

3 January, 2018

Honorable Chairman and members of the BOG.

Reference ACR 2

With respect to the board's Agenda Change Request (ACR) acceptance criteria (5 AAC 92.005):

- A) Is not of a conservation concern.
- B) There is an error in regulation.
- C) There is unforeseen effects of these regulations that should be addressed.

Under AS 16.05.258(a), except in non-subsistence areas, the board is directed to identify game populations, or portions of populations, that are customarily and traditionally taken or used for subsistence.

1. The BOG has made positive findings of C&T with in the Fairbanks Non Subsistence Area. (Not in compliance with AS 16.05.258(a). All of unit 20E was found to have a positive finding of C&T in 1987 and readopted in 1992. All of unit 25C was found to have a positive finding of C&T in 2010. Neither of these unit's findings by the BOG excluded those portions with in the non-subsistence area (5 AAC 99.015(4). At least 18 other units or sub-units have had a positive finding of C&T and all have excluded that portion of the unit or sub-unit that lays with in a non-subsistence area. Forty Mile Caribou Herd is the only exemption of this that I have found in codified (5 AAC 99.025).
2. Unforeseen effects of regulations such as this confuse the public (Alaskans). As most Alaskans do not know why they are being afforded an opportunity to take a species at a particular time/season. In this case Division of Subsistence has provided a well-documented history of a subsistence use in the winter months (C&T work sheet March 1996). Since the creation of the Forty Mile Caribou Coalition to rebuild the herd population from a record low numbers. Through new management plans. They also recognized the importance of an opportunity to harvest Forty Mile Caribou in winter for subsistence needs (96-97 BOG findings). Even when the herd was in a decline and building efforts were enacted. The BOG still allowed this opportunity and agreed with the coalition group to readjust the ANS to 150 bulls, (96-97 BOG findings) lower than the established ANS of 350-400 to allow for all subsistence needs. What else was not foreseen was a supreme court ruling (Mc Dowell 89). Thus creating "non-subsistence areas" in 1992-1993. The BOG failed to recognize the non-subsistence area in it's finding of C&T in 1992 for unit 20D and then again in 2010 for unit 25C. The DWC is also not consistence with what to classify a hunt opportunity or to recognize this unforeseen regulatory change.

This unforeseen regulation change for a winter subsistence opportunity (with a harvest quota^[ab1] for residents only) is unique also, as it differs from all other winter subsistence opportunities for other species with a positive finding of C&T. As it allows resident hunters to harvest caribou under a subsistence opportunity with in a non-subsistence area. Unlike the Minto winter subsistence moose hunt (that also has a residents only harvest quota) for example. Whereas the opportunity to take a moose during this season does not allow an Alaskan to take a moose in the non-subsistence area of (20B), only that portion of 20B described in the Minto Moose Management Area, which is outside the non-subsistence area.

Even though it is well documented that the moose in the Minto management area migrate in and out of the area.

I believe this ACR has met the requirements in 5 AAC 92.005 and the substance of the ACR should be scheduled for the next BOG meeting in February.

Sincerely and with respect for the process.

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January 1, 2018

Comments to Alaska Board of Game

January 5, 2018 ACR Teleconference

RHAK supports including ACR 3 (from Mike Tinker) for deliberations at the next regulatory meeting in Dillingham February 16-23, 2018.

It's important to schedule this ACR for the next regulatory meeting because:

- The next Region III meeting where this issue can be addressed won't be until the 2019/2020 cycle
- New population data (approx. 75,000 animals) for the Fortymile Caribou Herd calls for the Board of Game to institute a higher harvest quota (4% harvest after herd reaches 70,000 animals) according to the 2012-2018 Fortymile Caribou Herd Harvest Plan endorsed by the Board.
- The higher harvest quota the Harvest Plan calls for after reaching a herd size of 70,000 animals is essentially about conservation of the herd. It allows the herd to continue to grow while at the same time preventing the herd from increasing too fast or beyond what the habitat can sustain. This is not an allocative issue; it is a conservation issue and concern.
- It was unexpected that the FCH would increase so much from the last estimate, and there is a need now to correct or modify regulations pertaining to FCH fall and winter harvest quotas and seasons and bag limits according to the latest FCH Harvest Plan.

In addition to the above, we want to note that while the new ACR policy that will go into effect July 1st 2018 repeals "**conservation**" as a valid basis for accepting ACRs, all of the new additional valid justifications for acceptance (listed below) appear to align with this particular ACR 3:

(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

Thank you for your consideration,

Mark Richards – Executive Director Resident Hunters of Alaska