing proxy hunters in GMU 13 to harvest moose will not alleviate hunter impact in GMU 13. It will undoubtedly increase hunters in the field.

Possession & Transportation (5 Proposals)

PROPOSAL 45– 5 AAC 92.171. Sealing of horns and antlers. By Homer Fish and Game Advisory Committee. Require antlers be sealed for all antler restricted hunts as follows:

All moose hunters in areas where there are antler restrictions must have horns sealed and measured by ADF&G or authorized representative within (x) days of harvest.

Comments:

We oppose Proposal 45 to “require antlers be sealed for all antler restricted hunts” on a statewide basis. Only in sub-regions of the State of Alaska where regulations are in place for antler restriction hunts should hunters be required to have antlers sealed by the Department of Fish and Game. Each region in the State of Alaska has different hunting regulations that is suitable for their region. This proposal is one that is not a fit for all regions in the State of Alaska.

PROPOSAL 46– 5 AAC 92.135. Transfer of possession. By Upper Tanana/Fortymile Fish and Game Advisory Committee.

Modify the transfer of possession regulations as it pertains to guided and transported hunters as follows:

Add a section (d) to 5 AAC 92.135: (d) When a licensed guide or transporter, who is under contract by a person (hunter), possesses game taken by that person (hunter), for the purpose of transportation, that game will be considered to remain in the possession of that person (hunter).

Comments:

We are neutral on Proposal 46 to “modify the transfer of possession regulations as it pertains to guided and transported hunters. Big Game Commercial Services Board (BGCSB) has regulations in place regarding transporting wild game meat. Proponent should work with BGCSB to refine regulations on transporting wild game.

Under Big Game Commercial Services Regulations, 12 AAC 75.440. (8) Professional Ethics Standards for Providers of Transportation Services, it states that Transporter shall “endeavor to transport all meat of animals taken by clients, in accordance with state statutes and regulations”.

PROPOSAL 47– 5 AAC 92.135. Transfer of possession. By Alaska Professional Hunters Association.



Modify the transfer of possession regulations as it pertains to guided and transported hunters as follows:

(a) Unless the person who took the game is accompanying the person possessing the game, until all salvage is completed as required under this chapter, a person who gives or receives game or a part of game shall immediately furnish, upon demand by a peace officer a statement signed by [BOTH] either [PARTIES] party describing the following:

(1)The names and addresses of each person who gave or received the game;

(2)When and where the game was taken;

(3)What game or part of game was transferred; and

(4)The hunting license number of the person who took the game.

(b)Upon receipt of game or a part of game, the recipient shall then be responsible to salvage the edible meat for human consumption.

(c)A person giving, shipping, or receiving game or parts of game shall allow inspection of that game or parts of game upon request from a peace officer of the state or a federal fish and wildlife agent.

Comments:

See comments under Proposal 46.

Note: The Board of Game does not have authority to impose regulations upon guides.

PROPOSAL 48 – 5 AAC 92.135. Transfer of possession. By Resident Hunters of Alaska.

Modify the transfer of possession regulations to include reporting requirements as follows:

We would like the Board of Game to consider other options as well, but here is one solution:

Amend 5 AAC 92.135 to include a new subsection:

(d) if the meat from a guided hunter is transferred, a record must be kept by the guide of all transfers and turned into the Department of Fish & Game within 30 days of the close of the season.

Comments:

No comment, guided hunts are under authority of Big Game Commercial Services Board.

PROPOSAL 49– 5 AAC 92.031. Permit for selling skins, skulls, and trophies; and 92.200.

By Alaska Department of Fish and Game. **Purchase and sale of game.** By Alaska Department of Fish and Game.



Require a permit before brown bear skulls and hides with claws attached can be sold as follows:

5 AAC 92.031 is amended by adding a new section to read:

(g) a person may sell, advertise, or otherwise offer for sale a brown bear skull or hide with claws attached of a brown bear harvested in an area where the bag limit is two bears per regulatory year only after obtaining a permit from the department.

5 AAC 92.200(b)(1) is amended to read:

(1) any part of a brown bear, except an article of handicraft made from the fur of a brown bear; [,] and except skulls and hides with claws attached of brown bears harvested in areas where the bag limit is two bears per regulatory year **by permit issued under 5 AAC 92.031;**

Comments:

We support Proposal 49 to “require a permit before brown bear skulls and hides with claws attached can be sold by permit issued under 5 AAC 92.031(g) - a person may sell, advertise, or otherwise offer for sale a brown bear skull or hide with claws attached of a brown bear harvested in an area where the bag limit is two bears per regulatory year only after obtaining a permit from the department.

Loop hole in regulations should be changed so Alaska Department of Fish and Game can keep track of brown bear’s hides and skulls that are sold. Unlawful selling of brown bear’s skull and hides may occur if regulations are not changed.

Intensive Management & Predation Control Areas (2 Proposals)

Note: The Board of Game cannot adopt a regulation that is inconsistent with state statute. Alaska Statute 08.54.750(e) states that guides can only conduct hunts for the big game species identified by the Board of Game as the cause of the depletion or reduction of productivity of a big game prey population.

PROPOSAL 50 – **5 AAC 92.116. Special provisions in predation control areas.** By Aaron Bloomquist. Provide clarification for allowing guides to register additional guide use areas for taking predators, and to restrict the take of predators in those guide use areas as follows:

Provide clarification for the "extra guide use area provision" in AS 08.54.750 as follows:

5 AAC 92.116. Special provisions in predation control areas.

...

(e)A guide may register extra guide use areas under AS 08.54.750(f) in all IM program areas, and for all predator species within the “game management unit or portion of a game management unit where the Board of Game has identified predation by wolf, black bear, brown bear, or grizzly bear as a cause of the depletion of a big game prey population or a



reduction of the productivity of a big game prey population”; unless the board specifically eliminates an area or species within an area from this provision.

(1)Unit 9, brown bear may not be taken in an extra guide use area under AS 08.54.750(f)

(2) Units 7 and 15, brown bear and black bear may not be taken in an extra guide use area under AS 08.54.750(f)

Comments:

No comments. Alaska Board of Game does not have authority to change “extra guide use area provision in AS 08.54.750.

PROPOSAL 52 – 5 AAC 92.106. Intensive management of identified big game prey populations; 92.110. Control of predation by wolves; and 92.115. Control of predation by bears. By Resident Hunters of Alaska. Prohibit nonresident hunting of moose and caribou under intensive management until harvest and population objectives are met as follows:
Nonresident hunting shall not be allowed for any moose or caribou population under a current Intensive Management Predation Control Program until the minimum Intensive Management population or harvest objectives for that population has been reached.

What is the issue you would like the board to address and why? Nonresident hunting opportunity in areas under Intensive Management Predation Control Programs.

Intensive Management (IM) Predation Control Implementation Programs to restore the abundance of prey species as necessary to achieve human consumptive use goals are intended to benefit resident Alaskans.

Resident Hunters of Alaska supports IM efforts to achieve these goals.

Comments:

We oppose Proposal 52 to prohibit nonresident hunting of moose and caribou under intensive management until harvest and population objectives are met. It is unlawful for ABOG to consider opening a subsistence hunt, after determining that IM population has been met. We have customary and traditional uses and subsistence preference over moose and caribou. Also moose and caribou hunting seasons in Alaska are longer just for residents than Nonresidents. Resident hunters have less moose antler restrictions than Nonresident moose hunts.

Cultural & Subsistence Uses (7 Proposals)

PROPOSAL 53 – 5 AAC 99.025(a)(12). Customary and traditional uses of game populations. By Alaska Department of Fish and Game. Reevaluate the customary and traditional use finding for migratory game birds statewide as follows:



The proposal requests that the Board of Game (board) review the information provided in the customary and traditional use worksheet provided by ADF&G as well as other available information, including information from the public, to determine if populations of migratory game birds (ducks, geese, swans, snipe, and cranes) statewide support customary and traditional subsistence uses. If a positive determination is made, the regulation would read as follows:

5 AAC 99.025. Customary and traditional uses of game populations (a)

SPECIES & UNIT FINDING AMOUNT REASONABLY

**NECESSARY FOR
SUBSISTENCE USES**

(12) Small Game

(X)Migratory game birds positive

All units with a harvestable portion except within the nonsubsistence areas as defined in 5 AAC 99.015.

Comments:

We support Proposal 53 to have the ABOG determine a positive finding for migratory birds on a statewide basis, except within the non-subsistence areas as defined in 5 AAC 99.015.

Geese, ducks and swans and other migratory birds are customary and traditional food sources to all Alaska Natives. We have hunted and killed migratory birds to supplement food sources. We use feathers for dancing, eat the gizzards, head and meat of migratory birds.

PROPOSAL 54– 5 AAC 92.070. Tier II subsistence hunting permit point system. By Kenneth Manning. Modify the Tier II subsistence hunting permit point system as follows:

Eliminate the Tier II eligibility rural preference application point-scoring questions on:

1. Location of purchase of most of applicant's gasoline and groceries during the last year; and
2. Number of days in the local hunt area spent on subsistence activities.

Change to: (1) Eligibility questions on number of the applicant's related **living**-generations that have and will benefit from applicant's subsistence harvests; and

(2) applicant's total reliance and dependency on all their subsistence use activities no matter where applicant does subsistence hunt-fish-pick berries in the state; and

(3) the number of years the applicant has hunted or applied for this particular Tier II hunt; based on the following:

(1)Count each living generation as one each for applicant and spouse, plus one generation for children, plus one for grandchildren, plus one for parents of applicant, plus one for grandparents, plus one for great grandparents, plus one for great grandchildren, plus one for generation of



living nieces and nephews, and plus one great nieces and nephews. This will help assure compliance with 5 AAC 99.010 defining long-time customary and traditional subsistence use of at least one generation, i.e., ten years or more.

(2) Consider all the subsistence activities use days for all hunt-fish-pick berries subsistence reliance and dependency of the applicant, no matter where applicant lives in the state or exercised subsistence use rights.

(3) Consider applicant's number of years for hunting or applied for the Tier II species hunt being applied for, along with any other Tier II and Tier I general hunts for other big game species hunted or applied for and used for subsistence reliance and dependency.

Comments:

We oppose Proposal 54 to modify Tier II questions on "location of purchase of most of applicant's gasoline and groceries during the last year and number of days in the local hunt area spent on subsistence activities".

ABOG must implement Tier II for a wildlife population when there is not enough harvestable surplus to provide a reasonable opportunity for all subsistence uses of that population. The subsistence statute requires that eligibility for a Tier II permit shall be based on 2 criteria: (i) the customary and direct dependence on the Tier II game population by the subsistence user for human consumption as a mainstay of livelihood; and the ability of the subsistence user to obtain food if subsistence use is restricted or eliminated. The scoring system in this proposal would not accurately, fairly or legally measure these statutory criteria.

We oppose allowing points for each living generation to apply to Tier II subsistence hunting permit point system. The current regulatory scoring system measures "customary and direct dependence on the game population by the subsistence user for human consumption as a mainstay of livelihood" far more accurately than how many living relatives an applicant has.

Obtaining points for living relatives for Tier II subsistence hunting permit points just doesn't make sense. It would be unfair, if grandparents have passed on for a few individuals, while other households may still have living grandparents. Or if a parent or parents have also passed, some applicants would not receive points for deceased relatives.

The proposal's suggestion to "consider all the subsistence activities use days for all hunt-fish-pick berries subsistence reliance and dependency of the applicant, no matter where applicant lives in the state or exercised subsistence use rights" does not measure the customary and direct dependence for subsistence uses on the wildlife population that is the subject of Tier II scoring. Measuring dependence on a moose population in a different hunting GMU does not measure dependence for the moose population that is the subject of the application. Moreover, the proposal mistakenly asks that the current scoring system be applied no matter where an applicant lives and that is of course exactly how the regulations are implemented now, residence is not a factor.

The proposal's third suggestion suffers from the same problem in suggesting that hunting for any population statewide should count for measuring dependence on the particular moose population



at issue. Considering how many years an applicant has applied for Tier II and other Tier I or Tier II hunt does not prove reliance and dependency upon the resource, it just proves that an individual has filled out a Tier I or Tier II application for an indiscriminate number of years. Also, the suggestion that only hunting be counted for scoring ignores the fact that many subsistence users fully depend on a population for their mainstay of livelihood, but may not be able to do the hunting for that population, for example elders, widows and the disabled. Instead they share in the other parts of the subsistence way of life, such as processing, sharing knowledge, teaching the youth, and in turn they share in the harvest that others in their communities provide.

Proposal 55 – 5 AAC 92.019. Taking big game for certain religious ceremonies. By Fairbanks Fish and Game Advisory Committee. Combine the regulations allowing the take of big game for religious ceremonies and ceremony potlatches as follows:

Amend: 5 AAC 92.019. Taking big game for certain religious ceremonies **and ceremony potlatches** [CEREMONIES].

- (a) The hunting and taking of game specie having a positive finding in 5 AAC 99.025, outside the seasons or bag limits established in 5 AAC 85, for use in this state as food in customary and traditional Alaska Native funerary, [OR] mortuary religious **or potlatch** ceremonies [WITHIN 12 MONTHS PRECEDING THE CEREMONY IS AUTHORIZED IF] consistent with sustained principles.
- (b)
- (c) A written permit from the department is [not] required for taking **big** game under this section, [except that in nonsubsistence areas, described in 5 AAC 99.015, and the Gulkana, Cantwell, Chistochina, Gakona, Mentasta, Tazlina, Chitina, and Kluti-Kaah Community Harvest Area defined in 5 AAC 92. 074(d),] a ceremonial **or potlatch** harvest report form, provided by the department, must be obtained and jointly completed by the hunter and the tribal chief, village council president, clan leader, traditional Native head of family, or clan leader's designee for the village associated with the customary and traditional Alaska Native funerary, [or] mortuary religious ceremony, **or potlatch.**
- (d) **the department may limit the amount of big game to be harvested**
 - (1) **by unit or area**
 - (2) **by sex**
 - (3) **females with offspring**
 - (4) **amount of big game**
 - (5) **time frame**
 - (i) **reporting of harvest big game will be reported no later than 15 days after harvest or permit requirement.**



(ii) Permit must be in possession of hunter/hunters and upon request from a peace officer of the state or authorized department person. A permittee may not refuse to present it or any big game in possession.

[(D)] Eliminate all of D.....`

(e) keep as is.....

(1) keep as is....

(2) the person must possess a valid hunting license.

[(2)] **(3)** the hunting or taking was authorized under this section and the meat was used in a customary and traditional Alaska Native funeral [OR] mortuary religious **potlatch** ceremony; and

[(3)] **(4)** if the person took big game, the requirement of (d) of this section have been met.

(g) keep (g) as is written...

Comments:

We oppose Proposal 55 to combine the regulations allowing the take of big game for religious ceremonies and ceremony potlatches. The take of big game for religious ceremonies needs to be kept separate from other ceremonial potlatches. Regulation 5 AAC 92.019 has special meaning to Alaska Natives. A potlatch is an honor a deceased person. This regulation is protected under the First Amendment of the US Constitution and Article 1, Section 4 of the Alaska State Constitution. Both laws protect the free exercise of religion. This regulation should not be combined with other ceremonial potlatches, 5 AAC 92.017, 5 AAC 92.053 and 5 AAC 92.055, each of these regulations serves a purpose, that is different from 5 AAC 92.019.

Note: The following proposal requests regulatory changes that are both statewide and specific to the Central/Southwest Region (see Proposal 98). The board will take public testimony at the November 2017 Statewide Regulations Meeting, and may defer taking final action on the proposal until the February 2018 Central/Southwest Region Meeting.

PROPOSAL 56 – 5 AAC 92.072. Community subsistence harvest hunt area and permit conditions. By Ahtna Tene Nene’.

Modify the community subsistence harvest permit conditions as follows:
Amend 5 AAC 92.072. Community subsistence hunt area and permit conditions:

Throughout the regulation the term/phrase “a resident of a community or member of a group” is used to define those participating in the community subsistence hunt (CSH). The regulations should be amended to clarify that the CSH is for “communities”, not simply any “group” of individuals who are Alaska residents. The use of the term “group” diminishes the “community” aspect of the hunt. A “group” can be those who only get together over the internet. A “group”



can consist of those who only get together once a year for a potluck that includes a dish or two containing a little moose or caribou taken by a member of the group. The use of the term “group” encourages the kind of abuse that has occurred in the CSH. It takes a “community” to practice the community pattern of C&T (customary and traditional) uses that the Board of Game (board) has set as a condition for participating in the hunt for the Copper Basin area (5 AAC 92.074(d)). Therefore, the term “group” should be stricken from the regulation and replaced when necessary with “community.”

The term “resident” should also be stricken, because a “community” of subsistence users may not all be residing in the same physical location. For example, the community composed of the eight Ahtna villages includes some Alaska residents who do not live in the area, but who continue to hunt, fish and gather subsistence resources in the area and to participate in the Ahtna customary and traditional hunting way of life, including widespread sharing, teaching traditional knowledge and values, potlatches, etc. Therefore, the term “community members” should be uniformly applied throughout the regulation when describing who is eligible to participate in the CSH. The term “residents” should be stricken.

Likewise, when describing the CSH administrator, the term “community administrator” should be used throughout the regulations. The term “group” should be deleted when the regulation references CSH administration.

Additionally amend 5 AAC 92.072. Community subsistence harvest hunt areas as follows:

(a) The commissioner or the commissioner's designee may, under this section and 5 AAC 92.052, issue community-based subsistence harvest permits and harvest reports for big game species where the Board of Game (board) has established a community harvest hunt area under (b) of this section and 5 AAC 92.074. **Prior to issuing a permit and harvest reports for the community hunt area described in 5 AAC 92.074(d), the commissioner or designee shall determine, on the basis of an application form developed by the department, that the community applying for the permit conforms with the definition of “community” set forth in section (i) of this regulation.**

...

(c) If the board has established a community harvest hunt area for a big game population, [RESIDENTS] **members** of the community [OR MEMBERS OF A GROUP] may elect to participate in a community harvest permit hunt in accordance with the following conditions:

(1)(D) make efforts to ensure that the applicable customary and traditional use pattern described by the board and included by the department as a permit condition, if any, is observed by subscribers [INCLUDING MEAT SHARING]; the applicable board finding and conditions will be identified on the permit; this provision does not authorize the community [OR GROUP] administrator to deny subscription to any community **[RESIDENT OR GROUP] member who agrees to practice the applicable customary and traditional use pattern as practiced by the community;**

...



(c)(3) in addition to the requirements of (1) of this subsection, the community [OR GROUP] representative must submit a complete written report, on a form provided by the department, for the community [OR GROUP] participating in the community harvest hunt area described in 5AAC 92.074(d), that describes efforts by the community [OR GROUP] to observe the customary and traditional use pattern described by board findings for the game populations hunted under the conditions of this community harvest permit; in completing the report, the representative must make efforts to collect a complete report from each household that is a member of the community [OR GROUP] that describes efforts by the household to observe the customary and traditional use pattern using the eight elements described in this paragraph; a copy of all household reports collected by the community [OR GROUP] representative shall be submitted to the department as a part of the representative's written report; complete reports must include information about efforts to observe the customary and traditional use pattern of the game population, as follows:

(A)Element 1: participation in a long-term, consistent pattern of noncommercial taking, use, and reliance on the game population: the number of years of taking and use of the game population; and involvement of multiple generations in the taking and use of the game population; and use of areas other than the community subsistence hunt area for harvest activities;

(B)Element 2: participation in the pattern of taking or use of the game population that follows a seasonal use pattern of harvest effort in the hunt area: the months and seasons in which noncommercial harvest activities occur in the hunt area;

(C)Element 3: participation in a pattern of taking or use of wild resources in the hunt area that includes methods and means of harvest characterized by efficiency and economy of effort and cost: costs associated with harvests; and methods used to reduce costs and improve efficiency of harvest; and number of species harvested during hunting activities;

(D)Element 4: participation in a pattern of taking or use of wild resources that occurs in the hunt area due to close ties to the area: number of years of taking and use of the game population; and involvement of multiple generations in the taking and use of the game population; and variety of harvesting activities that take place in the hunt area; and evidence of other areas used for harvest activities;

(E)Element 5: use of means of processing and preserving wild resources from the hunt area that have been traditionally used by past generations: complete listing of the parts of the harvested game that are used; and preservation methods of that game; and types of foods and other products produced from that harvest;

(F)Element 6: participation in a pattern of taking or use of wild resources from the hunt area that includes the handing down of knowledge of hunting skills, values, and lore about the hunt area from generation to generation: involvement of multiple generations in the taking and use of the game population; and evidence of instruction and training;



(G)Element 7: participation in a pattern of taking of wild resources from the hunt area in which the harvest is shared throughout the community: amount of harvest of the game population that is shared; and evidence of a communal sharing event; and support of those in need through sharing of the harvest of the game population; and

(H)Element 8: participation in a pattern that includes taking, use, and reliance on a wide variety of wild resources from the hunt area: the variety of resource harvest activities engaged in within the hunt area; and evidence of other areas used for harvest activities.

(c)(4) the department may waive the annual reporting requirement and institute a five-year reporting period for any community which has demonstrated, through reports submitted annually over a five-year period, a high degree of participation in the customary and traditional community use pattern described in board findings for the area.

...

(f) The department may disapprove an application for a community subsistence harvest permit from a community [OR GROUP] that has previously failed to comply with requirements in (c)(1) and (3) of this section. The failure to **submit a** report by the community [OR GROUP] representative under (c) [(1) AND] (3) of this section **which demonstrates, pursuant to criteria and a scoring system established by the department, that the community is observing the customary and traditional use pattern described by board findings for the game populations hunted under the conditions of this community harvest permit shall** [MAY] result in denial of a community subsistence harvest permit for the area during the following two regulatory years **for all members of the community.** The department must allow a representative the opportunity to request a hearing if the representative fails to submit a complete report as required under (c) (1) and (3) of this section. A community [OR GROUP] aggrieved by a decision under this subsection will be granted a hearing before the commissioner or the commissioner's designee, if the community [OR GROUP] representative or **a member of the community** makes a request for a hearing in writing to the commissioner within 60 days after **receiving notice from the department that the community will be denied a community subsistence harvest permit for the following year.** [THE CONCLUSION OF THE HUNT FOR WHICH THE PERSON FAILED TO PROVIDE A REPORT]. The commissioner may determine that the penalty provided under this subsection will not be applied if the community [OR GROUP] representative **or member** provides the information required on the report **sufficient to satisfy the department's requirements** and if the commissioner determines that

- (1) the failure to provide the report was the result of unavoidable circumstance; or
- (2) extreme hardship would result to the community [OR GROUP] **or member.** ...

(h) Nothing in this section authorizes the department to delegate to a community [OR GROUP] representative determination of the lawful criteria for selecting who may hunt, for establishing any special restrictions for the hunt and for the handling of game, and for establishing the terms and conditions for a meaningful communal sharing of game taken under a community harvest permit, **except that a community representative shall require participating community**



members to observe the customary and traditional use pattern described by board findings for the game populations hunted as that pattern of use is practiced by the community. ...

(i) In this section,

(2) a "community" [OR "GROUP"] is “a group **of 25 or more individuals** [OF PEOPLE] linked by a common interest in, and participation in **a consistent pattern of noncommercial taking, use, and reliance on a wide diversity of subsistence resources in** [,] an **identified** area [AND THE WILDLIFE POPULATIONS IN THAT AREA,] that **provides substantial economic, cultural or social, and nutritional elements of the subsistence way of life of the community and its members** [IS CONSISTENT WITH THE CUSTOMARY AND TRADITIONAL USE PATTERN OF THAT WILDLIFE POPULATION AND AREA AS DEFINED BY THE BOARD].

Comments:

We support Proposal 56 to change 5 AAC 92.072 to remove the terms “group and residents” add community and member, conforms to with the definition of “community” in section (i) of this regulation, require annual reporting and 5 year reporting for a community that has demonstrated C&T use patterns as found in board findings for the hunt area, scoring system and approval by Department, community failing to submit a report that meets C&T use patterns shall not participate in CSH in the following 2 years and provides for an appeal process, if a community demonstrates C&T use patterns that community will be exempted for 5 years to submit a CSH report.

Amending the regulation to clearly require participants to be a community will help ensure that the intent of the regulation, to provide a reasonable opportunity for community subsistence patterns and needs, will be met. A group of 25 that meets over an internet meet-up group will no longer be eligible. Community adds more strength to the regulation in that it shows interaction between members conforming to C&T patterns of use found in Board of Game Findings.

Community Administrators that consistently over a number of years show C&T use patterns in their annual reports should only have to report once every 5 years. Substantial evidence of conforming to 8 criteria listed in 5 AAC 92.072 should prove that community have reliance upon a variety of resources, hunt, fish and gather seasonally within the community hunt area identified by the BOG, continue to pass down knowledge on preserving, processing wild game, fish and plants, have sharing patterns, stories, and lores that are passed down from generation to generation, and use moose and caribou parts listed as listed in community subsistence hunt conditions.

There must be a means for the Department to enforce the hunt conditions if this hunt is to succeed and meet the needs of many communities in Alaska that practice this community way of subsistence life. The abuse caused by not enforcing the hunt condition erodes support for the hunt and allows abuse and “gaming” of the regulation. Enforcing the condition that an applicant is a “community” as that term is defined by the BOG is essential to prevent any group of 25 from applying and automatically participating in the CSH no matter whether there is any relationship



at all between the members. The condition that a participating community must demonstrate that is engaging in the C&T pattern of use identified by the BOG in establishing a community hunt must also be enforced, otherwise a community can simply thumb its nose, file a report that shows no compliance with this condition and hunt again next season without penalty. The failure to enforce the condition the BOG has established for this hunt has undermined the intent of the hunt and resulted in the failure to provide a reasonable opportunity for those that practice the community pattern of C&T uses. The conditions the BOG has established for the CSH should be enforced just like the conditions for all other subsistence and general hunts.

PROPOSAL 57 – 5 AAC 85.072(i)(2). Community subsistence harvest hunt area and permit conditions. By Board of Game. Change the definition of “community” or “group” for community subsistence harvest hunts as follows:

5 AAC 92.072(i)(2) is entirely repealed and readopted to read:

(2)a “community” or “group” is a mutual support network of people who routinely (at least several times each year) provide each other with physical, emotional, and nutritional assistance in a multi-generational and inter/intra familial manner to assure the long-term welfare of individuals, the group, and natural resources they depend on.

Existing 5 AAC 92.072(i)(2)

(2) a “community” or “group” is a group of people linked by a common interest in, and participation in uses of, an area and the wildlife populations in that area, that is consistent with the customarily and traditional use pattern of that wildlife population and area as defined by the board.

Comments:

We support the Board’s effort to redefine the term “community” in a way that will make it clear that a participating group is genuinely a “community” and not a sham group put together to abuse the community hunt opportunity. We suggest getting rid of the term “group” as it is unnecessary and detracts from the intent of the new definition – to clarify that participants are a “community.” We also suggest including a provision that the community members routinely interact in person rather than just through facebook to prevent the “internet community” from meeting the definition.

PROPOSAL 58 – 5 AAC 92.072. Community subsistence harvest hunt area and permit conditions; and 92.220. Salvage of game meat, furs, and hides. By Denali Fish and Game Advisory Committee. Modify the salvage requirements for moose and caribou taken under community subsistence harvest hunts as follows:

Community harvest hunts for caribou and moose must have all meat stay naturally attached to the bone.

Comments:



No comments this is already in regulation.

Note: The Board of Game does not have authority to change the Tier II scoring criteria to include nonconsumptive use per Alaska Statute 16.05.258.

PROPOSAL 59 – 5 AAC 92.072. Community subsistence harvest hunt area and permit conditions; and 92.070. Tier II subsistence hunting permit point system. By Kenneth Manning. Consider all customary and traditional uses as eligibility criteria for Tier II and community subsistence harvest hunts as follows:

Consider all customary and traditional (C&T) uses as eligibility criteria preferences for all Tier II and community subsistence harvest (CSH) permit applications.

Comments:

We oppose Proposal 59. See comments above to proposal 54. It is difficult to understand the intent of this proposal and how it would be implemented.

Tier II applies to those who have dependence on reliance upon the resource for food. It does not apply to handicrafts made from inedible parts. Making handicrafts out of inedible parts of wildlife is not a CSH hunt condition, nor should it be.

Hunter Education (1 Proposal)

PROPOSAL 60– 5 AAC 92.003. Hunter education and orientation requirements. By John Kaiser. Require hunter education for hunters 12 years of age or older, and those under 12 to be accompanied by someone who has successfully completed the course as follows:

Under 5 AAC 92.003 Hunter education and orientation requirements, and on page 13 of the Alaska Hunting Regulations it should read:

Beginning July 1, 2018, **ALL Hunters** 12 years of older must have completed a Basic Hunter Education course to hunt in the State of Alaska. Hunters under 12 years of age must be accompanied by someone who has successfully completed a Basic Hunter Education course.

Comments:

We oppose Proposal 60 to require all hunters aged 12 years and older must complete a Basic Hunter Education course to hunt in the State of Alaska. Residents of Alaska who have hunted for many years shouldn't be required to take a hunter education course. Non-resident hunters' and alien nonresident hunters should be required to take a hunter education course to protect themselves and others in the field.

Proposal 60 will increase cost to the Department, they will have to set up educational hunter course throughout the State of Alaska. Department's budget is already constrained as it is.



Permits for Possessing Live Game (4 Proposals)

PROPOSAL 61 – 5 AAC 92.029. Permit for possessing live game. By Billie Wilder. Add Lesser Hedgehog Tenrec to the list of animals allowed to be possessed without a permit as follows:

Under 5 AAC 92.029. Permit for possessing live game, section (b), I would like to see the Lesser Hedgehog Tenrec listed.

Comments:

We oppose Proposal 61 to add the Lesser Hedgehog Tenrec to the list of animals allowed to be possessed with a permit. Lesser Hedgehog Tenrecs are 5 to 6.8 inches long and weigh about 7 ounces. They could easily escape from their owner's home. One of their favorite spots is under a log which makes them difficult to find, should they escape. Since they are inactive in winter months, they would be hard to find.

Just because other similar species are on the list of animals allowed to be possessed without a permit does provide good reasoning to add them to the list as well. More and more species are being added to the list each year without good reason, other than being similar to one that is already on the list.

PROPOSAL 62 – 5 AAC 92.029. Permit for possessing live game. By Mojo's Hope/Alaska's KAAATs. Allow the release of sterilized, feral cats into the wild as follows:

This proposal is a request to change Alaska Administrative Code 5 AAC 92.029, Permit for Possessing Live Game, to remove the regulatory barrier to implement Trap-Neuter-Return (TNR) programs to manage community cat populations. Specifically, I am requesting that 5 AAC 92.029 be changed to exempt "sterilized feral cats" (under Cats/*Felis catus*) from the list of species that are prohibited from being released into the wild.

5 AAC 92.029. Permit for possessing live game.

(a) Except as otherwise provided in this chapter, or in AS 16, no person may possess, import, release, export, or assist in importing, releasing, or exporting, live game, unless the person holds a possession permit issued by the department.

(b) The following species, not including a hybrid of a game animal and a species listed in this subsection, may be possessed, imported, exported, bought, sold, or traded without a permit from the department but may not be released into the wild:

Common Name	Scientific Name
Dog	<i>Canis familiaris</i>
Cat (except sterilized feral cats)	<i>Felis catus</i>
Sheep	<i>Ovis aries</i>
Goat	<i>Capra hircus</i>
Cattle	<i>Bos taurus</i>



Oxen	<i>Bos spp.</i>
Horse	<i>Equus caballus</i>
Guinea pig	<i>Cavia porcellus</i>
Reindeer (except feral reindeer)	<i>Rangifer tarandus</i> Var.
Llama	<i>Lama peruana</i>
Alpaca	<i>Lama pacos</i>
One-humped camel	<i>Camelus dromedarius</i>
Ass	<i>Equus asinus</i> Var.
Mule	<i>Equus asinus x caballus</i>
Swine	<i>Sus scrofa</i> Var.
European ferret	<i>Mustela putorius furo</i>
European rabbit	<i>Oryctolagus cuniculus</i>
	Var.
White rat	<i>Rattus norvegicus</i> Var.
albinus	
Mice: white, waltzing, singing, shaker, piebald	<i>Mus musculus</i> Var.
Fat-tailed gerbil	<i>Pachyuromys duprasi</i>
Gerbil	<i>Gerbillus spp.</i>
Hamster (golden)	<i>Mesocricetus auratus</i>
Chinchilla	<i>Chinchilla laniger</i>
Cavy	<i>Cavia aperea</i>
Hedgehog, African Pygmy	<i>Erinaceus albiventris</i>
Chicken	<i>Gallus</i> Var.
Pigeon	<i>Columia livia</i> Var.
Any Turkey species	Subfamily Meleagridinae
Any Pheasant, Junglefowl or Coturnix species	Subfamily Phasianinae
Any Guinea fowl species	Subfamily Numidinae
Canary	<i>Serinus canaria</i> Var.
Parrot, parakeet, cockatiel, macaw, and other members of the Family Psittacidae not prohibited by federal or international law	Family Psittacidae
Toucan	
Any New World Quail species (including	
Bobwhite)	Family Ramphastidae
Mynah	Subfamily
Any Peafowl species	Odontophorinae
Any duck, goose, swan, or other migratory waterfowl which the U.S. Fish and Wildlife Service determines does not require a federal permit for private ownership	
Chukar partridge	<i>Acridotheres spp.</i>
	<i>Pavo spp.</i>
Button "quail" Family	
Any nonvenomous reptile (crocodile, alligator,	<i>Alectoris chukar</i>
	Turnicidae in the order Gruiformes
	Class Reptilia



snake, turtle, or lizard) Members of the bird families Fringillidae, Turdidae, Zosteripidae, Pycnonotidae, Timaliidae, and Ploceidae of non- Holarctic origin. Members of the bird families Columbidae and Trogonidae of non- Nearctic origin.

Elk (except feral and wild elk)

Cervus elaphus

Bison (except feral and wild bison)

Bison

Muskoxen (except feral and wild muskoxen)

Comments:

We adamantly oppose Proposal 62 to allow Trap-Neuter-Return (TNR) programs to manage community cat populations. See comments under Proposal 63.

PROPOSAL 63– 5 AAC 92.029. Permit for possessing live game. By Frederick Minshall. Prohibit the release of feral or stray domesticated cats into the wild as follows:

Put simply, to specifically and by name outlaw “Trap, Neuter, Release” (TNR) and all other "no-kill" programs predicated on trapping and treating feral domesticated cats and then returning them to the wild, or feeding and maintaining colonies of such cats unconfined, anywhere in the state of Alaska. An example of my proposed textual additions are given below in ***bold, italicized, underlined*** font:

Example: **AAC 92.029 Permit for Possessing Live Game** (d): Under this section, and in accordance with the definition of "game" as in AS. 69.05.940 (which includes feral domestic animals), a game animal defined as deleterious exotic wildlife or nonindigenous gallinaceous bird is feral if the animal is not under direct control of the owner, including being confined in a cage or other physical structure, or being restrained on a leash; ***feral animals shall not be maintained unconfined in Alaska under the aegis of "no-kill" management programs such as TNR, TVNR, RTF or any other such program not providing for secure and continuous confinement of such animals at all times. Owners of such animals shall apply for permits issued by the department for all animals in their care, and shall abide by all conditions required by said permits.***

In support of the above I include text from **AAC 92.029 Permit for Possessing Live Game** (h): "Upon application" (for temporary release for hunting, field trials, etc.) the board will add a species to the list in (b) of this section if there is clear and convincing evidence that the species is (1) ***not capable of surviving in the wild in Alaska***; (2) is not capable of causing a genetic alteration of as species that is indigenous to Alaska; (3) ***is not capable of causing a significant reduction in the population of a species that is indigenous to Alaska***; (4) ***is not capable of transmitting a disease to a species that is indigenous to Alaska***; (5) ***does not otherwise present a threat to the health or population of a species that is indigenous to Alaska***; (6) is not captured from the wild for use as a pet; (7) does not present a conservation concern to the species' native habitat outside of this state; (8) can reasonably be maintained in good health in private



ownership; and (9) does not present a likelihood that concerns about, or threats to human health and safety will lead to adverse consequences for captive animals.

The underlined, italicized font in items (1), (3)-(5) and (9) clearly disqualifies feral cats from being considered as a species suitable for even temporary release into the wild.

The alternative solution I propose would be to reclassify feral cats as "vermin" and allow unlimited take, year-round.

Comments:

We support Proposal 63, and adamantly oppose Proposal 62. Releasing feral cats into the wild will cause a host of problems. Disease will spread to wild game, eventually to humans and water sources from trapped, neutered, released cats into the wild.

Alaska does not need to have cat colonies in the woods. Cats will only increase in population and spread to other parts of Alaska. Keep Alaska clean. Animal activists should consider well-being and health to humans, rather than being overly concerned about feral cats. Do the humane, right thing, put them to sleep.

Note: The Board of Game deferred this proposal from the 2016 Statewide Regulations Meeting. It was previously numbered Proposal 90.

PROPOSAL 64– 5 AAC 92.029. Permit for possessing live game. By Alaska Wild Sheep Foundation. Eliminate domestic sheep (*Ovis aries*) and goats (*Capra hircus*) from the “Clean List” and require a permit for possession with stipulations if located within 15 air miles of all sheep habitat as follows:

(b) **Domestic sheep and goats will be removed from the “Clean List” regulation.**

Any person in possession of domestic sheep (*ovis*) or goats (*capra*) must obtain a permit from the department within one year of implementation of this section. Animals located within 15 air miles of Dall sheep habitat must be contained within a Department approved facility (double fence, etc.) and certified disease free when testing becomes available. Animals located more than 15 miles from Dall sheep habitat will be issued a permit without stipulation online.

Comments:

We support Proposal 64 to remove domestic sheep and goats from the “Clean List” and require a permit for possession with stipulations if located within 15 miles of all sheep habitat.

Domestic sheep and goats carry diseases which will spread to wild sheep and wild goats. Domestic sheep and goats should be well-tended to by owners and kept in pen so they will not stray into the wild. Diseases from sheep have been known to spread to wild sheep in the Lower 48 states.



Miscellaneous Topics (4 Proposals)

PROPOSAL 66 – 5 AAC 92.005. Policy for changing board agenda. By Alaska Department of Fish and Game. Update the Board of Game's policy for accepting agenda change requests to make it more consistent with the Joint Board Petition Policy as follows:

5 AAC 92.005. Policy for changing board agenda.

(a) The Board of Game (board) may change the board's schedule for considering proposed regulatory changes in response to an agenda change request, submitted on a form provided by the board, in accordance with the following guidelines:

(1) an agenda change request must be to consider a proposed regulatory change outside the board's published schedule and must specify the change proposed and the reason the proposed change should be considered out of sequence. An agenda change request is not intended to address proposals that could have been submitted by the deadline scheduled for submitting proposals;

(2) the board will accept an agenda change request only

(A) [FOR A CONSERVATION PURPOSE OR REASON;] **repealed;**

(B) to correct an error in a regulation; [OR]

(C) to correct an effect of a regulation that was unforeseen when a regulation was adopted; **or**

(D) if the request identifies a biological concern for the population or a threat to meeting objectives for the population;

(E) if the request identifies an unforeseen, unexpected event or effect that would otherwise restrict or reduce a reasonable opportunity for customary and traditional wildlife uses, as defined in AS 16.05.258(f): or

(F) if the request identifies an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome to the petitioners because the resource would be unavailable in the future;

(3) the board will not accept an agenda change request that is predominantly allocative in nature in the absence of new information that is found by the board to be compelling;

(4) a request must be received by the executive director of the boards support section [AT LEAST 60 DAYS BEFORE THE FIRST REGULARLY SCHEDULED MEETING] **by**

November 1st of that year;

(5) if one or more agenda change requests have been timely submitted, the board shall meet to review the requests within 30 days following the submittal deadline in subsection (4), and may meet telephonically for this purpose;[.]

(6) when considering an agenda change request, the board should take into consideration 5 AAC 96.625(d) and 5 AAC 96.625(e);

(7) if the board accepts an agenda change request, the board will develop and consider proposals for all agenda change requests for those specified regulations.

(b) The board may change the board's schedule for consideration of proposed regulatory changes as reasonably necessary for coordination of state regulatory actions with federal agencies, programs, or laws.



Comments:

We support Proposal 66 to update the Board of Game's policy for accepting agenda change requests to make them more consistent with the Joint Board Petition Policy.

By repealing 5 AAC 92.005.(1)(a) and replacing it with more definitive terms will enable public to understand the Agenda Change Request (ACR) policy.

ACRs, however, should be based on a real-time threat to or biological concern or threat to meeting objectives for the population. It should not be based on a preconceived notion or on a forecast.

If customary and traditional uses will be effected by an unforeseen, unexpected event or outcome that would restrict or reduce a reasonable opportunity, then the ABOG should take an ACR to protect subsistence uses of wildlife. Through an ACR, the Board of Game should take action to attempt to fix the problem if an unforeseen, unexpected event or effect that would negatively cause restriction or opportunity to harvest wild game, such as low population numbers of caribou or moose that would cause adverse conditions to reasonable opportunity to harvest a moose or caribou.

A regulation should be made to address the concern, restriction, or unexpected event at the ABOG's Work Session, if it will affect C&T uses for wildlife.

If it is necessary that a joint board meeting of Alaska Board of Game and Alaska Board of Fisheries be called to protect customary and traditional uses, a notice for 30 days to call for a joint meeting should be issued when calling for the joint meeting.

PROPOSAL 67 – 5 AAC 92.003 Hunter education and orientation requirements; 92.012. Licenses and tags; 92.039. Permit for taking wolves using aircraft; 92.044. Permit for hunting bear with the use of bait or scent lures; 92.052. Discretionary permit hunt conditions and procedures; 92.072. Community subsistence harvest hunt area and permit conditions; 92.130. Restrictions to bag limit; and 5 AAC 92.530, Management areas. By Alaska Department of Fish and Game. To comply with recent statutory changes, review and update regulations with minimum hunting age requirements as follows:

The Department of Fish and Game (department) recommends the Board of Game (board) examine the age requirements of all existing regulations given action taken by the legislature to raise the minimum age requirement for Alaska residents to purchase licenses from 16 to 18 years of age. Some of the age requirements in regulation are region specific and the board may prefer to deal with those at the appropriate regional meeting, however they are shown below to illustrate all of the age requirements currently in regulation.

5 AAC 92.003. Hunter education and orientation requirements. (a) Beginning August 1, 2002, a person born after January 1, 1986 that is



(1) required to have a hunting license must have successfully completed a certified hunter education course in order to hunt in Units 7, 13, 14, 15, and 20;

(2) not required to have a hunting license, and who has not successfully completed a certified hunter education course, must, in order to hunt in Units 7, 13, 14, 15, and 20, be under the direct immediate supervision of a licensed hunter who

(A) is **18**[16] years of age or older and has successfully completed a certified hunter education course; or

(B) was born on or before January 1, 1986

(b) notwithstanding (a) of this section, A resident hunter who is 10 through 17 years of age at the start of the hunt, and has successfully completed a certified hunter education course, is allowed to hunt on behalf of a permit holder who is at least **18**[16] years of age, under the direct immediate supervision of that permit holder, who is responsible for ensuring that all legal requirements are met.

5 AAC 92.012. Licenses and tags. (a) No hunting or trapping license is required of a resident under the age of **18**[16]. An appropriate license and big game tag are required of nonresidents, regardless of age, for hunting and trapping. No person **18**[16] years of age or older may take waterfowl unless that person has a current, validated, federal migratory bird hunting stamp or "duck stamp" in possession.

5 AAC 92.039. Permit for taking wolves using aircraft.

(d) The department may apply any of the following conditions to a permit issued under this section:

...

(7) the department may require an applicant for a permit to possess minimum qualifications, including

...

(E) that the applicant is at least **18**[16] years old;

5 AAC 92.044. Permit for hunting bear with the use of bait or scent lures.

...

(b) In addition to any condition that the department may require under 5 AAC 92.052, a permit issued under this section is subject to the following provisions:

...

(3) a person must be at least **18**[16] years of age to be issued a permit;

5 AAC 92.052. Discretionary permit hunt conditions and procedures. The department may apply any or all of the following additional conditions to a permit hunt, when necessary for management of the species hunted:

...



(15) the permit applicant must hold a valid Alaska hunting license; however, this does not apply to a resident under the age of **18** [16]; an applicant's hunting license number must be entered on the permit application; a resident under the age of **18** [16] shall enter his or her age instead of a license number;

5 AAC 92.072. Community subsistence harvest hunt area and permit conditions.

...

- (c) If the board has established a community harvest hunt area for a big game population, residents of a community or members of a group may elect to participate in a community harvest permit hunt in accordance with the following conditions:
 - (l) a person representing a group of 25 or more residents or members may apply to the department for a community harvest permit by identifying the community harvest hunt area and the species to be hunted, and by requesting that the department distribute community harvest reports to the individuals who subscribe to the community harvest permit; the community or group representative must
 - (A) provide to the department the names of residents or members subscribing to the community harvest permit and the residents' or members' hunting license numbers, permanent hunting identification card numbers, or customer service identification numbers, or for those residents or members under **18** [16] years of age, the resident or member's birth date;

5 AAC 92.122(b)(4)(D)(vii). Unit 16 Intensive Management Plan.

(vii) taking of bears by foot snaring by permit only from April 15 through October 15; permittees must be accompanied by another person, age **18** [16] or older, when conducting foot snaring activities in the field; foot snaring permits will be issued at the discretion of the department based on previous trapping experience, ability to help train other participants, and length of time available for participation in a snaring program; a selected foot snaring permittee must successfully complete a department-approved training program, must be a resident **18** [16] years of age or older, and report all animals taken by the permittee to the department within 48 hours of taking;

5 AAC 92.130. Restriction to bag limit.

- (d) A hunter who is under 10 years of age may take big game only under the direct, immediate supervision of a licensed hunter who is at least **18** [16] years of age. The supervising hunter is responsible for ensuring that all legal requirements are met. The big game animal taken will count against the supervising hunter's bag limit. This section does not relieve an individual from complying with big game tag requirements, but does require a supervising hunter to validate the hunter's harvest ticket, or permit, in accordance with 5 AAC 92.010, immediately following the taking of big game under this section.

Comments:



We support Proposal 67 to change regulations to age requirement to 18 years of age to adhere to Alaska Statutes for the following regulations: 5 AAC 92.003. Hunter education and orientation requirements, 5 AAC 92.012. Licenses and tags. (a), 5 AAC 92.039. Permit for taking wolves using aircraft, 5 AAC 92.044. Permit for hunting bear with the use of bait or scent lures, 5 AAC 92.072. Community subsistence harvest hunt area and permit conditions, 5 AAC 92.130. Restriction to bag limit, and 5 AAC 92.052. Discretionary permit hunt conditions and procedures.

Legislative action was taken to change age requirement from 16 years of age to 18 years of age for all State regulations. This housekeeping proposal will change regulations to meet mandatory age requirement.

PROPOSAL 68– 5 AAC 92.XXX. New regulation. By Dave Leon. Create a new regulation to allow season openings and increased hunting opportunities in-season by emergency order as follows:

Create regulation that will allow ADF&G to open or increase hunting opportunities in-season based on best available science when additional harvest can be supported.

Comments:

No comment regulation is already in place.

Proposal 69- 5 AAC 92.003. Hunter education and orientation requirements. By Homer Fish and Game Advisory Committee. For all antler restricted hunts, require hunters to view an educational video for identifying legal moose as follows:

All moose hunters in areas with antler restrictions must watch an ADF&G video on how to judge moose.

Comments:

We oppose Proposal 69 requiring all moose hunters in areas with antler restrictions to watch an ADF&G video on how to determine legal status based on antler configurations. Hunters could ask ADF&G what a legal moose is, or get other educational materials from ADF&G. A few hunters that do not know how to tell the difference between a legal moose and Bull Moose should not make the rest of the hunters watch videos on what a legal moose is.

Comments Submitted by

Ahtna Tene Nene'

October 25, 2017



Submitted By
Thor Stacey
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October 26th, 2017

Dear Alaska Board of Game Members,

Please find the following comments regarding proposals you will be considering during the November meeting in Anchorage. The Alaska Professional Hunters Association Inc. (APHA) is opposed to attempts to change non-resident allocation formulas established in Board Policy (2007-173-BOG). 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">• 87.2 Million total economic output (2015)	<ul style="list-style-type: none">• 52.5 Million new dollars to Alaska (2015)
<ul style="list-style-type: none">• More than 50% economic benefits occur in rural areas (2012, 2015)	<ul style="list-style-type: none">• 1,550 people directly employed, total employment with multipliers; 2,120 (2015)
<ul style="list-style-type: none">• 89% Active Guides are AK Residents (2012)	<ul style="list-style-type: none">• Visiting hunters (guided & non-guided) purchase 13% of total Alaska hunting licenses (2015)
<ul style="list-style-type: none">• Guided hunters are approx. 3% of total hunters in the field (2015)	<ul style="list-style-type: none">• Visiting hunters (guided & non-guided) contribute 72% of total revenue to the ADFG wildlife conservation fund (2015)

Significance to Alaskans & Meat Sharing



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

Individual Proposal Comments

Below you will find our comments on individual proposals under your consideration for Statewide 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 11- Support

APHA supports the Board of Game's efforts to encourage the ethical use of airplanes and to work towards a quality sheep hunting experience for all, but thinks the current regulation is excessively broad and restrictive. This regulation has caused division among hunters, and causes concern to most pilots of being suspect of committing a violation. Also, crowding is a big problem especially during the early part of sheep season, and the current restrictions prevent one from looking around to make sure they don't drop in on top of someone already there, without being suspect of operating illegally.

A strong segment of the public credits the passage of the current restrictions in large part to the guide industry and claims that it favors guides over resident hunters. We disagree. We have members on both sides of this issue, but have not gone on public record as an organization, in support of the restrictions in their current form. Prior to the adoption of these restrictions, APHA cautioned the board about the divisiveness of this issue, and since have offered amendments to correct many of the concerns that we feel the public and many guides have concern with.

APHA believes that prohibiting airplanes from approaching sheep closer than 1000' will effectively abolish the historic use of airplanes to canvass the mountains looking for legal or exceptionally large rams during the hunting season. Additionally, hunters on the ground will not have their hunts disrupted by over flights or airplanes approaching sheep closer than the proposed distance of 1000'. We have suggested that including something in the regulations to encourage pilots leaving on a hunt, to fly around the pattern at 1000 feet a couple times so as to get a feel for what 1000 feet is. We feel this will go a long way towards compliance.

APHA sees Prop. 11 as a reasonable compromise that promotes Fair Chase hunting practices while respecting the hunting experience of others.

Proposal 26- SUPPORT

APHA supports this proposal based on its given merits. Enhancing the value of Governor's tags to support conservation is good policy.



APHA agrees with the Department and encourages the Board to fix this administrative error that is resulting in hardship to the general public.

Proposal 28- OPPOSE

General Position Statement-

"The Alaska Professional Hunters Association Inc. (APHA) is opposed to attempts to change non-resident allocation formulas established in Board Policy (2007-173-BOG). 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."

APHA opposes the suggested language-

"Allocations to nonresident hunters will be based on a subunit by subunit basis so that resident hunters always have a definitive hunt and harvest priority."

Proposal 28 does not address conservation nor does it describe an improved formula or methodology for deriving the maximum benefit of the resource for ALL Alaskans. We remain strongly opposed to idea of allocating success (harvest priority). Proposal 28 is flawed and unnecessary because non-resident hunter participation hovers around 10% statewide for all species. Guided hunter allocation is less than 3% of hunter effort. Proposal 28 is poorly constructed and not necessary.

Proposal 30- SUPPORT

Problem Statement-

Alaskans are not receiving the maximum benefit from extremely limited non-resident drawing hunt allocations offered for sheep, brown/grizzly bear and mt. goat.

Proposed Solution-

APHA proposes to reform non-resident drawing hunt allocations to maximize the benefit of the resource while enhancing wildlife conservation.

APHA proposes to allow any Alaskan resident who draws a sheep, brown/grizzly bear or mt. goat tag to take their non-resident 2DK relatives hunting with them. Either resident or non-resident relative will be allowed to harvest the one animal afforded by the resident's hunt opportunity. The bag limit will not be shared; either the resident or 2DK relative, depending on who harvested the animal, will punch their tag. 2DK relatives will still be required to purchase a non-resident hunting license and locking tag.



APHA proposes that the extremely limited “non-resident” allocation for drawing hunts for sheep, brown/grizzly bear or mt. goats will be allocated to non-residents hiring a guide.

2DK relatives will be prohibited from applying for a drawing hunt for sheep, brown/grizzly bear or mt. goat.

Discussion

After careful consideration, discussion and collaboration with the Department and other groups, APHA authored *Proposal 30* to address *Second Degree of Kindred* (2DK) allocations for **DRAWING HUNTS ONLY**. Prior efforts by APHA to address 2DK allocations in both drawing and general season hunts have been frustrated by a lack of hunter effort/harvest data and ill-defined conservation benefits. As such, we have narrowed the scope of our proposal to address drawing hunts only. Proposal 30 is offered as a benefit to the Resident who would like to hunt with their 2DK relative and the hunting guides who must rely on meager non-resident allocations in areas managed by drawing hunt. Proposal 30 will generate more revenue for conservation, add value to the non-resident allocation and provide more opportunity for Alaska residents to hunt with their 2DK relatives.

Scope of the Proposal:

- Affects hunts for brown/grizzly bear, sheep and mt. goat ONLY
- Applies to hunts managed by drawing ONLY
- Resident hunters bag limit is NOT AFFECTED
- 2DK relatives will be required to purchase license & locking tags to participate
- Does NOT reduce drawing odds for resident hunters
- Does NOT apply to drawing hunts for moose, caribou, deer, bison

Drawing Hunts Strictly Limit Non-resident Allocation:

Drawing hunts impose strict limits on non-resident hunter participation, usually around 10% of the hunter opportunity. Drawing hunt opportunities without strict caps on 2DK participation are increasingly being awarded to 2DK relatives. It is statistically probable that guided non-resident allocations will become a minority of hunt opportunities in certain drawing hunts in the near future.

Guided Hunt Allocations are More Valuable than 2DK Allocations:

On average each guided hunt opportunity, with multipliers, is worth \$26,900 to Alaska’s economy (McDowell, 2017). This average incorporates all guided hunt opportunities from the most valuable hunts for sheep and brown bears to the less valuable hunts for deer and black bears. Proposal 30 addresses hunts for Alaska’s most valuable species. It is safe to estimate the value of each guided non-resident allocation addressed by Proposal 30 to be, at a minimum, \$30,000 to Alaska’s economy.

2DK hunt opportunities have an unknown value to Alaska’s economy. 2DK opportunities contribute at the same rate to wildlife conservation (hunting licenses and tags) as guided non-resident hunts. 2DK opportunities support wildlife conservation but where they replace guided hunter effort they are a loss to the economy.

Enhancing Conservation:



Proposal 30 will enhance conservation by allowing for more 2DK relatives to take the field with their resident relatives. The additional hunting licenses and tags that will be purchased will promote resource conservation.

2DK- An Unequal Benefit:

The 2DK provision is an un-equal benefit that is not enjoyed by ALL Alaskans. Most native Alaskans, for instance, do not have non-resident relatives. Many non-native Alaskan hunters do not have 2DK relatives either. Of course it goes without saying that the vast majority of non-residents do not have Alaska residents as relatives. Special youth hunts, on the other hand, provide an equal benefit to all Alaskan and non-resident children. Similarly, all residents and non-residents have an equal ability to hire a guide. 2DK allocations only benefit some Alaskans and a very, very few non-residents.

Drawing Hunt Allocations- Differences Statewide:

2DK allocations are handled differently across the state in different drawing units. Guided non-resident hunter allocations have all but evaporated in areas such as 14C sheep hunts because there is not a restriction on the number of 2DK hunters or a discreet allocation for guided non-residents. In these scenarios 2DK non-residents can be awarded all of the non-resident tags, in some hunts in some years this has happened in 14C and in other chugach sheep hunting opportunities. Some areas such as Tok give "up to" a certain number of 2DK tags. The 2DK tags in Tok are fully used every year. Kodiak caps the number of 2DK hunts island-wide, leaving the majority of non-resident opportunity for guided non-residents. Unit 4 brown bears are similar though in unit 4 2DK hunters participate in a separate drawing for the allocation. There is a need to clarify how 2DK drawing hunt opportunities are handled statewide while recognizing 2DK allocations are less valuable than guided non-resident allocations.

Conclusion:

APHA has identified an opportunity for the Board of Game to uniformly reform a hunt structure to derive the maximum benefit from a limited game resource. We ask that the Board of Game simplify and reform non-resident drawing hunt allocations for sheep, brown/grizzly bear and mt. goat statewide.

Proposal 33- OPPOSE

APHA opposes proposal 33 because it fails to describe how the use of the resource (moose) will be enhanced by its passage. Proposal 33 should also fail because it allows for hunt structures where there is adequate harvestable surplus to support non-resident take but zero opportunities are provided. Providing zero opportunity to non-residents unnecessarily reduces the value of the resource without justification.

Proposal 33 should fail because it undercuts resource conservation, diminishes the value of the resource and reduces the ability of future boards to manage diverse moose hunts across Alaska.

Proposal 34- OPPOSE

Introduction:

Proposal 34 offers a false narrative of the *guide required law* (AS 16.05.407/408). Alaska's guide requirement existed in the *Territory* and required that visiting hunters pursuing all species of big game be accompanied by a licensed guide. Statehood and the post WWII era



brought a new set of challenges and legal requirements to state lawmakers. Alaska's guide requirement was put in place to ensure the safety of visiting hunters pursuing dangerous bears and sheep in treacherous terrain. 2DK provisions were added as a response to concerns from the newly arrived military population. Lawmakers threaded the needle by satiating military advocates concerns while still protecting visiting hunters thus minimizing the costs to Alaskans for search and rescue and medivac efforts. Proposal 34 draws on an interesting revision of history on the origins of the guide required law.

Allocation:

The Board has broad statutory authority to allocate between types, classes or categories of wildlife users. Allocation schemes commonly separate bow hunters from rifle hunters while controlled use areas allocate access to certain users. There is no statutory barrier or command that disallows the Board from allocating between types of non-resident hunters.

Proposal 34 is Ille al:

Various legal authorities, most importantly the state Constitution, command the Board to develop allocation schemes that derive the maximum benefit from Alaskan's commonly owned wildlife. If proposal 34 was to pass it would contravene Constitutional and statutory commands the Board derives its authority from. Unless explicit in statute; the Board of Game must allocate between types of resident and non-resident hunters to derive the maximum benefit from the game resource.

Proposals 36 & 37

Introduction:

Guided hunters are allocated less than 3% of the hunting opportunities in Alaska (McDowell, 2017). APHA opposes *Proposals 36 & 37*.

Conservation:

Neither *proposal 36 or 37* directly addresses a stated conservation concern. This is buttressed by the Department's comments stating that these proposals are allocative in nature. *Proposal 36 & 37* would reduce the amount of money the Division of Wildlife receives from the sale of non-resident licenses and tags. *Proposals 36 & 37* do not address stated conservation or management goals while reducing funding for wildlife conservation.

Allocation:

Neither *proposal 36 or 37* identifies how they will enhance the value of the sheep resource. In fact, both proposals can be shown to cause significant hardship and economic loss from the reduction in guided non-resident opportunity. *Proposals 36 & 37* cause unnecessary economic hardship and loss to Alaskan's and our economy.

Guide Concessions:

Proposals 36 & 37 propose to create huge drawing units on a subunit-by-subunit basis on tracts of Federal land already managed by guide concessions. Passage of these proposals would unnecessarily destroy business viability in areas that already limit the number of hunting guides and non-resident opportunity.



Summary:

Proposals 36 & 37 appear to be offered in bad faith. Both propose to destroy guide business viability in areas with existing limits on commercial activity. Neither proposal addresses a stated conservation goal or coherently describes how the value of the resource will be elevated. Proposals that diminish the value of the resource at the expense of conservation merit little debate and should be quickly voted down.

Proposal 42- OPPOSE

Introduction-

APHA opposes *proposal 42* and supports the Board's authority to allocate between types or categories of hunters to derive the maximum benefit from a limited resource.

"Must be guided" vs. Reality-

Proposal 42 suggests that the Board has somehow exceeded its statutory authority by allocating hunting opportunities to those choosing to use a guide in certain moose and black bear hunts. The Board of Game does not require a guide to hunt either moose or black bear anymore than they require all hunters to "walk in for sheep" because there is a "walk in only" area in the eastern Chugach Mountains. Proposal 42 is based on a misleading and false premise.

-Black Bears

Black bears in portions of SE Alaska are highly prized by resident and non-resident hunters alike. Black bears are not a guide required species thus local lodges and transporters began to heavily advertise the open access to the resource to non-resident hunters. The local hunting guides in these areas cannot increase their take because their land use permits do not allow for growth. The growth in non-guided black bear hunts caused a conservation concern to develop. The board responded to the conservation concern while providing a distinct allocation for local guides. This allowed for a MORE valuable, value-added commercial service to maintain its access while protecting the resource by addressing the unregulated growth sector. Resident hunters supported the new hunt structure and the guide allocation.

-Moose

Certain portions of the state are extremely remote and expensive to access. When conservation concerns cause one of the areas to be managed by a drawing hunt for moose, guides can inadvertently lose all their clientele while the hunts go under utilized. Non-residents will put in for a draw only to be drawn and then discover the area is too expensive for them to access with or without a guide. By breaking out a guided moose allocation conservation goals are addressed while the local guides remain in business and the maximum benefit of the resource is realized.

-Summary

APHA opposes *Proposal 42* because it seeks to devalue limited non-resident allocations for black bear and moose in areas with stated conservation concerns. All residents of the areas affected by this proposal will lose as stable hunt structures based on logical management

Proposals 47- SUPPORT

Problem Statement-

Transfer of possession of meat may happen between parties more than once removed from the hunter and the initial recipient. Current transfer forms require signatures from both parties which can be extremely difficult to obtain.

Solution-

Proposal 47 simplifies the requirements to transfer meat or animal parts between parties by allowing the signature of **either** the recipient or the transferee. All other information currently required for transfer remains in effect.

Proposal 48- TABLE

APHA agrees with the Department of Law that the Board of Game is not the entity that regulates guides. Proposal 48 should be tabled without debate.

Proposal 52- OPPOSE

Proposal #52 would contravene legislative intent and should be summarily rejected.

AS 16.05.255 is clear that residents have a statutory allocation priority (AS16.05.255(d)) but that intensive management (IM) should

“...restore the abundance or productivity of identified big game prey populations as necessary to achieve human consumptive use goals of the board” (AS16.05.255(e))

Nothing in AS 16.05.255 suggests that the *“human consumptive goals of the board”* may not include a non-resident allocation. Aside from the long-term human consumptive goals alluded to in AS16.05.255, the legislature had the opportunity to clarify in plain statutory language its intent to close non-resident participation during an IM program. Nowhere in Alaska statute does the legislature give any such direction. Non-resident participation and an active IM program are not mutually exclusive.

Proposal 52 should fail because it misconstrues the plain statutory language in AS 16.05.255 by suggesting there is a need to enshrine another layer resident hunter preference in times of resource shortage. The legislature and the Board of Game have done a good job describing their goals and implementing IM programs, while giving preference to Alaskan residents. The Board of Game does not need an additional layer of regulation to convey clear preference to Alaska residents in times of resource shortage. APHA supports the legislature’s intent outlined in AS16.05.255 that provides for IM and a strict resident preference for moose, caribou, deer and elk.



Intensive Management Population Thresholds Change

An important aspect of how the IM population objectives are set is that they are flexible and can be changed depending on a variety of criteria. Certain areas in the state initiate IM when populations are not severely depleted but are more at a midpoint in their cycle. These areas often times have non-resident opportunity allocated even when IM is being considered. Non-residents should not be excluded from allocation schemes where the population thresholds for IM are well above population low points. Proposal 52 could have the unfortunate and unintended effect of lowering population threshold for considering IM in GMUs and Regions that have done the work to make IM a more proactive rather than a reactive management tool.

Non-Residents Harvest Predators While Hunting for Ungulates

Guided non-residents harvest predators in remote areas of the state while hunting for "prey species." Often times these harvest patterns can show a "net gain" where the effects of secondary predator harvest not only compensate for ungulate harvest but are a net gain where predator:prey is concern. Guided non-resident hunters can be another tool in ADFG's toolbox, especially in remote areas, where additional harvest of predators is desired. Passing a blanket exclusion on non-resident participation when IM plans are in place will take a tool out of ADFG's tool box at a time when we are trying to give ADFG more options, not less.



***Alaska Trappers Association
PO Box 82177
Fairbanks, AK 99708***

ADF&G
Boards Support Section
PO Box 115526
Juneau, AK 99811-5526
ATTN: BOG COMMENTS

October 25, 2017

Dear Chairman and Members of the Board

The ATA appreciates the opportunity to offer the following comments on proposals you will be considering at your November Statewide meeting in Anchorage.

Proposal 6 – With all due respect to the Copper Basin Fish and Game Advisory Committee, we do not support this proposal. We feel that it would offer too great an opportunity for abuse of existing regulations.

Proposal 7 – We do not support this proposal. Our standing position is that trapping and snaring should remain the primary means of harvest for furbearer species. In addition, we feel that the recovery rate for beaver shot with bow and arrow would not be adequate. One ATA Board member with extensive experience in nuisance beaver notes a high wounding rate and loss of animals when shot with firearms. We believe that wounding loss would be even greater with archery equipment.

Proposal 8 – ATA is opposed to this proposed regulation. We defer to the Board of Game's current wolf management policy as it relates to predator control. We do not feel it should be extended to statewide (as recommended in this proposal) and it certainly should not be extended to wolverine. This method of harvest could be devastating to wolverine populations in some parts of the state.

Proposal 9 – While it is the position of the ATA that trapping and snaring should be the primary means of harvest for furbearer species, and with all due respect for the Upper Tanana / Fortymile Fish and Game Advisory Committee, we defer to the judgement of the Board of Game regarding this proposal.

Proposal 62 – We strongly oppose this proposal. Feral cats are destructive to the natural fauna as they prey on birds and small mammals. By doing so, they displace native species that belong in that niche. Feral cats also present the potential for the spread of parasites and disease to native species as well as to humans. They should not be protected in an environment in which they do not belong.

Proposal 63 – ATA supports this proposal for all the same reasons we oppose proposal #62.

Thank you for this opportunity to comment on these proposed regulations.

Sincerely,

Randall Zarnke, president





Submitted By
Rod Arno
Submitted On
10/27/2017 4:34:50 PM
Affiliation
Alaska Outdoor Council

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Proposal #57. Amend and adopt.

Amend to read. 5 AAC 92.072(i)(2) is entirely repealed:

The proposers, the Alaska Board of Game, argue that "it's necessary to modify the definition of community/group to more accurately reflect the intent of the community subsistence harvest hunt regulations and further clarify how the community hunt is distinguished from the individual Tier I."

The actual intent of the creation of the Gulkana, Cantwell, Chistochina, Gakona, Mentasta, Tazlina, Chitina, and Kluti Kaah Community Harvest Area for moose and caribou was just what the title says, to have separate hunting regulations for members of the named 8 villages.

Article VIII, Section 3. Common Use does not allow the Alaska Board of Game to create criteria to differentiate among Alaskan moose and caribou hunters during times of abundance just because a past Board of Game policy created two different patterns of use for the game. One pattern of use over any number of "other" patterns is discriminatory.

AOC has recommend that the Board of Game repeal 5 AAC 92.074(d) for many years. Once the actual intent of the creation of the Gulkana, Cantwell, Chistochina, Gakona, Mentasta, Tazlina, Chitina, and Kluti Kaah Community Harvest Area for moose and caribou was blocked by the Alaska State Courts it could never legally achieve its intended purpose. All attempts by the board to regulate a special moose and caribou hunt for members of Ahtna Inc has been costly and ineffective at achieve Ahtna's stated goal at the time of its creation. AOC believes there is no justifiable reason for the Alaska Board of Game to continuing trying to administratively create a priority use pattern for the harvest of moose or caribou in the Nelchina Basin during times when the harvestable surplus of moose and caribou are greater than the ANS for each species.



Submitted By
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10/27/2017 4:36:41 PM
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Mr. Chairman and members of the Board of Game.

My thoughts on statewide proposals.

Proposal 2.

I support this and would be within the intent of the statute.

Proposal 4.

Do not support this. The BOG should enact minimal standards of what is edible meat, via what most reasonable consumptive users eat. It should also be pointed out, that there are other uses besides consumption of large birds back, wings, gizzard, and heart. This change would impact subsistence C&T uses by trappers.

Proposal 5.

I support this. This should benefit users and less citations issued or self-turn-ins.

Proposal 6

Do not support. Making a new line in the sand will not change anything that currently that is already in codified.

Proposal 13.

When new technologies come to the fore front. It would be nice to see discussion on how or if there will be a biological impact on the resource. Not just a discussion on if it is ethical. Many, many of methods and means thought out the state may not be seen as ethical. Roping and shooting caribou from a boat and using snow-gos to position caribou to be harvested, just two examples.

New technologies could affect subsistence, for the positive. "Economy of effort" comes to mind.

I should also point out the current regulation states; "radio commutation" is prohibited. My research has proved. That all devices that communicate such as cell phones, sat phones, texting devices, and internet, ect. All use "radio" air waves to transmit and receive. So currently the regulation prohibits any of this uses for taking game.

But land line telephones are not prohibited from use in taking game. There does not seem to be an ethical or biological issue with this communication. Though not as popular as it was 15 years ago, it was not an issue back then. A lot of game harvested was with in the areas that have land line connection both rural and urban, but the use of the telephone was never prohibited in the taking of game, interesting enough. Lastly how enforceable is restricting use of communication? Law enforcement is limited to what, how and when they can monitor communications by laws that dictate that stuff.

Proposal 16.

The proposer asks to allow the use of high power air guns to take big game. Currently this is already allowed. I do not know why this proposal was accepted, as it is not asking for a change/clarification. Nor did it have the italics lettering above the proposal stating "this is already allowed" like other proposal found in the book. I support this method and means.



Proposal 19.

Support. The proposer has made excellent justifications.

Proposal 20

Support. This would allow unsuccessful nonresident falconers, to have a better opportunity to possible take a raptor.

Proposal 22.

Do not support. I would like to see the current plan on non-resident take on raptors be completed before changes are made. So everyone can evaluate data.

Proposal 45.

Do not support. An unjustified burden on the hunter and the Department. The proposal does not address how long a seal has to remain on the moose antlers. The current seal that the Department uses is an eye sore if it has to remain on antler any longer than when it is sealed. So this proposal is just a glorified check station.

Proposal 46.

Has some merit. Guides and transporters are put in unique positions at times. For example: if a transporter arrives for a moose pick-up and the transporter believes the moose meat is on the verge of spoiling or has soured. They have some sort of responsibility to transport the meat out of the field. Currently this is done by a transfer of possession. Now the transporter is accepting responsibility of the condition of the meat. If contracted by AWT the next day, where the meat is being stored and the transporter is still in possession, AWT would contend the transporter is the responsible person for spoiled meat.

Current regulations do put a guides and or transporters in fickle of regulations and possible citations in uncontrollable situations.

Whatever changes if any, transfer of possession should be equally applied, through all users.

Proposal 49.

Do not support.

I see no value in this. The sale of brown bears and skulls has been going on for at least a decade with little to no issues from the current process. Furthermore the Department has been selling brown bears at auction for much longer time than individual. They have plenty of data and no permits.

Proposal 52.

Do not support.

The proposer asks to eliminate non-resident participation until population or harvest objections have been reached.

It should be clarified that when Alaskans have priority over non-residents is found in AS 16.05.255(d). This applies to deer, moose, elk, and caribou that have a positive finding of C&T. When the harvestable surplus is below the ANS. Alaskans do have a priority in an IM program. But when moose, deer, elk, or caribou do not have a positive C&T finding of C&T or has a harvestable surplus above the ANS, the definition of IM applies AS 16.05.255(4). The definition uses the language "provide for higher levels of human harvest". This definition states "human harvest" and not resident harvest. Thus it includes non-resident uses. The two situations have to be dealt with separately and not one size fits all.

Proposal 55

Support.

This proposal was submitted only to consolidate regulations with like applications, account for game being harvested, and accountability of individual/group participating in the harvest. It was not intended to allow more/less game to harvest outside the normal seasons. The Department still has discretionally authority and must comply by sustain yield principles.

What needs to be address is why is the Department authorizing the taking of big game for certain religious ceremonies for big game species that don't have a positive finding of C&T? this has been happening largely in non-substance areas.

5 AAC 92.019. Taking of big game for certain religious ceremonies

1. The hunting and taking of game species having a **positive finding in 5 AAC 99.025**, outside the seasons or bag limits established in 5 AAC 85, for use in this state as food in customary and traditional Alaska Native funerary or mortuary religious ceremonies within 12 months preceding the ceremony is authorized if consistent with sustained yield principles



Proposal 56 and 57

Do not support. We should stop "gaming the system" with laws and regulations that were never intended for road system communities. We should not keep trying to circumvent Supreme Court decisions on rural priority. Use the current law AS 16.05.258 as intended and with a correct interpretation. Seems to work in all other game units in the state. Why should there be an exception for unit 13 users. Remember the game has the C&T and not the people, just food for thought.

Proposal 60

Do not support.

The BOG and the Department should be working requiring all areas/units of the state to be in compliance with this regulation before adding more requirements to just 5 out of 26 units.

Proposal 65.

Do not support

There are currently several laws/regulation that already exist that address the issues of the proposer. I don't see how more restriction will resolve any of the issues mentioned, but may just push the issues to a different location. Not solving anything there. As far as wounding loss/wrong sex taken and left. It happen this year on the Steese Hwy. Not in the ditch or within 1/4 road but, further out. Approximately a dozen caribou were from dead after the fog had lifted and the hunt was ended. No corridor would have prevented this or the amount of person concentrated in key access points.

Proposal 66

As I reviewed this proposal, I found that an ACR and a petition are essentially the same.

ACR's can be submitted, but will be denied and not scheduled for hearings unless the problem outlined in the petition justifies a finding of emergency.

This found in regulation 5 AAC 96.625

(f) The Boards of Fisheries and Game recognize that in rare instances circumstances may require regulatory changes outside the process described in (b) - (d) of this section. Except for petitions dealing with subsistence hunting or subsistence fishing, which will be evaluated on a case-by-case basis under the criteria in 5 AAC 96.615(a), it is the policy of the boards that a petition will be denied and not scheduled for hearing unless the problem outlined in the petition justifies a finding of emergency. In accordance with state policy expressed in AS 44.62.270, emergencies will be held to a minimum and are rarely found to exist. In this section,

an emergency is an unforeseen, unexpected event that either threatens a fish or game resource, or an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome to the petitioners because the resource would be unavailable in the future

Reviewing this regulation (5 AAC 96.625) in context and ACR would be the same as a petition. The Joint Boards petition policy further clarifies that in (e) of this section; **The Boards of Fisheries and Game recognize the importance of public participation in developing management regulations, and recognize that public reliance on the predictability of the normal board process is a critical element in regulatory changes. The boards find that petitions can detrimentally circumvent this process and that an adequate and more reasonable opportunity for public participation is provided by regularly scheduled meetings.**

This is what the Departments proposal is wanting to do. To limit persons from circumventing the normal scheduled process. By using language already existing in regulation.

I contend that it has been an oversight for years on how ACR's were used. 5 AAC 96.625 clearly addresses ACR petitions and repeal of 5 AAC 92.005 is justified.

Thanks for your review of my comments.

Al Barrette



CHUGACH STATE PARK CITIZENS' ADVISORY BOARD

HC 52 Box 8999, Indian, Alaska 99540 Phone: 907-345-5014 Fax: 907-345-6982

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



October 9, 2017

Re: November 2017 Board of Game Proposals

I am writing on behalf of the Chugach State Park Citizens Advisory Board regarding regulatory proposals that will affect Chugach State Park. Please consider these comments during the upcoming Alaska Board of Game meeting.

The Chugach State Park Citizens Advisory Board assists park staff in an advisory capacity with park management and development issues. As an advisory board, our decisions are guided by the five primary purposes established in creating the park:

1. To protect and supply a satisfactory water supply for the use of the people;
2. To provide recreational opportunities for the people by providing areas for specified uses and constructing the necessary facilities in those areas;
3. To protect areas of unique and exceptional scenic value;
4. To provide areas for the public display of local wildlife; and
5. To protect the existing wilderness characteristics of the easterly interior area.

At approximately 495,000 acres, Chugach State Park is among the four largest state parks in the U.S. and comprises nearly half of Alaska's Game Management Unit (GMU) 14C. Most of the big game animals that inhabit GMU 14C use the park at least part of the year. The 15-member advisory board is appointed by the director of state parks and intentionally represents a wide variety of park users. With over 1.3 million visits to the park annually, we are interested in Board of Game regulation changes that may affect park resources and visitors.

We have carefully reviewed the November 2017 Board of Game regulatory proposals that will affect the park's wildlife and users. Our recommendations passed during our October 9, 2017, meeting.

Proposal 62 – Oppose. This proposal would allow the release of sterilized feral cats into the wild by removing them from 5 AAC 92.029 "Permit for Possessing Live Game." Chugach State Park is on the outskirts of the state's largest city and portions of the city extend into the park like fingers. Feral cats undoubtedly hunt birds as large as grouse and small mammals ranging in size from shrews to snowshoe hares in the park. In fact, domestic cats, primarily feral cats, kill an estimated 1.3 to 4 billion birds and 6.3 to 22.3 billion mammals annually in the contiguous United States. These species of wildlife are at the base of the food chain for weasels, marten, foxes, lynx and many other predatory mammals and birds; thus, feral cats compete with furbearers and other predators. Because many feral cats are fed by humans or eat garbage, they



are not limited by food shortages and often maintain populations far in excess of wild predators. Feral cats are vectors of diseases such as rabies and toxoplasmosis, both of which can infect wildlife and humans. The organizations who submitted this proposal believe that feral cat numbers can be controlled by trap-neuter-release programs, which have never been proven to work despite decades of attempts. Adopting this proposal would inevitably increase numbers of feral cats as people dump their cats into the wild and maintain large outdoor cat colonies. The fact that the proposal is asking to allow release of only "sterilized" feral cats is small consolation. There is no way to prove a cat has been sterilized without capturing it, and sterilized cats cared for in outdoor colonies can live a decade or more. Even well-fed cats kill wildlife.

Proposal 63 – Support with amendment. This proposal advocates the status quo with regard to the release of domesticated cats into the wild: that it continue to be prohibited. We would amend this proposal to **add feral cats to the state's list of deleterious exotic wildlife (5 AAC 92.990[a][52])** which would automatically add feral and stray cats to the list of animals that may not be intentionally or negligently fed by a person (5 AAC 92.230). Unconfined or unrestrained feral cats are listed by the Invasive Species Specialist Group of the International Union for Conservation of Nature (IUCN) as one of the world's 100 worst invasive species along with rats, starlings, and rabbits, which are already listed as deleterious exotic species in Alaska. Domestic cats, primarily feral and stray cats, kill an estimated 1.3 to 4 billion birds and 6.3 to 22.3 billion mammals annually in the contiguous United States. Furthermore, food left outdoors for feral cats – a necessary component of maintaining outdoor cat colonies for trap-neuter-release programs – would also attract bears, foxes, coyotes, and deleterious exotic wildlife such as rats, rock doves, and starlings.

Proposal 64 – Support. This proposal would remove domestic sheep and goats from the list of species that may be possessed in Alaska without a permit from the Alaska Department of Fish and Game. If adopted, the proposal would require any person in possession of sheep or goats to obtain a permit. Any person who wishes to keep sheep or goats within 15 miles of Dall sheep habitat would be required to maintain the animals in a department-approved facility and certify the animals as disease free. Chugach State Park contains hundreds of Dall sheep that might be at risk from diseases transmitted by domestic sheep and goats kept in the Municipality of Anchorage and the Matanuska-Susitna Valley.

Proposal 156 – Support. This proposal would reauthorize the antlerless moose hunting seasons for Joint Base Elmendorf-Richardson (JBER), Birchwood, and Anchorage management areas, and the upper Ship Creek drainage in Chugach State Park, all in GMU 14C. While only the last area is within Chugach State Park, moose from the park use all of the management areas seasonally. Antlerless moose are harvested primarily to prevent the moose population from increasing above carrying capacity. According to the department, moose numbers currently appear to be within the population objective; however, recent winters have been mild and moose numbers are likely to exceed population goals without antlerless harvests, to the detriment of winter range.

Thank you for the opportunity to respond to the regulatory proposals submitted for the November 2017 Board of Game meeting. Please let me know if you have any questions



regarding these comments and recommendations. I can be reached at geo3poll@gci.net. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Pollock", written over a horizontal line.

George Pollock
Chair

cc: Dave Battle, ADFG



From: Larry Dalrymple
Sent: Sunday, October 22, 2017 9:30 PM
To: dfg.bog.comments@alaska.gov
Subject: Comments on Statewide BOG Proposals for meeting 10/10/17

Proposal #28—I support this proposal

Proposal #36—I support this proposal

Proposal #37—I support this proposal

Proposal #42—I support this proposal

Proposal #45—I oppose this proposal

Proposal #47—I oppose this proposal

Proposal #48—I strongly support this proposal. I don't know if the process being proposed is the ultimate answer, but I do know that something must be done to curb the waste of thousands of pounds of game meat from animals harvested usually by nonresident hunters on guided hunts. As stated, and I agree, that a large majority of nonresident hunters have no interest in keeping, let alone shipping, hundreds of pounds of meat back to their hometown. The guide tells the clients not to worry about it, as the meat will be donated to a nearby village and used by the grateful villagers. The client then departs the state, believing he, or she, has done a good thing by donating the meat to the villagers. The result is, and I have observed it firsthand at various villages around northern Alaska, if the meat in fact does get recovered, it is left on an airstrip, that sometimes is a mile or more from the village. I have personally observed piles of game meat at village airstrips, and more often than not, it is black, and covered with flies. This is a shameful waste of a resource, and there must be tighter controls on the process of "Transfer of Possession".

Proposal #52—I support this proposal

Proposal #56—I oppose this proposal

Proposal #60—I oppose this proposal

Proposal #65—I support this proposal, or some version of it. I agree with the proposer, that something must be done with this hunt before someone is killed. It is an unbelievably out of control hunt, and there are not enough enforcement officers in the State, to control it, and prevent a hunter or bystander death.

Proposal #69—I oppose this proposal

Larry Dalrymple
767 CHENA HILLS DRIVE
FAIRBANKS, AK 99709
907-388-1975



Submitted By
Jason Faris
Submitted On
10/24/2017 11:38:42 AM
Affiliation
Resident

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Regarding Proposal #38;

I agree with this proposal and think the positive and long lasting impacts to the individual bands as well and the herd as a whole will be healthier, stronger, increase population, and ensure that Residences as well as Guides will have a future with opportunities, while protecting the States economic interest in this most valuable resource. If we stay the current course, agruably the numbers will continue to decline due to natural causes that can not be avoided as well as ill-informed persons that take either too many or too young of an animal from the greater environment.

Jason Faris



Submitted By
Richard
Submitted On
10/24/2017 5:39:00 PM
Affiliation

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Address
1870 Becker Ridge Rd
Fairbanks, Alaska 99709

I would like to express support for the passage of proposals 28, 32, 33, 37 and 52. A few comments on each.

28: I strongly agree with this proposal. Every other state that I know of has a resident preference in drawing hunts. The Alaska State constitution calls for fish and game resources to be managed primarily for the benefit of residents. This proposal would make that a reality.

32: I really really like this one. This is something that every other western state that I know of and hunt in does. Here you apply year after year without success and never have a better chance of being drawn; it's like sending money down the drain. Bonus points for residents is an excellent idea and should be a slam dunk as a new regulation.

33: I also strongly support this proposal. There are so many hunters vying for moose draw permits that it almost seems a waste of time to apply for one. Limiting non residents to 10% would bring the state in line with the constitutional requirement and would make it much more likely that I and other residents could fill my freezer with much-needed and healthy moose meat.

37: This one is also an excellent idea and also addresses the greatly increasing pressure on sheep resources by non-resident hunters. There is so much non-resident pressure for sheep drawing hunts that I would never even bother to apply for one. It just doesn't seem like a good gamble as my chances of getting one would be so low. Limit non-residents to 10% and maybe I'd actually get to hunt sheep while I'm still able to do it.

52: This one seems to make a lot of sense. If we are to manage fish and game resources primarily for the benefit of residents, why let non-residents hunt in an area that is thought to be stressed due to excessive predation? Give Alaska residents a priority on this.

In conclusion, most of these proposals are attempts to deal with the issue of there just being too many hunters vying for too small a game resource pool. When there was a seemingly infinite amount of resource, it didn't make the difference it makes today. The resident preference for fish and game resources in the State constitution is pretty clear; it's time to adhere to what it says and to put the needs of resident hunters before that of non-residents.



Submitted By
Chris Gossen
Submitted On
10/27/2017 9:26:15 AM
Affiliation
Mr.

PROPOSAL #12

I suggest the not allowing of spotting of sheep during the sheep season needs to be recended due to the misunderstanding of the intent and the abuse of hunters calling in a complait that is totally false.

Proposal #38,39

This issue needs to not even be considered due to the half thought out issues it involves.



BOARD OF GAME COMMENTS
PO Box 115526
JUNEAU AK 99811-5526

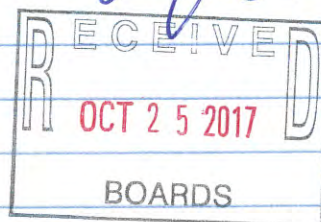
KRISTA Holbrook
P.O. Box 83864
FAIRBANKS AK
99708

Dear Board of Game,

I support Proposal 52

Intensive Management Predation Control Implementation Programs to restore abundance of prey species should only be undertaken to benefit residents of Alaska who hunt for food. Only residents should benefit it should not be undertaken to increase non resident trophy hunt success.

I am opposed to 71. Special hunts like roadside "targeted hunts" are overcrowded with many trained individuals participating. Bow + Arrow and muzzleloaders are meant to be a close range hunt where hunters attain proficiency needed. There is no place for more technology.





I oppose proposal 47
Transfer of Possession,
Waste of meat is a
terrible thing - we should
take every possible measure
to see that it does not
occur! Don't water down
this important tool.

The state is over crowded
with guided non resident Trophy
hunters. In all situations
first consideration should be
given to meat hunting residents.

Thank You

Jutta Holbrook



ADF&G Boards Support Section
ATTN: Board of Game Comments
PO Box 115526
Juneau, AK 99811-5526

Robert S Holbrook
PO Box 83864
Fairbanks, AK 99708

Dear Board of Game,

Listed below are my comments concerning proposals submitted for the next meeting.

Opposed: 10, 12, 16, 38, 39, 40, 42, 47, 62, and 71.

Support: 17, 17, 28, 31, 32, 33, 34, 36, 37, 42, 44, 48, and 65.

Even the most remote areas of Alaska are becoming crowded with hunters and conflicts between residents and non-residents and guides are commonplace. Something has to be done to address this issue. It is not going away but getting worse. Guiding in Alaska is an old and respected business but I am afraid greed by many is destroying this respect. This past season I attempted to hunt caribou from a river bar in unit 25A. When I arrived in the area I picked a bar 15 miles down stream from an area where I knew a guide had set operation and camp in the past. No one else was near me at this time. Later a non-resident assistant guide was dropped off with clients, to be followed by two more guided groups so I departed. When asking about options to move I was told the guide had 5 camps in the area. Four different air transporters dropped here besides the guide over the next few weeks, which pretty much tie up any possible landing areas.

I then moved 700 miles to the south in unit 19 where with my plane tied down, a wall tent and tarp set up on a small bench we have moose hunted for 40 years, a guide came in with several loads and two non-resident floaters who spent the day walking back and forth through our camp. This was our second year here where we experienced different guides or assistant guide coming in on top of us where they had not operated before. In 2015 I had an assistant guide make 10 Cessna 180 loads in during moose season and informed me I needed to move my camp as he was establishing a guide operation here. I held my ground and he eventually floated away with one client and rafts full of gear, but left two non-resident hunters camped 20 yards from me. They were unprepared for reality of Alaska and when a plane finally came for them they abandoned a plastic wall tent and piles of gear. I burned their trash and hauled out what I could as the area is special to my group. Neither commercial operation had operated from this site before.

Several proposals fairly address this problem among them I support Proposal 33, 34, 36, and 37

The guides are running out of room also and the only recourse I see is to limit non-residents as is done is the lower 48. Commercial interest seem to believe they have a priority on game in Alaska but by the State constitution residents have preference after subsistence. Besides the loss of wild meat dear to Alaskans, we are also losing the cultural value of the hunt.





I am a pilot and use my plane to access hunting areas, but believe it should be parked and hunting done from camp. There is too much spotting and assisting hunters from the air. Leave the 5 AAC 92.085 in place.

I am also opposed to the introduction of any more technology in archery only hunts. It has reached the point that archery hunting is a sad joke due to technological advances. I support Proposal 17 and do not support Proposal 71. The crossbow is just another example of industry pushing technology into archery to negate the skills need to be an archer and ethically hunt with the bow. I have bow hunted all over Alaska and the United States for 50 years and learned long ago that just being able to hit a target is a long way from being knowledgeable enough to pursue game with an arrow. We do not need any more instant Bowhunters.

I am strongly in agreement with Proposal 52 as supporting the intent of the predator control program. I do not believe the people of Alaska will continue to support this program just to provide more trophies for non-residents.

It is no secret that the majority of guided non-resident hunters leave their meat with the guide, hunting only for trophies. This places the responsibility of determining if the meat was legally cared for and then taking responsibility of dealing with it on the guide. Obviously in spite of the guides promoting "feeding the villages" it is in their financial best interest to leave the meat in the closest village rather than multiple long flights and/or airfreight. We need to maintain accountability of our game meat. I strongly support Proposal 48 and do not support Proposal 47.

Thank you for your consideration on these comments.


Robert S Holbrook



Submitted By
Robert Jahnke
Submitted On
10/14/2017 6:13:54 AM
Affiliation
Trapline Supplies

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Proposal 6; I agree with this . Proposal 8; I agree with this, makes sense. Proposal 62; absolutely not. Proposal 63; yes. Proposal 68 Yes I believe this would be an important tool for responsible game management along with the fact that it could help with predator control when predator numbers are under estimated during any given season. With cut backs with in the state budget on the horizon this would be an important tool to protect our game and those of us who utilize the game to feed our families.



Submitted By
Kevin James
Submitted On
10/24/2017 11:25:03 AM
Affiliation

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Wasilla, Alaska 99687

Penalizing a resident for shooting a legal sheep is outrageous! Not to mention unfair. This proposal was written by a guide as to lighten the local hunting pressure on Dall Sheep. If for some reason this becomes law. The guides should be held to the same standard. ie.. if a client shoots a sheep under the listed guidelines. Then that guide service cannot guide a client for the said amount of years. Most out of state clients do not return year after year leaving the guides open to shoot rams that residents are penalized for. Where's the fairness in that? Just because they get paid for the sheep doesn't give them the right to follow local laws as the residents. Not holding guides to the same standard just gives them unlimited sheep.. with that being said. Just making it 1 sheep every 4 years across the board and limit the number of sheep a guide can kill. Would help the sheep population and hunters. While guides can still make a good profit on their business.



Submitted By
Diane Jewkes
Submitted On
10/25/2017 12:10:57 PM
Affiliation

Phone
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Address
1891 Blackburn Way
North Pole, Alaska 99705

Good morning,

As 49 year residents of Alaska, we support most regulations that prioritize hunting opportunities for Alaskans. Alaska's game should be managed 1st for present and future Alaskans. We are unable to attend this years meeting.

We support #12, 28, 32, 33, 34, 36, 37, 42, 48

We oppose #30, 38

Leonard Jewkes
Diane Jewkes
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[907-388-7532](#)



Submitted By
Daniel Jirak
Submitted On
10/24/2017 7:49:04 PM
Affiliation

I am a resident of 12 years and am married to a life long Alaska resident and am commenting on the following proposals. I would like to add that I have been to the BOF meetings and would like to see the BOG adopt the committee of the whole process like the BOF. I feel it adds additional public input/participation for the board to make better decisions. The public feels more a part of the process at BOF meetings than at the BOG meetings.

#8 - I support this proposal and do fly out to conduct predator calling hunts in the winter. It would be nice to be able to shoot a wolf if I called one in.

PROPOSAL 26 – 5 AAC 92.050. Required permit hunt conditions and procedures - I strongly oppose this proposal, how greedy does one hunter need to be?? I also believe the entire governors tag system is wrong if not illegal. The wildlife is the property of the public to be managed by the state/feds, not sold to the highest bidder.

PROPOSAL 28 – 2007-173-BOG. Nonresident drawing permit allocation policy - I support this proposal and think residents should have greater drawing odds than non-residents

PROPOSAL 30 – 5 AAC 92.050. Required permit hunt conditions and procedures, and 92.130. Restrictions to bag limit - I oppose this proposal, this is just another money grab for the guide industry. For every non-resident that hunts with their family member the APHA sees a revenue loss of \$15-20K to its members. I believe hunting is more than how much money can be made. Family hunts can be the best quality time one can spend with relatives. Lets make guides start using their harvest tags for non-resident hunts, effectively only allowing a few hunts per year per guide, that would be the same as what the APHA would like to see to 2DK non-residents and their resident relatives.

PROPOSAL 34 – 5 AAC 92.057. Special provisions for Dall sheep drawing permit hunts; 92.061. Special provisions for Unit 8 brown bear permit hunts; 92.069. Special provisions for moose drawing permit hunts; and 92.050. Required permit hunt conditions and procedures. - I support as for reasons stated above.

#33 and #36 - I support these two proposals. In any current draw hunts in the state I support a much higher resident allocation of tags and a 10% cap of non-residents. This is similar to most other big game hunting states.

PROPOSAL 37 – 5 AAC 92.008(5). Harvest guideline levels. Limit nonresident sheep harvest to no more than ten percent of total harvest per subunit as follows: - I support this proposal in sub units that need a decrease in harvest pressure. I think 19C and 20A need to see a decrease in non-resident sheep hunters. I think 10% is too big of a cut though. Start reducing non-resident hunters but capping at 10% where historic numbers have been 80% is a huge cut and might not be needed in all units.

Proposal #38 & 39 - **PROPOSAL 39 – 5 AAC 92.130. Restrictions to bag limit.** Implement a sliding scale bag limit for Dall sheep hunting for residents and nonresidents as follows: - I strongly oppose these two proposals. If we need to decrease the sheep hunting pressure than starting with decreasing the non-resident hunters is the first step. These two proposals would mostly negatively affect resident sheep hunters and have little effect on non-residents. The fact that over 40% of sheep taken statewide are by nonresidents and over 80% in units like 19C and 20A is the biggest allocation issue of our current "sheep wars".

PROPOSAL 42 – 5 AAC 92.069. Special provisions for moose drawing permit hunts; 92.XXX. New regulation. Remove the nonresident guide requirement for moose and black bear hunts as follows: - I support this proposal. I would like to see all guide required species go to a full draw for non-resident hunters and remove the guide requirement. This will be the only fair/legal way to reduce hunting pressure and guide area overcrowding. The guide requirement is not a safety issue, its a forced state subsidy forced on out of state hunters. You don't see a forced guide requirement for more dangerous activities such as climbing Denali, but you still have a climbing guide industry.



Submitted By
Loren J Karro
Submitted On
10/27/2017 4:55:15 PM
Affiliation

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Palmer,, Alaska 99645

Thank you for this opportunity to comment on the Statewide Regulation proposals. I will comment further in person at the meeting.

Proposal 11: I strongly support this proposal as a workable compromise. I believe the so-called "Proposal 207" should never have been submitted by the board according to an existing signed agreement of when board proposals are in order, and I believe the existing regulations arising from it unfairly target airplane users. It also has the strong potential to increase crowding at the beginning of the sheep season, a problem identified by sheep hunters in the board questionnaire. This new proposal will keep hunters from harassing wildlife (which is already illegal under current wildlife harassment regulations) by prohibiting airplanes from approaching sheep closer than 1,000 feet. This will also restrict the possibility of having sheep 'spooked' by low flying airplanes during the open season, when hunters might be on a stalk; however one must bear in mind that sheep might still be spooked by sightseers and even government helicopters.

Proposal 25: I support this proposal. It comes at no cost to any hunter, but could provide significant data as to the extent of bear hunting, the bear harvest levels and other information currently not available through much of the state.

Proposal 30: I support this proposal. I have already seen very limited non-resident draw opportunities be very compromised by the number of 2DK applicants who were awarded opportunities. This can be a severe disservice to guides operating in these already restrictive areas, and takes away money for guided hunts which enrich the Alaskan economy. This proposal is very limited in that it would affect Sheep, brown/grizzly bear and mountain goat hunting by 2DK residents in drawing hunts only.

Proposals 36 & 37: I strongly oppose these proposals. They will have the effect of severely cutting the conservation funds received by the state through license and tag sales and the significant allocation of Pittman-Robert funds. They will also put many Alaskan guides out of business and effect the state economy. I refer you to the APHA written comments. As a guide who works in the bush, in and around the village of Port Heiden, I can properly testify to the economic benefits that the guide businesses provide there, and in other such rural areas with already restricted economic bases. These proposals do not address conservation concerns while greatly restricting wildlife conservation funding, and they would put many guides out of business and take away the economic benefit that guide businesses bring to the state, often in rural areas.

Proposal 52: I oppose this proposal. The legislature has never enacted a restriction of non-resident hunting in areas with IM programs, and this was apparently never their intent. Existing statute provides for a strict resident preference for moose, caribou, deer and elk in IM areas, and I believe that this existing statute adequately covers concerns for achieving "human consumptive use goals of the board". I also might mention that many of our hunters actively look to harvest predators while on hunts for other species.



Kodiak/Aleutians Subsistence Regional Advisory Council
c/o Office of Subsistence Management
1011 East Tudor Road M/S 121
Anchorage, Alaska 99503

RAC 17022.KD

OCT 23 2017

Kristy Tibbles
Executive Director
Alaska Department of Fish and 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, Statewide

Dear Ms. Tibbles:

I am writing on behalf of the Kodiak/Aleutians Subsistence Regional Advisory Council (Council) to provide the Council's comments on a statewide Board of Game proposal.

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:

- **Proposal 43. Taking of Game by Proxy. Allow the taking of Emperor geese by proxy hunting.** This statewide proposal would allow proxy hunters to take geese for elders, the disabled and others who are unable to hunt them. The Council is particularly interested in providing elders the opportunity to subsist on a long-standing traditional bird. **The Council voted to support Proposal 43.**



Executive Director Tibbles

2

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.

Thank you for your consideration.

Sincerely,

Della Trumble
Vice-Chair

cc: Kodiak/Aleutians Subsistence Regional Advisory Council
Eugene R. Peltola, Jr., Assistant Regional Director, Office of Subsistence Management
Thomas Doolittle, Deputy Assistant Regional Director,
Office of Subsistence Management
George Pappas, State Subsistence Liaison, Office of Subsistence Management
Jennifer Hardin, Subsistence Policy Coordinator, Office of Subsistence Management
Carl Johnson, Council Coordination Division Supervisor,
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
Eric Taylor, Chief, Division of Migratory Bird Management, U.S. Fish and Wildlife Service
Jill Klein, Special Assistant to the Commissioner, Alaska Department of Fish and Game
Administrative Record



Submitted By
Wayne Kubat
Submitted On
10/27/2017 4:57:01 PM
Affiliation
self

Proposal 11 - Support. The current regulation is much too extreme. It has severely divided hunter groups. This is a good middle ground that supports fair chase and respect for game animals and hunters in the field without being excessively punitive to one method of access.

Proposal 26 - Support. This proposal will increase funding for conservation.

Proposal 27 - Support.

Proposal 30 - Support. This proposal offers many advantages to both residents and nonresidents.

Proposal 47 - Support on the merits of the proposal. Current transfer of possession requirements are especially hard to comply with in remote areas and bad weather, especially when dealing with large animals like moose which may require several trips. Hunters who are doing their utmost to comply with the main intent of the law - which is to salvage all the meat in good condition, may be subject to penalties because they got in a hurry and forgot or missed some paperwork.

Proposal 50 - Support on the merits of the proposal.

Proposals 28,33, 34, 36, 37,42, 48, 52. These are all pretty much "one size fit all" proposals by RHAK and are excessively punitive toward non resident allocation, which is only 13% of the total effort and pays for 72% of the bill. Alaska is a big state with lots of unique variables. Most of these concerns that RHAK has are better handled on a region or GMU basis.



Submitted By
David Lorrington
Submitted On
10/8/2017 7:09:31 AM
Affiliation
self

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I support proposal #11 which provides for the removal of the total ban for using aircraft for spotting sheep during the open sheep season.

I believe proposal #11 submitted by the Alaska Professional Hunters Association goes directly to the heart of the problem created by unethical aircraft users and also provides a solution to allow ethical aircraft users to continue to operate in the least intrusive way possible.

I would like to suggest that Proposal #11 be amended to include the dates of the youth sheep hunt. This amendment to proposal #11 addresses the fairness issue that prevents general season users to use aircraft while still allowing unrestricted aircraft use during the youth hunt season. The amendment to proposal #11 directs the same set of ethical uses on all sheep hunters.

To: Alaska Board of Game:
Attached are written articles in pdf format for inclusion review in the comments for the BOG Statewide Nov.
2017 meeting.
Thank you.
Kenneth Manning, J.D.
PO Box 775
Kasilof, AK 99610



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

IN THE SUPREME COURT FOR THE STATE OF ALASKA


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

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

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

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

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

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

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

4. Pursuant to Judicial Canon 2, Commentary:

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

² Judicial Canon 3E(1)(a).

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

⁴ *Adarand Constructors, Inc. v. 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!⁵), whether by intent or by diminished mental capacity, racism,⁶ and/or impaired judicial competence to comprehend the issues for proper *de novo* appellate review, is still "impaired competence" in reasonable minds, especially where racial discrimination is "unanimously" ignored (approved) by the entire Court.

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

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

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

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

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

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

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

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



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

6. Pursuant to Judicial Canon 2:

A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All the Judge's Activities.
A. In all activities, a judge shall exhibit respect for the rule of law, comply with the law,* avoid impropriety and the appearance of impropriety, and act in a manner that promotes public confidence in the integrity and the impartiality of the judiciary.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

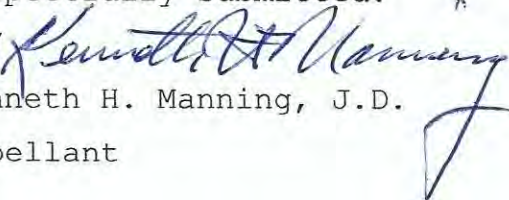
Based on obvious bias, prejudice, racial improprieties, and impaired judicial competence, Justice Winfree must be disqualified from all appellate review in this matter.

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

Date: Sept. 18, 2017

Respectfully submitted:

/s/


Kenneth H. Manning, J.D.
Appellant

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

¹⁵ *Adarand, Id.*



KENNETH H. MANNING,

Appellant

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*,¹ I must be — or perhaps at least appear to be — racially biased against him and therefore have a conflict of interest requiring recusal. Before ruling on Mr. Manning's motion, I note that he prevailed on the attorney's fees issue in the original appeal, which is why the issue was remanded to the trial court for further proceedings.

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

¹ 355 P.3d 530 (Alaska 2015).



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

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

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

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

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

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

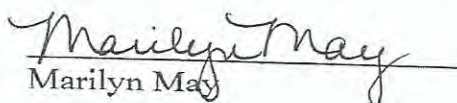


showing whatsoever — other than his personal disagreement with the resolution of the previous matter and his continued assertion that existing hunting regulations violate constitutional equal protection guarantees and constitute unconstitutional racial discrimination — that something of such significance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

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

Entered by direction of Justice Winfree.

Clerk of the Appellate Courts


Marilyn May

cc: Supreme Court Justices

Distribution:

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Kenneth Manning
PO Box 775
Kasilof AK 99610

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

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



PC021
10 of 11

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

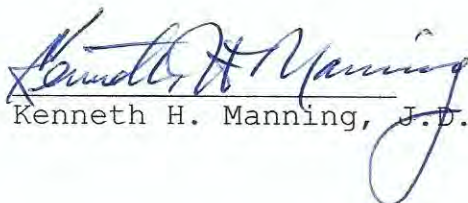
I, Kenneth Manning, hereby certify that a true and correct copy of the MOTION TO RECONSIDER JUSTICE WINFREE'S ORDER DENYING MANNING'S MOTION TO DISQUALIFY JUSTICE WINFREE, was mailed by pre-paid U.S. Postal Service on September 18, 2017, to the following parties of record:

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 Winchesters have also become "traditional."

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

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

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

See B3, *SCHANDELMEIER*

Some of the Unit 13 game proposals need a reality check

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

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

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

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

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



**JOHN
SCHANDELMEIER**
OUTDOORS

SCHANDELMEIER: Unit 13 game proposals

Continued from B1

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

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

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

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

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

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

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

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

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

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



Submitted By
Christofer Miller
Submitted On
10/24/2017 9:53:23 PM
Affiliation

I would like to specifically address proposal 39. As a resident sheep hunter I think this is an extremely bad method to use for legally harvesting rams. Allowing this type of latitude in animal harvest would be even more detrimental to the sheep population. I believe biologists already see this and that is why we have the harvest standards we do now. I have seen many sub legal rams in the years I have hunted sheep. And I believe a lot more young rams will be taken under these rules. The individual proposing this method of harvest restriction is also a guide. So he would benefit from the fact that most non-resident hunters would definitely take something small home rather than leave empty handed after spending upwards of \$15k-\$25k. Im sure most cannot afford to pay the steep price for this hunt more than once and do not plan to return anyway. I also believe that residents should not suffer because of a business. And these guides do not care about the people of this state. They only care about their pocket books. I believe the board has done what is necessary to properly manage the sheep population of the state and changing the harvest requirements is unnecessary and again only benefits the guides. Most people I am assuming do not find a 10+ year old ram every year. So now they begin to move down the scale. What about broomed rams? How will this be scientifically judged? I have seen a lot variance over the years on aging rams. And my experience is unless you are a biologist you are most likely going to get it wrong more often then not. Thats why I believe most look for full curl or double broomed. Its just difficult to age a ram in the field effectively. But under these ridiculous rules you will be punished if you do not get it right. My family and I like to go sheep hunting every year. We dont always harvest animals but it is a family tradition. So now I should surrender these traditions for a guides motivation to make money? Adopting this proposal is a bad idea for the state, the residents and the sheep population. I humbly request you deny this proposal and see that it is not the right thing to do.



Submitted By
Daniel Montgomery
Submitted On
10/27/2017 4:56:55 PM
Affiliation

Phone
907-373-4898
Email
akta@mtaonline.net
Address
p.o. box 874492
wasilla, Alaska 99687

My name is Dan Montgomery. I'm a 35 year resident of Alaska and have been a Registered guide in Alaska since 1993 and I have either hunted sheep myself or guided hunters to sheep every year since 1983. Thank you for considering my comments.

I support the following proposals:

I support proposal 11. This is a good compromise. It eliminates " Buzzing " of sheep during the sheep season and replaces the overly broad language that the board adopted in Proposal 207 that makes it illegal to intentionally see a sheep from an aircraft at any distance and if you inadvertently see a sheep during the season it makes it illegal to talk about it to anyone that intends to hunt sheep that year. One of the real joys of flying through sheep country is pointing out all the sheep on the distant mountains and hearing how excited the hunters get at seeing them. It was a big part of a sheep hunt that is now illegal.

Proposal 12: I support this proposal if the board does not adopt proposal 11

Proposal 25: I think requiring a harvest ticket for hunting Brown/Grizzly bears is the right thing to do to have good informed management of this species.

Proposal 30: I support this proposal. It allows 2dk hunting as it was intended without them getting a high percentage of the draw permits that a lot of them never use.

Thank you BOG for your consideration of these comments and all the work you do.



United States Department of the Interior

NATIONAL PARK SERVICE

Alaska Region
240 West 5th Avenue, Room 114
Anchorage, Alaska 99501

IN REPLY REFER TO:
I.A.2. (AKRO-RD) 20171014

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

OCT 20 2017

Dear Chairman Spraker,

The National Park Service (NPS) appreciates the opportunity to comment on statewide proposals being considered by the Alaska Board of Game (BOG). Below are our recommendations on proposals that affect or have the potential to affect NPS preserves.

As you review our comments, please realize that NPS statutory & regulatory requirements differ from the State of Alaska and other federal agencies. Hunting activities in preserves sometimes require different management approaches consistent with enabling legislation and the Alaska National Interest Lands Conservation Act (ANILCA). We recognize and support the State's primary stewardship role in wildlife management, while ensuring that preserves continue to comply with applicable laws and regulation.

Proposal 8, 9 10: NPS Recommendation: Oppose.

These proposals would remove same-day airborne restrictions on wolves and wolverine for those harvesting with a trapping license (#8), allow land and shoot requirements for harvesting coyotes (#9), and repeal restrictions on the use of aircraft for taking big game. These activities are prohibited on national preserves by regulatory language found in 36 CFR 13.42 (f). Should the Board adopt any of these proposals, the NPS requests that park exemptions be reflected in State hunting regulation.

Proposal 19: NPS Recommendation: Oppose.

This proposal changes the nonresident season for taking passage raptors. These activities are prohibited on NPS-managed lands (36 CFR 13.42 (j)). Should the Board adopt any of this proposal, the NPS requests that park exemptions be reflected in State hunting regulation.

Proposal 25: NPS Recommendation: Support.

This proposal would require harvest tickets for brown bear hunts statewide. NPS supports this proposal. Requiring a harvest ticket would be another way to collect brown bear harvest data, and would have the added benefit of providing data on hunter effort.



Proposal 49. NPS Recommendation: Oppose.

This proposal requires a permit be obtained before brown bear skulls and hides with claws attached can be sold. NPS regulations prohibit the sale or commercial use of natural products taken from NPS areas, as described in 36 CFR 2.1 (c)(3)(v). Should the Board adopt this proposal, the NPS requests that park exemptions be reflected in State hunting regulation.

Proposal 50: NPS Recommendation: Oppose.

This proposal would allow more guided hunts in Intensive Management areas for all predator species. Because this proposal conflicts with 36 CFR 13.42 (f), which prohibits predator reduction efforts on national parks and preserves; additional guided opportunity for NPS hunt guide concessions would be prohibited by concession contract. If the Board adopts this proposal, the NPS requests that the Board exempt NPS lands and that the exemption be indicated in State hunting regulation.

Proposal 54: NPS Recommendation: Oppose.

This proposal would modify the Tier II subsistence hunting permit point system by emphasizing dependency on subsistence resources over rural preference on some point-scoring questions and would consider customary and traditional subsistence resource dependence in all areas of the State as eligibility criteria for Tier II and community subsistence harvest hunts.

The NPS is hesitant to comment on proposals that have largely to do with State allocation issues; however, the NPS has a responsibility to support subsistence opportunity for federally-qualified subsistence users. The NPS does not support Proposal 54 for the following reasons: 1) if adopted it may adversely impact local subsistence users relying on local resources by increasing harvest competition; and 2) the proposal has the potential to make coordination between state and federal systems more challenging in those hunt areas where the two systems currently share overall allowable harvest and strive to ensure identical seasons and individual harvest limits.

Proposal 64: NPS Recommendation: Support.

This proposal would eliminate domestic sheep (*Ovis aries*) and goats (*Capra hircus*) from the State's "Clean List" and require a permit for possession with stipulations if located within 15 air miles of wild sheep habitat. The NPS supports this proposal as a best management practice for conserving wild sheep and mountain goats, whose populations are experiencing a decline in some parts of the state.

Domestic stock may carry diseases that their wild counterparts have little immunity to, as well as contribute to cumulative effects of other disease agents and environmental stressors. Currently, we have relatively disease-free wild sheep and mountain goat populations in Alaska. This is not the case in the continental US where populations of wild sheep have experienced population declines due to transmission of disease, primarily pneumonias, from domestic livestock. While the risk of exposure may currently be low in Alaska, the consequences of exposure could be quite significant. Immunologically naïve wild populations of sheep and goats in Alaska living within large blocks of contiguous habitat are at greater risk of population-level effects as a result of disease transmission. This proposal, if passed, would be a positive step towards long-term protection of wild sheep and mountain goats in Alaska.



Thank you for this opportunity to provide comments on these important wildlife regulatory matters. Should you or your staff have any questions, please feel free to contact myself or Mary Hake, Wildlife Management Biologist and liaison to the Board of Game at (907) 644-3576.

Sincerely,

A handwritten signature in blue ink, appearing to read "Debora Cooper".

Debora Cooper
Associate Regional Director
National Park Service

cc: Sam Cotten, Commissioner, ADF&G
Kristy Tibbles, Executive Director, Alaska Board of Game, ADF&G
Bruce Dale, Chief, Division of Wildlife, ADF&G
Steve Wackowski, Special Assistant to the Secretary for Alaska
Bert Frost, Regional Director, NPS
Greg Siekaniec, Regional Director, USFWS
Tom Doolittle, Deputy Assistant Regional Director, USFWS-Office of Subsistence Management



Submitted By
Israel Payton
Submitted On
10/25/2017 10:18:00 AM
Affiliation

Chairman Spraker and fellow Board Members,

Proposals 38 and 39 want to adopt some type of sliding scale limit for Dall Sheep based on age. Please oppose both of these, they do not make any biological or social sense. My hunting partner this year harvested a 7 year old ram that was 38 inches and 14 inch bases, a "trophy" ram by all accounts. My friend harvested and 8 year old that was 45 inches and made the record book. Both of these hunters would be penalized if these proposals were to pass. The ADFG has finally developed a good guide to judging legal sheep, adopting these proposals would confuse hunters and add regulation complexity.

As for all the other Dall sheep proposals I would like to point out in the summary of the BOG Sheep Working Group meetings, one of the concepts that the group agreed to was- "Residents should have priority for sheep hunting"

I support repealing of proposal 207 and support the State Troopers comments on it-

"Proposals 10, 11, 12 These proposals seek to change the regulation on the use of aircraft for spotting sheep during open sheep hunting seasons. The Alaska Wildlife Troopers are the primary enforcement for regulations created by the Alaska Board of Game. The board should avoid creating regulations that are extremely difficult to enforce. While some in the public will choose to follow these regulations, the others that choose to not follow the regulations will not be held accountable. This creates a scenario where law abiding citizens are held to a different standard than law breakers. The long term outcome will be that the regulation will be ineffective. The Alaska Wildlife Troopers ask that the board carefully review the benefit of the current regulation and compare that to enforceability."

Thank you for your service and consideration.

Israel Payton



October 23, 2017

Board of Game Statewide proposals November 10-17, 2017

Koyukuk River AC
Jack Reakoff Chair

Board support and I tried to convene a conference call regarding the Statewide proposals for your upcoming meeting. Due to various issues with Committee members, including AFN the Committee could not meet.

As Chair I feel comfortable speaking to some of these proposals from my perspective, and also the position the Koyukuk River has taken previously on these issues.

I oppose proposals 10, 11, and 12 to repeal or modify spotting Dall sheep with the use of aircraft from August 10 to September 20.

The current regulation allows hunters to access areas by aircraft. No pilot has been sited for looking a strip over before landing. Hunters are just precluded from searching all the mountains to find sheep then landing near by to pursue sheep, during the season.

The current regulation is working to promote fair chase hunting through out all users groups during the season. White animals in open terrain can hardly avoid detection. There are still plenty of rams being taken with the current legal methods employed.

We are still not out of the woods yet from the die off from the winter icing and late spring of 2013. Most yearlings' winter killed that year, almost all lambs died at birth and the surviving ewes produced few lambs in 2014.

When I am out glassing and observing sheep in the Central Brook Range, I see very few young rams entering ram groups. There are few rams between 1/4 curl to just below 7/8 curl. Legal rams are going to get very scarce, meaning there will be few breeding rams. There have been excellent lamb productions in 2016 and 2017. The 2016 yearling cohort survived well. We will see several 1/4 curl rams entering ram groups this next summer.

Conservation of rams recruited before 2011 needs to be considered as the breeding population moves through the three missing cohorts (2012, 2013, and 2014).

I oppose proposals 14 and 15 To repeal the very Customary and Traditional practices of taking Black Bears in the den from October 15 to April 30.

The Koyukuk River AC was very appreciative to the Board of Game recognizing the practice of bear harvest in dens from time immemorial. There is an involved



practice of finding the den, taking the bear under difficult conditions, and use of bears as a significant food source.

The Koyukkon Athabaskan and Inupiat hunters of the GMU have deep-seated tradition with these harvests. I as a non-native have also taken Black Bear from the dens when meat was needed. I will just say from my experience it is not shooting a fish in a barrel. Dens that may have neonate cubs are avoided by their characteristics. Sows that have bigger cubs are taken and used. The Black Bear population is very healthy and can easily sustain this limited harvest from dens. Harvest of Black Bears from dens is not a predator control method and should never be construed to be.

Thank you for your thoughtful deliberation on these proposals,

Jack Reakoff



unapologetically FOR ALASKAN RESIDENTS

PO Box 60095, Fairbanks, Alaska 99706 (907) 371-7436
email info@residenthuntersofalaska.org web www.residenthuntersofalaska.org

October 27, 2017

Resident Hunters of Alaska (RHAK)

Comments to Alaska Board of Game

Statewide Meeting

November 10-17, 2017

Proposals we support: 7, 12, 20, 28, 31, 32, 33, 34, 36, 37, 42, 44

Proposals we oppose: 30, 38, 39,

Proposal 28 – 2007-173-BOG. Nonresident drawing permit allocation policy. Modify the Board of Game nonresident drawing permit allocation policy

SUPPORT

The intention behind this RHAK **proposal is for the Board of Game's** nonresident allocation policy to not allow a priority to nonresident hunters for any big game species under a draw permit system.

For example, over the last ten years, there are consistently more nonresident guided sheep hunters in Unit 19C than there are resident sheep hunters. **Using the Board's current nonresident allocation policy, if the area** went to draw-only hunts, nonresidents would have a clear priority over residents. The same is true for Unit 20A in terms of nonresident harvest rates over the last ten years that are consistently >50% of total harvests.

The Board needs a revised nonresident allocation policy to address these potential scenarios.

Proposal 30 – 5 AAC 92.050. Required permit hunt conditions and procedures, and 92.130. Restrictions to bag limit.

OPPOSE

This proposal would eliminate 2DK nonresident draw tags entirely so that all 2DK hunters in the future will only be allowed to hunt with a resident



relative who has drawn a *resident tag*. The resident relative would essentially forfeit his or her tag and give it to their nonresident relative. **It's** no different really than Proposal 51 from the guide industry that the Board passed and has since been rescinded. This continued push by the guide industry to gain more clients at the expense of resident hunters is shameful.

Please don't make the same mistake again; we urge you to fully consider our counter proposal # 34 that asks that all nonresident draw permits, regardless if they are guided or 2DK hunters, be put in the nonresident pool **of tags. Don't prevent Alaskan hunters** from the chance and opportunity to hunt with their nonresident relatives on draw permit hunts where both are currently eligible to draw.

Proposal 33 – 5 AAC 92.069. Special provisions for moose drawing permit hunts. Establish a ten percent nonresident moose drawing permit allocation

SUPPORT

This is a RHAK proposal asking the Board of Game to prioritize any moose drawing permit hunt anywhere in the state to give resident moose hunters a clear priority as our constitution intended.

Our other proposal (#42) ties in with this one because the two are intertwined. The only areas where residents do not receive a clear allocation priority for moose draw permit hunts are where the Board of Game has made moose a must-be-guided species for nonresidents. Even though the **Board classifies these hunts more of a "trophy" hunt**, that does not justify allocating 50 percent of the permits to nonresidents (DM 809/810/811).

Every resident moose hunt is a "meat" hunt, whether one takes a 65" bull or a paddlehorn. Moose is what we eat for dinner and what gets us through the winter. Residents should have a clear and substantial allocation priority for any moose hunt that is draw-only for all.

If the Board deems our 10 percent nonresident allocation recommendation as too harsh or too low, we ask that you step back and think if a nonresident **50 percent allocation is too high. Certainly it doesn't comport with our state** constitution:

Article 8 - Natural Resources

- § 1. Statement of Policy



- It is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest.
- § 2. General Authority:
 - The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people.
- § 3. Common Use
 - Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.
- § 4. Sustained Yield
 - Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

Article I – Declaration of Rights.

§ 23. Resident Preference

- This constitution does not prohibit the State from granting preferences, on the basis of Alaska residence, to residents of the State over nonresidents to the extent permitted by the Constitution of the United States. [Amended 1988]

• Resident hunters of Alaska *are* **“the people” our Founders were referring to.** When and where restrictive drawing hunts for all are necessary, resident Alaskans should receive a maximum benefit to any hunting opportunity.

Proposal 34 – 5 AAC 92.057. Special provisions for Dall sheep drawing permit hunts; 92.061. Special provisions for Unit 8 brown bear permit hunts; 92.069. Special provisions for moose drawing permit hunts; and 92.050. Required permit hunt conditions and procedures.

In drawing hunts with a separate allocation for residents and nonresidents, all nonresident permits will be issued from the nonresident allocation

SUPPORT



Please see our comments regarding Proposal 30. All nonresident draw permits should always be in the nonresident pool of tags. There was never any intention by the legislature to separate out one group of nonresident hunter from another within AS 16.05.407.

In terms of draw permit allocation policy, all nonresident hunters, regardless of whether they will hunt with a resident relative or a guide, should be placed in the same nonresident pool of available tags.

Proposal 36 – 5 AAC 92.057. Special provisions for Dall sheep and mountain goat drawing permit hunts. Change nonresident general sheep hunts to drawing permit hunts with a ten percent permit allocation cap

SUPPORT

This is a RHAK proposal based on recommendations included in the DNR **Guide Concession Program “Alternatives” list, which are actions that can be taken by the Board of Game to address the issue of “too many guides”:**

“The first BOG alternative to the GCP is for the board to further restrict non-resident hunting opportunity. This could be accomplished by expanding the drawing and/or registration permit systems for non-residents, while simultaneously reducing or eliminating non-resident general harvest seasons and bag limits. This alternative would help to address the issues of quality of experience and conflicts between users by decreasing the number of non-resident hunters in the field. It may also address wildlife conservation concerns in cases where overharvest is an issue.”

It’s past time for the Board of Game to place limits on nonresident sheep hunters!

Proposal 37 – 5 AAC 92.008(5). Harvest guideline levels.

Limit nonresident sheep harvest to no more than ten percent of total harvest per subunit

SUPPORT

This is a RHAK proposal based on recommendations included in the DNR **Guide Concession Program “Alternatives” list, which are actions that can be taken by the Board of Game to address the issue of “too many guides”:**

“The second BOG [Board of Game] alternative to the GCP is for the board to establish a specific harvest level for non-resident hunters. The BOG would allocate a percentage of the harvestable surplus, such as 10%, to non-residents, potentially statewide and for all species, and the vehicle for this



*system would likely be drawing permits. This is different than the first alternative in that the allocation to non-residents would be fixed at a percentage of surplus rather than just reducing opportunity as **needed.**"*

It's past time for the Board of Game to place limits on nonresident sheep hunters!

Proposal 38 – 5 AAC 92.130. Restrictions to bag limit. Implement a sliding scale bag limit for Dall sheep hunting for residents

and Proposal 39 – 5 AAC 5 AAC 92.130. Restrictions to bag limit. Implement a sliding scale bag limit for Dall sheep hunting for residents and nonresidents

OPPOSE

As this Board knows, sheep genetics differ by area, and so does available browse and minerals. In some areas of the state rams tend to grow horns faster and become full-curl earlier in age than in other areas. In some areas **it's hard to find a full-curl ram over 8 years old. It's hard to imagine penalizing a sheep hunter who takes a full-curl 38" ram that turns out to be seven years old. But that's what would happen if either of these proposals pass.**

These proposals also advocate for sheep hunters to count annuli along with judging full curl, which is difficult at best even for experienced sheep hunters.

The Department has consistently said that the full-curl/8-year-old harvest regime is fully sustainable and does not lead to sheep declines or negatively impact sheep populations. And in the Department A&Rs they say there are no biological concerns that would support these proposals.

As RHAK has argued in the past and currently, we believe that too many sheep are being taken in some areas by nonresident hunters annually, and it negatively impacts resident hunter opportunity, success, and hunt quality. If any new restrictions or penalties on sheep hunters are to be enacted, they should fall squarely on the nonresident hunter.

Proposal 42 – 5 AAC 92.069. Special provisions for moose drawing permit hunts; 92.XXX. New regulation. Remove the nonresident guide requirement for moose and black bear hunts

SUPPORT



This is a RHAK proposal that ties in with our Proposal 33 addressing nonresident moose draw permit allocations of up to 50 percent of available permits. Such an allocation scenario only happens in areas where the Board of Game has made moose a must-be-guided species for nonresidents. Similar scenarios are possible in Southeast Alaska where the Board has also made black bear a must-be-guided species for nonresidents.

The legislature never intended for the Board of Game to add species to the list of must-be-guided species in AS 16.05.407. The Board of Game has added moose and black bear (in certain areas) to the must-be-guided list for reasons contrary to our must-be-guided law, and it has negatively affected resident hunters and all nonresident hunters want opportunity but **who can't afford or don't want to hire a guide.**

Proposal 48 – 5 AAC 92.135. Transfer of possession. Modify the transfer of possession regulations to include reporting requirements

Support with amended language:

Amend 5AAC 92.135 to include a new subsection:

(d) if the meat from a hunter is transferred, a record must be kept of all transfers and turned into the Department of Fish & Game within 30 days of the close of the season

There are widespread complaints of spoiled meat ending up in villages, or at food banks, yet we have no real way to track and record where that meat came from and who is responsible for improper salvage of game meat.

We are searching for a way to track where the (unbutchered) donated meat from hunters ends up, in order to hold hunters to a more stringent standard of meat care. The bottom line is that it is the **hunter's responsibility**, whether they are resident or nonresident, guided or unguided, to ensure the meat is properly cared for and, if donated, is fit for human consumption.

We need a way to track these transfers so there is more accountability and a higher level of meat care.

Proposal 52 – 5 AAC 92.106. Intensive management of identified big game prey populations; 92.110. Control of predation by wolves; and 92.115. Control of predation by bears. Prohibit nonresident hunting of moose and caribou under intensive management until harvest and population objectives are met



SUPPORT

This is a RHAK proposal widely supported by rural Advisory Committees because they understand that Intensive Management predation control programs are to benefit Alaskans who need to fill their freezers with moose and caribou meat.

There has been an ongoing push from guides to allow nonresident hunting of depleted prey species in areas currently under a formal IM predation control **program. One example is the Mulchatna Caribou herd, which isn't remotely** close as of yet in reaching the low end of the population or harvest objectives. The rationale to allow nonresident hunting of a depleted caribou population such as the Mulchatna herd is that nonresident guided hunters will fly into areas residents and locals **can't access, thereby not** competing with them for the resource, **and it will be a "win-win"** because all that meat will be donated to villagers.

But the reality is that every animal taken from a herd we are trying to grow via an IM program is additive mortality, and it makes no sense whatsoever – no matter how many animals are allocated – to allow nonresident hunting for a depleted prey population currently under a formal IM predation control program designed to benefit Alaskan residents.

Proposal 12 – 5 AAC 92.085(8). Unlawful methods of taking big game; exceptions.

Remove the restriction for the use of aircraft for spotting sheep by aircraft.

SUPPORT

RHAK supports **repeal of what is commonly known as "Proposal 207."**

Spotting or not spotting sheep from an aircraft is a decision for individual pilots to make.

The *process* the Board of Game used to generate Proposal 207 was contrary **to the Board's own criteria that defines whether or not to develop a board-** generated proposal, and inconsistent with how our public system of wildlife management should function.

Not only did the Board of Game create a new regulation (5AAC 92.085(8)) out of thin air, they did so even though the majority of Advisory



Committees, the public, and our very own Alaska Wildlife Troopers, opposed Proposal 207.

The Board should also take note of the arguments in Proposal 10, that speak to a hypocrisy in how the Board regulates the use of aircraft for hunting. For example, the Board condones the use of aircraft to spot caribou in Unit 22 during the winter season and allows hunters to land and shoot the same day they are airborne (5AAC 92.085 (8)(D)). So as far as an ethics argument on **the "controversial practice of hunting for wildlife from aircraft" – which is the Board's rationale for addressing and generating Proposal 207, it's inconsistent to say on one hand it's unethical to spot game from the air if they are sheep, but okay if they are caribou.**

Thank you for the opportunity to comment.

Resident Hunters of Alaska – info@residenthuntersofalaska.org



Submitted By
Rose Shearer
Submitted On
9/27/2017 4:32:39 PM
Affiliation

~~Date: September 27, 2017

Tom Lamal, Fairbanks: and the Alaska Board of Game

I am writing about your regulation that states you may not receive a permit to sell a grizzly bear rug in the state of Alaska. I understand the underlying premise that if this were not a regulation, there would be an unscrupulous group of persons that would indiscriminately kill bears for profit.

However, I believe that there should be exceptions as determined by the board that would allow a "permit to sell" to be issued. I was told by your representative that the only way a bear rug could be sold with a permit is if the person killing the bear passed away (the family could then sell the bear rug), the person or family was declaring bankruptcy or the person owning the rug wanted to donate it. This seems very discriminatory toward other persons who own bear rugs and choose to sell them.

In our situation, my husband who killed the bear is 75 1/2 years old. Our child has no interest in the rug. We are in the process of downsizing and choose to sell this bear rug.

My request and proposal to you is thus: A permit be granted under the following conditions

1. Request of the person owning the bear rug the date and place of the kill.

2. I assume that you ask for proof before issuing a permit to the above mentioned criteria you set forth. Can you not determine parameters for the permit that include the following in addition to the criteria previously stated such as the

Age of the person requesting a permit: a suggestion would be 65 years and older

Age of the bear: a suggestion would be the bear rug be 25 years old or older

Years of Alaska residency

Reason for selling. This could be a notarized statement

I appreciate your consideration of my request and a review and amendment of your policies and regulations that will be fair to Alaskans and yet protect our grizzly bears from unfair harm.

Sincerely,



Submitted By
Dusty Spencer
Submitted On
10/24/2017 9:13:46 AM
Affiliation
Resident

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Proposal 38 and 39 for tiered sheep hunting requirements are slander that caters to the Guide industry. Vast majority of Non-resident sheep hunters are a one-time affair so they have no reason to pass on a younger full curl legal ram. Putting these penalties on residents without congruently enforcing them on the Guide is a slap in the face to Alaskans who own this resource. If this proposal doesnt add that Guides will have the tiered effect as well IE; Guides hunter takes a 9 year old ram he cannot guide the next season so on and so forth to mirror the residents penalty. This is merely a Guide trying to keep resident hunters out of the area he uses. A bigger issue in my opinion is that state land needs to be concessioned for both Guides and Transporters, too many areas are being decimated by the pressure created by no holds bar of people in the area. Best example is the Wood River drainage are, overrun with 7+ guides all operating out of there and transporters mass dropping clietns on the large strip at the old lodge...



Submitted By
Jeffrey Sperry
Submitted On
10/15/2017 11:59:56 AM
Affiliation

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Eagle River, Alaska 99577

I would like to comment on the following proposals:

Proposal #2 definitions - leave the youth age at 10 years of age and require hunter education (the youth hunts should be eliminated, however if you are going to have them then the education is vital.) My two boys and I took the hunter education many years ago and it was invaluable. Additionally, I believe that the adult accompanying the youth should also be required to have completed the hunter education so they can reinforce what the youth has learned in the education course.

Proposal 6 - unlawful take of furbearers - I would oppose this proposal of allowing incidental take. I believe that unscrupulous trappers would claim to be targeting a legal species while truly attempting to take a closed season species. any incidental take should be turned in to Fish and Game

Proposal 8 - I am opposed to shooting wolverines the same day as airborne. The wolverine population is not prolific and there is no reason to allow shooting them the same day as airborne.

Proposals 11, 12, 13 - I am opposed to any changes in the use of aircraft for hunting. Especially in the area of dall sheep. People are still using aircraft to spot sheep but it has gotten better.

Proposal 17 - I support opposing the use of an airbow during archery season - it is more of a firearm than a bow and arrow.

Proposal 26 - opposed - continue to count permits obtained through auction as a regular bag limit

Proposal 33 - I support with amending to nonresidents drawing permits be limited to 5% of the number of permits allowed for an area. Residents should have an overwhelming preference.

Proposal 36 - I support with amending to nonresidents drawing permits limited to 5% of the number of permits allowed for an area.

Proposal 38 - I oppose - it creates an extremely cumbersome system and it is unnecessary.

Proposal 39 - I oppose - it creates a cumbersome system and it is unnecessary

Proposal 40 - I oppose - leave the nonresidents as 1 in 4 years.

Proposal 41 - I oppose - the purchase of the waterfowl stamp helps support funding for waterfowl and habitat management, which is something that all waterfowl harvesters should support.

Proposal 43 - I oppose. **I believe all proxy hunting and fishing should be eliminated.** I have personally observed many abuses of this system. It is very easy for people to have their for their own bag limit and then share with others in need. It creates a bond between the individuals or families.

Proposal 44 - I am opposed . I believe all proxy hunting and fishing should be eliminated. People can readily share what they harvest with others in need and it creates a bond between the individuals or their families. You do not need to harvest an animal under someone else's tag just to provide for them. Share what you have.

Proposals 45, 46, 47, 48 I oppose all of those proposals I support the current regulations requiring the appropriate documentation for the transfer of meat.

Proposal 49 - I support this proposal. It is important to monitor the selling of brown bear hides and skulls so it does not become a commercial operation.

Proposal 52 - I support not allowing onresidents to hunt moose or caribou in an intensive management unit. If the populations are depressed, nonresidents should not be allowed to hunt there.

Proposals 56, 57, 58 I oppose all of these. The community moose and caribou hunts should be stopped. This was started initially to benefit Ahnna - **Ahnna has 3.7 million acres** of their own land to hunt on, additionally they have over 1 million acres of federal land that they can subsistence hunt on. They should be able to harvest plenty of moose and caribou under the regular state hunting seasons and

bag limits on those two areas. There is no need for a community moose or caribou hunt,



Proposal 60 - I would amend this proposal to change the age to the minimum age for obtaining a permit.

Proposal 164 - I oppose this proposal. A crossbow is not a bow and arrow and has no business being included in a archery hunt. It is closer to a firearm than a bow.

Please eliminate the community harvest moose and caribou hunts,

Thank you for this opportunity



Submitted By
Stephen Springer Jr
Submitted On
10/25/2017 2:41:29 PM
Affiliation

Hello, I am a life long hunter and an AK resident for 20 plus years and am commenting on my own behalf representing only myself.

I am in support of Proposal #'s 5,25,27,28,33,34,36,37,42,45,48,

I **oppose** proposal #'s 30,38,39,



Submitted By
Ashley Strupulis
Submitted On
10/26/2017 7:01:56 PM
Affiliation

Please vote no on prop 40



Submitted By
Dustin Tallman
Submitted On
10/27/2017 12:33:25 PM
Affiliation

I support proposal #12 by John Frost because it is the most common sense reason to rescind proposal 207. It has no underlying ulterior motives behind it and gets to the heart of why proposal 207 shouldn't have been enacted in the first place.

I support proposal #28 because I am 100% committed to ensuring that the allocation of big game favors resident hunters

I oppose proposal #30 because this is obviously just another ploy by APHA to limit their competition in certain areas and for certain species

I support proposal #32 because it's a common sense way to potentially reward a hunter who has dedicated funds for many years to drawing one of these tags.

I support proposal #33 as it is a common sense way to ensure resident priority when allocation of moose is being considered for a drawing hunt

I support proposal #34 because it ensures that resident hunters will have priority when it comes to drawing certain tags (ie; Kodiak brown bear). As it is written right now, the second degree of kindred tags fall under the resident pool. They need to fall under the non resident pool.

I support proposal #36 because it's a common sense way to ensure that the allocation of sheep tags favor resident hunters.

I oppose proposals #38 and #39 because there are better ways to ensure the health of the sheep populations state wide. I understand the intent of the proposals, but do not agree with the restrictions put on resident hunters in any form. It goes without saying that guides and their clients harvest a disproportionate amount of sheep statewide, so the proposed restriction should be placed solely on guides and their clients. I could take it a step further and propose that non resident hunters should be limited to one fall sheep permit in their lifetime.

I support proposal #42. Only the legislature should determine which species must be guided for non resident hunters.

I support proposal #48 because this will hold guides and clients accountable for taking care of the meat of harvested animals.



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 17077.PM

OCT 03 2017

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 November 9-17, 2017, to deliberate proposals concerning changes to regulations governing hunting and trapping of wildlife for Statewide Regulations. We have reviewed the 69 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 comments are enclosed.

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, Southeast Alaska Regional Advisory Council
Chair, Southcentral Alaska Regional Advisory Council
Chair, Kenai Aleutian Regional Advisory Council
Chair, Bristol Bay Regional Advisory Council
Chair, Yukon Delta Regional Advisory Council
Chair, Seward Peninsula Regional Advisory Council
Chair, Western Interior Alaska Regional Advisory Council
Chair, Eastern Interior Alaska Regional Advisory Council
Chair, North Slope Regional Advisory Council
Chair, Northwest Arctic 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

Statewide Proposals

November 10 - 17, 2017

Anchorage, Alaska

Office of Subsistence Management (OSM)



PROPOSAL 5 – 5 AAC 92.990. Definitions. Change the definition of a moose antler point/tine as follows:

5 AAC 92.990(a)(13) “brow tine” means a tine emerging from the first branch or brow palm on the main beam of a moose antler; the brow palm is separated from the main palm by a wide bay; a tine originating in or after this bay is not a brow tine; **an antler point or tine originating within two inches from the base, and less than three inches in length, will not be counted as a brow tine;**

5 AAC 92.990(a)(46) “moose antler” definitions:

(A) “50-inch antlers” means the antlers of a bull moose with a spread of 50 inches or more measured in a straight line perpendicular to the center line of the skull;

(B) “spike-fork antlers” means antlers of a bull moose with only one or two tines on at least one antler; [AN ANTLER POINT OR TINE ORIGINATING WITHIN TWO INCHES FROM THE BASE, AND LESS THAN THREE INCHES IN LENGTH, WILL NOT BE COUNTED AS A TINE,] male calves are not considered spike-fork bulls; **spike-fork bulls can be either spike and/or fork configuration;**

(C) “spike” means antlers of a bull moose with only one tine on at least one antler; for the purposes of this subparagraph, male calves are not considered spike bulls;

(D) **“fork” means antlers of a bull moose with only two tines on at least one antler;**

5 AAC 92.990(a)(61) “point” means any antler projection that is at least one inch long, and that is longer than it is wide, measured one inch or more from the tip; **an antler point or tine originating within two inches from the base, and less than three inches in length, will not be counted as a tine;**

5 AAC 92.990(a)(80) “tine” has the same meaning as “point”;

Current Federal Regulation

§100.25(a) Definitions.

Brow tine means a tine on the front portion of a moose antler, typically projecting forward from the base of the antler toward the nose.

Fifty-inch (50-inch) moose means a bull moose with an antler spread of 50 inches or more.

Spike-fork moose means a bull moose with only one or two tines on either antler; males calves are not spike-fork bulls.

Tine or antler point refers to any point on an antler, the length of which is greater than its width and is at least 1 inch.

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

Impact to Federal subsistence users/wildlife: This proposal may help clarify antler restrictions for Federally qualified subsistence users who also hunt under State regulation.



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

Rationale: State and Federal definitions related to antler configuration are not uniformly consistent. Notably, the Federal definition of *brow tine* does not explicitly exclude drop tines or burr tines, as the State regulation does. This proposal neither increases nor decreases this regulatory complexity, but rather seeks to clarify existing State requirements. Despite continued disparities in Federal and State definitions, the proposed regulatory change may be useful in clarifying antler configurations for Federally qualified subsistence users hunting under State regulation.

PROPOSAL 49 – 5 AAC 92.031. Permit for selling skins, skulls, and trophies; and 92.200.

Purchase and sale of game. Require a permit before brown bear skulls and hides with claws attached can be sold as follows:

5 AAC 92.031 is amended by adding a new section to read:

(g) A person may sell, advertise, or otherwise offer for sale a brown bear skull or hide with claws attached of a brown bear harvested in an area where the bag limit is two bears per regulatory year only after obtaining a permit from the department.

5 AAC 92.200(b)(1) is amended to read:

- (1) any part of a brown bear, except an article of handicraft made from the fur of a brown bear; [.] and except skulls and hides with claws attached of brown bears harvested in areas where the bag limit is two bears per regulatory year **by permit issued under 5 AAC92.031;**

Current Federal Regulation: There is no equivalent Federal regulation.

Is a similar issue being addressed by the Federal Subsistence Board? Yes. Proposal WP18-44 requests regulations allowing the sale of up to two raw/untanned brown bear hides (with claws attached) and/or skulls per regulatory year from brown bears legally harvested by Federally qualified subsistence users on Federal public lands in Unit 23. Proposal WP18-43 requests that the Unit 23 brown bear harvest limit be increased from one to three bears and that the season be extended to year-round. These proposals will be considered by the Federal Subsistence Board at its April 2018 meeting.

Impact to Federal Subsistence users/wildlife: This proposal may burden Federally qualified subsistence users hunting under State regulations as they would need to obtain an additional permit in order to sell brown bear hides and skulls. However, the burden is outweighed by the management benefit.

This proposal would ensure that brown bear hides and skulls offered for sale came from legally harvested bears and may benefit brown bear populations through more informed management due to the ability to track and quantify the sale of these parts. However, it may also lead to illegal harvest of some populations if commercialization of brown bear products increases as a result of this proposal.

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



Rationale: This proposal would ensure the legal sale of brown bear hides and skulls, reduce law enforcement concerns, allow for the tracking and quantification of brown bear hides and skulls, and may clarify conservation concerns associated with possible commercialization of brown bear harvests. However, law enforcement concerns remain associated with the sale of brown bear products and increasing market availability and/or prices of brown bear products may intensify illegal harvest from these populations.



Submitted By
Marty Weatherup
Submitted On
10/23/2017 5:59:04 PM
Affiliation

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Wasilla, Alaska 99654

I have include my support or opposition to the following BOG proposals. Thanks you.

Support - Proposal #12 (John Frost) – Rescind restrictions on the use of aircraft during sheep season

Support Proposal #28 (RHAK) - Modify BOG Nonresident Allocation Policy

Oppose Proposal #30 (Alaska Professional Hunters Assn.) – Nonresident 2nd-degree-of-kindred hunters hunt under resident relative tag

Support Proposal #32 (Brad Sparks) - Establish a bonus point system for bison and muskox draw hunts

Support Proposal #33 (RHAK) - 10% max nonresident allocation for any moose draw permit hunts

Support Proposal #34 (RHAK) - All nonresidents treated equally, all nonresident draw permits in nonresident pool of tags

Support Proposal #36 (RHAK) - Nonresident draw only for sheep statewide, 10% allocation

Support Proposal #37 (RHAK) - Nonresident 10% max harvest of sheep by subunit

Oppose Proposal #38 (Lew Bradley) & Proposal #39 (Aaron Bloomquist)

Support Proposal #42 (RHAK) - Remove moose and black bear nonresident guide requirements

Support Proposal #48 (RHAK) - Transfer of Possession by nonresident guided hunters

Support Proposal #52 (RHAK) - No Nonresident hunting in active Intensive Management predation control areas

Submitted by: Brian West
1000 Oceanview
ANCH AK
99515



PC036
1 of 3

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

OCT 25 2017

BOARDS
ANCHORAGE

2017-2018 Proposed Changes to Regulations
Statewide Regulations.

Proposal 5. Against. This proposal will only add to confusion. If hunters have a hard time identifying an antler spread of 50" how can someone believe that they will be able to identify a tine within 2" or more from the base and at least 3" in length? There are also issues with the definitions in the proposal. What is meant by base? Is this the point where an antler emanates from the skull or where the brow palm begins? What is meant by originating? A tine doesn't just protrude from the antler, it sweeps up, so is the point of origination the tangent of the curve between tine and antler or something else? This proposed standard will be impossible to meet and will add to confusion.

Proposal 13. Support

Proposal 16. Against. 100 Foot pounds of energy is a ridiculously low standard. Typical hunting rifles generate several thousand Ft-lbs of energy. A 22 generates nearly 200 ft-lbs of energy. I have doubts that a weapon generating 100 ft-lbs will do any more than wound animals.

Proposal 17. Support.

Proposal 25. Against. A tag is required for most hunts and sealing is required for nearly all bears taken. There is no reason to implement this proposal as the information sought is already obtained.

Proposal 26. Against. If you are allowed one moose, etc., what makes the difference if it is taken on a tag won through a raffle or one you pick up through the Fish&Game?

Proposal 28. Support. Priority for permits should always be given to residents. Only when there are permits in excess of resident applicants should any permit be given to non-residents.

Proposal 32. Against. The fairest way to issue permits is by random draw. By definition, everyone applying for that draw has an equal chance. The odds are the same for all individuals. If there are resident hunters who go wanting for permits because they go to non-residents than no permits should go to non-residents.

Proposal 33. Against. In any hunt limited such that permits are required, no permits should go to non-residents. Game in the state is to be managed for the residents of the state, period. Non-residents are not out to feed their families, but, to have a memorable camping trip. As such, they can easily hunt in an area not restricted to permits.

Proposal 34. Support.

Proposal 36. Against. Where a general hunt is allowed there should be no requirement for non-residents to obtain permits. If non-residents take more sheep than residents I suggest residents utilize the services of guides to improve their chances of success. It is well established that guided sheep hunts are more successful than non-guided. Requiring the use of guides is why the non-residents are so



successful. If non-residents where not required to use guides their success rate will fall.

Proposal 37. Against. I see no reason to restrict non-residents in any area with a general hunt. If the area is limited to permits, then of course no permits should be given to non-residents.

Proposal 38. Against. If a person harvests a legal sheep nothing should prevent them from harvesting a sheep the next year. Just because an individual is having a difficult time hunting sheep does not mean he will increase his chances by limiting the opportunity of others.

Proposal 39. Against. I fail to see how this proposal if adopted would put more old "rams on the mountain". This proposal (and proposal 38) encourage hunters to take older rams. Under this proposal hunters who wish to hunt each year will take older rams. I would guess that soon only younger rams will be left. I also fail to see why those taking sub-legal rams should not have their privilege permanently revoked.

Proposal 41. Against. First, unless they have been hunting illegally for years acquiring a duck stamp should not be alien to any individual. Second all residents should be treated equally. Natives already receive enough special consideration by being able to hunt waterfowl in the spring. Third, contrary to the statement in the proposal obtaining a duck stamp in no way deprives them of customary and traditional harvest opportunities. If they have managed to incorporate, outboard motors, four wheelers, high powered rifles, bombed tipped spears to hunt whales, etc., into their hunting traditions and customs, I fail to see how the purchase of a duck stamp will alienate them from their culture. In short. This caucus does not want to pay for a duck stamp. Too bad. The money generated from duck stamps benefits all Alaskans including those of the Native Caucus.

Proposal 42. Support. The Board overstepped its authority by creating guide requirements for moose. The Board has taken too many steps to insure that guides have clients. The continuation of such action by the Board will result in management by ballot initiative as residents frustrations with the Board boil over. It wont be long before someone proposes a ballot initiative to limit all permits to Alaskans.

Proposal 45. Against. While not an issue for game such as bear and sheep, where a taxidermist will likely be utilized and in many cases take in the required specimen for the hunter this is not the case with moose. In many instances this will require a special trip to an ADF&G office. This is an unreasonable burden.

Proposal 52. Support. Residents should always be the priority.

Proposal 55. Support. This is a reasonable requirement.

Proposal 56. Against. This goes against the Supreme Court decision that a CSH must be open to all residents. This proposal is only a veiled attempt to make CSH available only to members of various native tribes. The entire program should be abandoned it only perpetuates an "us" verses "them" mentality. There is no reason why an individual needs a regulation to practice subsistence hunting. The CSH program in Unit 13 is proving to be detrimental to the moose herd. The CSH is merely a means for one group to gain an advantage over others, it has nothing to do with tradition or custom. The CSH was the result of Native Groups believing they did not get enough permits under the Tier II system. They pressured the Board to devise a scheme by which they would be guaranteed hunting opportunities, hence the birth of the CSH. The court s rightly ruled that the CSH was discriminatory and unconstitutional. This new definition is also discriminatory because it is so vague. The first time a



group application is rejected this issue will again be in court. The native community must realize that all Alaskans have equal rights. Even to subsistence. I see no reason, other than discrimination, to continue the CSH program. Anyone who hunts can share any custom, tradition, etc., with whoever he pleases. The CSH is a bad idea that promotes discrimination and should be abolished.

Proposal 57. Against. Virtually all testimony and numerous proposals desired the elimination of the CSH program. A new definition is not needed, what is needed is the elimination of the CSH program. Any definition that would pass legal muster would easily be met by any group of individuals, not just natives. So as long as any group other than natives are allowed into the CSH program there will be an effort by natives to eliminate those groups.

Proposal 59. Against. This proposal is racially discriminatory. In most cases only natives are allowed to sell such animal parts.

Proposal 60. Against. It is not the State's responsibility to teach hunter education. This is the duty and right of the father or other relative.

Proposal 65. Against. I would support this proposal if it did not include a limitation of the permits.



Western Interior Alaska Subsistence Regional Advisory Council
c/o Office of Subsistence Management
1011 East Tudor Road MS 121
Anchorage, Alaska 99503-6199
Phone: (907) 787-3888, Fax: (907) 786-3898
Toll Free: 1-800-478-1456

RAC 17023.ZS

OCT 26 2017

Ted Spraker
Chair
Alaska Board of Game
P.O. Box 115526
Juneau, Alaska 99811-5526

Re: Alaska Board of Game Comments

Dear Chairman Spraker:

I am writing to you on behalf of the Western Interior Alaska Subsistence Regional Advisory Council (Council) to provide comment on some pending proposals before the Alaska Board of Game for its statewide meeting scheduled for November 10-17, 2017, in Anchorage.

The Council represents subsistence harvesters of fish and wildlife resources on Federal public lands and waters in the Western Interior Region. It was established by the authority in Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and is chartered under the Federal Advisory Committee Act. Section 805 of ANILCA and the Council's charter establishes the Council's authority to initiate, review and evaluate proposals for regulations, policies, management plans, and other matters related to subsistence uses of fish and wildlife within the region. The Council also reviews resource management actions occurring outside their regions that may impact subsistence resources critical to communities served by the Council. The Council provides a forum for the expression of opinions and recommendations regarding any matter related to the subsistence uses of fish and wildlife within the region.

The Council held a public meeting on October 10-11, 2017 in Fairbanks. Among the agenda items discussed were some Board of Game proposals that would impact subsistence users and resources in the Western Interior Region. The Council discussed and voted to submit the following comments to the Board of Game for consideration as it deliberates these proposals:



Chairman Spraker

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Proposals 11 and 12

The Council voted unanimously to oppose these proposals. The use of aircraft in spotting Dall Sheep resulted in a high success rate in hunting; however, when it was prohibited, the success rate of guided hunts dropped, which allowed the struggling Dall Sheep population to recover. The practice of using aircraft in spotting of sheep presents a conservation concern in the management of small distinct populations. Maintaining the prohibition, and the status of violating the prohibition as a misdemeanor, is a strong incentive for those operators who wish to seek Federal permits to operate.

Proposals 14 and 15

The Council voted unanimously to oppose these proposals. Denning of bears has been a customary and traditional practice for thousands of years in the region, particularly for the Koyukon people. The locating of dens can be time-intensive, so it is impractical to turn down the harvest opportunity if bears are present. Sows and cubs are not targeted, but if they are in the den, they will be harvested. Sows present a valuable harvest opportunity, and cubs are taken because they may not survive without the sow. Every part of the animal is used – hide, meat, and fat. If adopted, the proposal would restrict subsistence users from harvesting bears in dens according to traditional practices. The current practice does not present a conservation concern, as people only take what they need.

The Council thanks the Board of Game for its consideration of these comments, which reflect the importance of conserving healthy wildlife populations and providing for the continuation of subsistence uses in the Western Interior Region. We look forward to continuing discussions with the Alaska Department of Fish and Game and the Alaska Board of Game on subsistence matters affecting the region. If you have questions about this letter, please contact me through Zach Stevenson, Subsistence Council Coordinator, with the Office of Subsistence Management, at (907) 786-3674 or zachary_stevenson@fws.gov.

Sincerely,

Jack Reakoff
Chair



Chairman Spraker

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cc: Eugene R. Peltola, Jr., Assistant Regional Director, Office of Subsistence Management
Thomas Doolittle, Deputy Assistant Regional Director
Office of Subsistence Management
Jennifer Hardin, Policy Coordinator, Office of Subsistence Management
George Pappas, State Subsistence Liaison, Office of Subsistence Management
Jill Klein, Special Assistant to the Commissioner, Alaska Department of Fish and Game
Theo Matuskowitz, Regulations Specialist, Office of Subsistence Management
Chris McKee, Wildlife Division Supervisor, Office of Subsistence Management
Lisa Maas, Wildlife Biologist, Office of Subsistence Management
Pippa Kenner, Anthropologist, Office of Subsistence Management
Joshua Ream, Anthropologist, Office of Subsistence Management
Carl Johnson, Council Coordination Division Supervisor
Office of Subsistence Management
Zach Stevenson, Council Coordinator, Office of Subsistence Management
Administrative Record



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

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

October 27, 2017

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

Subject: November 2017 Statewide Board of Game Meeting – Proposal 41

Dear Mr. Spraker:

The Wrangell-St. Elias National Park Subsistence Resource Commission (SRC) met in Copper Center, Alaska, on October 28 and 29, 2017. At this meeting, the SRC reviewed Proposal 41, which will be considered at the November 2017 Statewide Board of Game Meeting and would like to provide the following comments:

The Wrangell-St. Elias SRC supports Proposal 41, which would exempt rural subsistence hunters from the requirements for obtaining a waterfowl conservation tag. The commission believes that this exemption should apply year round. The requirement for rural subsistence hunters to purchase a state duck stamp is an unnecessary burden for rural hunters. There is already an exemption for rural subsistence hunters from the federal duck stamp requirement.

Thank you for the opportunity to comment.

Sincerely,

Daniel E. Stevens
Chair

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



Submitted By
Birch Yuknis
Submitted On
10/26/2017 10:56:16 AM
Affiliation

Phone
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Wasilla, Alaska 99654

To: Alaska Board of Game Statewide Meeting Novemebr 10-17 2017

Thank you Alaska BOG for taking the time to read my comments.

Proposal 12. I fully support this proposal as even AWT have advised the BOG to stop passing proposals that are unenforceable. I agree with the author and his logic.

Proposal 28. I fully support this proposal. The residents of Alaska should be given the opportunity for priority over nonresidents. Priority not exclusivity. The BOG can figure out a way to give residents the opportunity for priority.

Proposal 30. I do not support this proposal. In my opinion this is the Professional Hunter's attempt to limit a great benefit of being an Alaska resident.

Proposal 34. I fully support this proposal. As an Aalaska resident with limited chances to win a permit in a drawing hunt, I do not feel that a 2DK should lessen my chances of drawing. I do not agree with separating the nonresdient pool into two separate pools. A nonresdient is a nonresdient.

Proposal 38. I do not support this proposal. Mr. Bradley is a past educator of mine. I know he loves his big sheep. ADF&G already has much inconsistency in their aging process for Dall sheep. The State already has some designated trophy sheep areas. ADF&G also does not recomend harvesting a ram based on age.

Proposal 39. I do not support this proposal. Again the aging of rams by ADF&G is inconsstent. Also as an example this year a friend harvested a very nice 6 year old ram. Under this proposal he could not harvest a ram for four years. Sheep hunting is physically demanding and for most, the window to pursue these mountain animals is not as long as they would like. I do not agree with limiting one's opportunity to harvest a ram anymore than is already on the books.

Proposal 41. I do not support this proposal. All waterfowl hunters should want to purchase a waterfowl conservation tag. The money goes to help increase waterfowl numbers. Everyone who hunts waterfowl no matter what classification they want to use for their harvest should be required to purchase a tag.

Proposal 42. I am opposed to this proposal. The guided nonresdient creep to other species needs to stop. There are three species that are required and adding others, even in limited areas is unacceptable. If a nonresdient wants to hunt a moose or a black bear it should be the nonresdients choice if they want to use a guide or not.

Proposal 43. I do not support this proposal. For the first time in 30 years I was able to harvest an Emperor Goose this Fall. There should not be proxy hunting for this limited resource.

Proposal 47. I do not support this proposal. Being able to create a document at the time of request could easily be abused. The ability to harvest an animal comes with some responsibility for transferring the meat out of the field. Both parties involved, the harvester and the transporter of the meat should have to sign the form before the transfer begins,

Proposal 56. I do not support this proposal. Removing the term resdients is unacceptable.

Proposal 57. I know this will fall on deaf ears, but I do not support any proposal that is Board generated. Someone from the public or Department could make the proposal.

Proposal 60. I support this proposal. Education is never something to skimp on. You only have to take it once. ADF&G can figutre out a way to make this work in the more remote areas of the State. If it saves one life/injury it is worth it. I have first hand experience with this as I have been shot in the face with a shotgun by a careless hunter and still have three pellets in my skull.

Again thank you for taking the time to read these comments and thank you for the time and effort you all put into being on the Board.