



# Alaska Board of Game

Meeting Workbook

RC1

## Central & Southwest Region

January 10-17, 2025

Wasilla Alaska

---

**ALASKA BOARD OF GAME**  
**Central & Southwest Region Meeting**  
Wasilla, AK | January 10 – 17, 2025

---

**Table of Contents**

	<b>Pg. No.</b>
Agenda.....	1
Oral Reports.....	2
Notice.....	3 - 8
Roadmap.....	9 - 13
Board Membership Roster.....	14
2024/2025 Meeting Schedule .....	15
Board Findings and Policies ( <a href="http://www.adfg.alaska.gov/index.cfm?adfg=gameboard.findings">www.adfg.alaska.gov/index.cfm?adfg=gameboard.findings</a> ):	
Joint Board Petition Policy .....	16
Joint Board Criteria for Development of Board-Generated Proposals.....	17
<b>Board of Game Policies and Resolutions:</b>	
• 2023-227-BOG – Bear Conservation, Harvest, and Management Policy .....	18
• 2023-228-BOG – Wolf Management Policy .....	24
• 2019-223-BOG – Board Recommendation to ADF&G for Allocation of Nelchina Caribou Permits .....	27
• 2017-222-BOG – Alaska Board of Game Nonresident Hunter Allocation Policy.....	29
• 2017-220-BOG – Board Recommendation to ADF&G provided during the Special Meeting on Copper Basin Area Moose and Caribou Hunting.....	36
• 2016-213-BOG – Restrictions to Aircraft for Sheep Hunting.....	38
• 2015-209-BOG – Board Recommendation to ADF&G provided during the Central/Southwest Region Meeting.....	39
• 2013-201-BOG – Boards Direction to ADF&G Provided during the Central/Southwest Region Meeting .....	40
• 2011-184-BOG – Game Management Unit 13 Caribou and Moose Subsistence Uses <i>(Supplement findings to 2006-170-BOG)</i> .....	41
• 2007-172-BOG – Annual Reauthorization of Antlerless Moose .....	45
• 2006-170-BOG – Unit 13 Caribou and Moose Subsistence Uses.....	47
State Subsistence Materials .....	55
Department of Law Comments on Proposals .....	77
Alaska Wildlife Troopers’ Comments on Proposals .....	82
Additional Information for Proposal 49 .....	86

**ALASKA BOARD OF GAME**  
**Central and Southwest Region Meeting**  
**Best Western Lake Lucille Inn, Wasilla, Alaska**  
**January 10 - 17, 2025**

**TENTATIVE AGENDA**

**Note: This Tentative Agenda is subject to change throughout the course of the meeting.** It is provided to give a general idea of the board's anticipated schedule. The board will attempt to hold to this schedule; however, the board is not constrained by this Tentative Agenda.

**Friday, January 10, 8:30 a.m.**

OPENING BUSINESS

Call to Order / Purpose of Meeting

Introductions of Board Members and Staff

Board Member Ethics Disclosures

AGENCY AND OTHER REPORTS (See List of Oral Reports)

PUBLIC & ADVISORY COMMITTEE TESTIMONY upon conclusion staff reports

**THE DEADLINE TO SIGN UP TO TESTIFY will be 2:00 p.m. Saturday, January 11.** Public testimony will continue until persons who have signed up before the deadline, and who are present when called by the Chair to testify, are heard.

**Saturday, January 11, 8:30 a.m.**

PUBLIC AND ADVISORY COMMITTEE ORAL TESTIMONY continued

**Sunday, January 12, 9:00 a.m.**

PUBLIC AND ADVISORY COMMITTEE ORAL TESTIMONY continued/concluded

BOARD DELIBERATIONS upon conclusion of public testimony

**Monday, January 13 thru Thursday, January 16, 8:30 a.m.**

BOARD DELIBERATIONS continued

**Friday, January 17, 8:30 a.m.**

BOARD DELIBERATIONS continued/conclude

MISCELLANEOUS BUSINESS, including petitions, findings and policies, letters, and other business

ADJOURN

**Agenda Notes**

1. Meeting materials, including a list of staff reports, a roadmap, and schedule updates, will be available prior to the meeting at: [www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo](http://www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo) or by contacting ADF&G Boards Support Section in Juneau at 465-4110.
2. A live audio stream for the meeting is intended to be available at: <https://boardofgame.adfg.alaska.gov>
3. The State of Alaska Department of Fish and Game complies with Title II of the Americans with Disabilities Act of 1990 (ADA). Individuals with disabilities who may need auxiliary aids, services, and/or special modifications to participate in this hearing and public meeting should contact 465-4110 no later than two weeks prior to start of the meeting to make any necessary arrangements.

**ALASKA BOARD OF GAME**  
**Central & Southwest Region Meeting**  
**Bestwestern Lake Lucille Inn | Wasilla, Alaska**  
**January 10 – 17, 2025**

**List of Oral Reports**

**Friday, January 10, 2025** (following opening business)

1. Agency Updates/Reports
2. Central & Southwest Region Overview for the Division of Wildlife Conservation– Tim Peltier, ADF&G
3. Overview of the ADFG Foraging Ecology and Wildlife Nutritional Analysis Lab – Kristin Denryter
4. Population Status of Arctic Hares – Chris Barger, ADF&G
5. Subsistence Overview – Lauren Sill and Jackie Keating, ADF&G

**Reports to be Provided During Deliberations**

**Regionwide and Multiple Units**

- Customary and Traditional Use Worksheet Presentation, Black Bear, Unit 9 – Lauren Sill, ADF&G

**King Salmon Area**

- Management Area Overview (Unit 9) – Amy Vande Voort, ADF&G

**Dillingham Area**

- Management Area Overview (Unit 17) – John Landsiedel & Evelyn Lichwa, ADF&G
- Mulchatna Caribou Herd Intensive Management Report – John Landsiedel
- Mulchatna Caribou Herd Nutrition and Disease Study – Kristin Denryter, ADF&G

**Glennallen Area**

- Glennallen Area (Units 11 & 13) – Heidi Hatcher and Jack Cornish, ADF&G
- Unit 13 Intensive Management Report, Heidi Hatcher, ADF&G

**Palmer Area**

- Palmer Area (Units 14A, 14B & 16) – Chris Bockman & Gerrit VanDiest, ADF&G
- Unit 16 Intensive Management Report – Chris Brockman & Gerrit VanDiest, ADF&G

## **NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA BOARD OF GAME**

Notice is given that the Alaska Board of Game proposes to adopt, amend, or repeal regulations in Title 5 of the Alaska Administrative Code dealing with the use or taking of game in the areas designated below, including the following regulations:

**1. Regulatory topics scheduled for the Central and Southwest Region meeting, January 10-17, 2025.**

For Game Management Units 9, 10, 11, 13, 14A, 14B, 16 and 17:

- A. TRAPPING SEASONS AND BAG LIMITS for furbearers including: Beaver, fox, coyote, wolf, and wolverine.
- B. HUNTING SEASONS AND BAG LIMITS for all species including: Moose, caribou, black bear, brown bear, Dall sheep, goat, wolf, and wolverine; small game including Alaska hare, beaver, Emperor geese, and ptarmigan; and fur animals including fox. In addition, the potential for identifying general, Tier I or Tier II hunting for each population, the reauthorization of antlerless moose hunts, and amending the definition of deleterious exotic wildlife to include feral reindeer in a portion of Unit 10 as it applies to caribou hunting. *(Note: Any changes made to the Mulchatna caribou hunts may also apply to Units 18 and 19.)*
- C. LICENSES, HARVEST TICKETS, HARVEST REPORTS, TAGS, FEES, AND PERMITS including: Discretionary and required permit hunting and trapping conditions and procedures; permits for hunting black and brown bear with the use of bait or scent lures; community subsistence harvest hunt areas and permit conditions including salvage requirements and restrictions for Unit 13 permit holders to hunt moose in other locations of the state; priority for subsistence hunting under Tier II permits; and brown bear tag fee exemptions.
- D. METHODS AND MEANS FOR TAKING BIG GAME, SMALL GAME, FUR ANIMALS, AND FURBEARERS, including: Lawful methods of taking game including the use of cellular cameras for taking bear over bait, and the same day airborne take of bear and wolves; and lawful methods of taking furbearers and fur animals including requirements for trap identification, time periods for checking traps, trapping near trails, and taking beaver with the use of firearms.
- E. POSSESSION, TRANSPORTATION, AND USE OF GAME including: Sealing requirements for beaver.
- F. RESTRICTED AREAS including: Creating a new management area around MacColl Ridge in Unit 11 and access to the Walrus Island State Game Sanctuary for hunting.
- G. INTENSIVE MANAGEMENT AND PREDATOR CONTROL IMPLEMENTATION PLANS  
including: Big game prey population and harvest objectives for moose in Units 13B, 13C, 13E, and 17B, and the Mulchatna caribou herd. Additionally, predation control area implementation plans including the Unit 13 program for moose to include Nelchina caribou and reduce the minimum wolf population; allowing the department to remove wolves and bears as

part of the Unit 16 program; and allowing the same day airborne take of wolves for the Unit 16 program.

- H. CUSTOMARY AND TRADITIONAL USES OF GAME POPULATIONS AND AMOUNTS REASONABLY NECESSARY FOR SUBSISTENCE: The board may make changes to the hunting and trapping regulations as may be required to ensure the subsistence priority in AS 16.05.258 including reexamining customary and traditional use findings and determinations for amounts reasonably necessary for subsistence uses.

## **2. Regulatory topics scheduled for the Statewide Regulations meeting, March 21 – 28, 2025.**

### **5 AAC Chapter 92, Statewide Provisions and 98.005 – Areas of Jurisdiction for Antlerless Moose Seasons:**

- A. METHODS AND MEANS FOR TAKING BIG GAME, GAME, FUR ANIMALS, AND FURBEARERS, including: Lawful methods of taking big game and game including restrictions on the use of boats for hunting waterfowl, aircraft for hunting sheep, snowmachines for hunting wolves and wolverine; and requirements for minimum sized centerfire rifle cartridges for hunting moose. Additionally, lawful methods of taking furbearers and fur animals including with the use of electronically enhanced night vision, forward-looking infrared devices, thermal optic devices, and snow machines; and requiring identification tags on traps and snares.
- B. PERMITS, PERMIT HUNT CONDITIONS, AND PROCEDURES including: Discretionary and required hunting permit conditions and procedures; modifications to the drawing permit award process including the use of a permit point system; limitations for musk ox and bison permits; special provisions for drawing hunts for sheep, and moose; permit allocation for residents and nonresidents; permits for hunting bear with the use of bait or scent lures including the definitions of “permanent dwelling” and “developed recreational facility”; and permits for the take and use of wood bison for cultural purposes.
- C. POSSESSION, TRANSPORTATION, AND USE OF GAME including: Sealing of horns and antlers; evidence of sex and identify requirements for big game; purchase and sale of game; permits for selling skins, skulls, and trophies; transfer of possession of game meat and parts; permits for possessing live game including Eurasian Eagle-Owl; and the release of sterilized feral or stray cats to the wild. Also, delegation of authority from the board to the commissioner to regulate possessing live game.
- D. LICENSES, HARVEST TICKETS, HARVEST REPORTS, TAGS, AND FEES including: Mandatory harvest reporting of sea ducks; locking tag requirements for subsistence musk ox hunts; and taking of game by proxy including bison, and allowing remuneration for proxy hunters.
- E. INTENSIVE MANAGEMENT AND PREDATOR CONTROL IMPLEMENTATION PLANS including: Identifying sheep as a species important for high levels of human consumptive use, and implementation of intensive management plans.
- F. REGULATORY DEFINITIONS including: “Migratory bird hunting guide services,” “person” as it applies to migratory bird hunting guide services, “feral” and “full-curl”.



- G. GAME MANAGEMENT UNITS AND MANAGEMENT AREAS including: Changes to boundaries for Units 21E, 21D, 25C, 25D and 15C.
- H. GENERAL AND MISCELLANEOUS PROVISIONS including: Hunter education and orientation requirements for hunting goat, sheep and moose; and areas of jurisdiction for advisory committee approval of antlerless moose seasons.
- I. DALL SHEEP HUNTING IN UNIT 19C including: Seasons and bag limits; permit allocation for residents and nonresidents; establishing an archery hunt; and establishing a pilot program for the guide concession area. (*See the additional Proposals 190 and 192, which were approved as agenda change requests.*)
- J. CUSTOMARY AND TRADITIONAL USES OF GAME POPULATIONS AND AMOUNTS REASONABLY NECESSARY FOR SUBSISTENCE: The board may make changes to the hunting and trapping regulations as may be required to ensure the subsistence priority in AS 16.05.258 including reexamining customary and traditional use findings and determinations for amounts reasonably necessary for subsistence uses.
- K. ADDITIONAL TOPICS: In addition to items described above for the Statewide Regulation Meeting, the Board of Game will address the following topics for other units which were approved through the agenda change request process, or in the case of antlerless moose hunts and brown bear tag fees, must be authorized annually: Annual reauthorization of antlerless moose hunts and brown bear tag fee exemptions for all units statewide excluding Units in the Central & Southwest Region; permits for hunting Delta bison in Unit 20 (Proposals 188 and 189); and defining the terminus of the Nine Mile trail in the Ladue River Controlled Use Area (Proposal 191). Also, proposals scheduled for the Central and Southwest Region meeting in January 2025, may be deferred by the board to the March 2025 meeting for final action.

The board will also take action on non-regulatory items during each meeting such as resolutions, findings, letters, and delegations. Miscellaneous actions occur typically at the end of the meeting under miscellaneous business, but action may occur earlier in the meeting.

The proposed regulation changes are available on the Board of Game meeting information websites at <https://www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo> or from ADF&G Boards Support Section at (907) 465-4110. Additional information will be added to the meeting websites as it becomes available for each meeting.

Anyone interested in, or affected by the subject matter contained in this legal notice should make written or oral comments to have their views considered by the board. You may comment on the proposed regulations including the potential costs to private persons of complying with the proposed changes by submitting written comments, by submitting written comments by the announced deadlines listed below, limited to no more than 100 single sided or 50 double sided pages.

Written comments can be submitted to the Board of Game online at <https://boardofgame.adfg.alaska.gov>; by fax to (907) 465-6094; or mailed to the Alaska Board of Game, ADF&G Boards Support Section at P.O. Box 115526, Juneau, AK 99811-5526. **Comments must include a first and last name, community of residence, and the proposal numbers for which the comments pertain.** Comments without this information will not be part of the board meeting workbook, indexed, or cross referenced with proposals, but they will be compiled and posted on the

meeting information website. Written comments that are submitted are public records and are subject to public inspection.

**The deadlines for receiving comments are December 27, 2024, for the Central and Southwest Region meeting, and March 7, 2025 for the Statewide Regulations meeting.** Once meetings begin, comments will be accepted as record copies, online at <https://boardofgame.adfg.alaska.gov>, submission, by hand delivery at the meeting, or via fax to 907-465-6094. Comments submitted during the meetings are limited to ten single-sided or five double-sided pages in length from any one individual or group.

As a practical matter, comments submitted after the deadlines are likely to receive less consideration than comments submitted earlier. Additionally, groups of people submitting numerous, form-like comments containing similar language during the meeting is not advisable, and Boards Support staff will be unable to process and distribute the comments to the board during the meeting. These types of comments will be grouped together or summarized for the board in a single submission.

The Board of Game shall consider all factual, substantive, and relevant comments in accordance with the Administrative Procedure Act, Alaska Statute 44.62.210. Comments having disparaging statements or personal attacks will be withheld or redacted.

The public hearing portion of the meetings is scheduled at the beginning of each meeting following staff reports and will continue until everyone who has signed up and is present when called has been given the opportunity to be heard. However, state advisory committee representatives and federal regional advisory council representatives may elect to provide testimony at a later portion of the meetings. Additional public hearings may be held throughout the meetings just before consideration and adoption of proposed changes in the regulations. The board will take oral testimony only from those who register before the cut-off time announced by the board chair at the meeting. The length of oral statements may be limited to three to five minutes, or less for the public and 10 to 15 minutes or less for fish and game advisory committee and regional advisory council representatives. Everyone interested in, or affected by, the subject matter contained in this legal notice should provide written or oral comments if they wish to have their views considered by the board.

## **TENTATIVE BOARD OF GAME MEETING DATES & LOCATIONS**

### **Central & Southwest Region Meeting**

**January 10 - 17, 2025**

**Best Western Lake Lucille Inn**

**1800 W. Lake Lucille Drive**

**Wasilla, Alaska**

### **Statewide Regulations Region Meeting**

**March 21-28, 2025**

**Anchorage Egan and Convention Center**

**555 West 5<sup>th</sup> Avenue**

**Anchorage, Alaska**

Any changes to meeting location, dates, or times, or rescheduling of topics or subject matter will be announced by news release and posted on the board's website. Please watch for these announcements or call (907) 465-6098. Please carefully review the **PROPOSAL INDEX and the additional proposal**



**listing on the above-mentioned websites** for all specific proposal issues to be addressed by the board.

Anyone interested in or affected by subsistence and general hunting or trapping regulations is hereby informed that, by publishing this legal notice the Board of Game may consider any or all of the subject areas covered by this notice. **THE BOARD IS NOT LIMITED BY THE SPECIFIC LANGUAGE OR CONFINES OF THE ACTUAL PROPOSALS THAT HAVE BEEN SUBMITTED BY THE PUBLIC OR ADF&G.** Pursuant to AS 44.62.200, the board may review the full range of activities appropriate to any of the subjects listed in this notice. After the public hearings, the Board of Game may adopt these or other provisions dealing with the same subject, without further notice, or amend, reject, supplement, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **YOU ARE ENCOURAGED TO COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

If you are a person with a disability who may need special accommodations in order to participate in this process, please contact ADF&G, Boards Support Section at (907) 465-6098 no later than two weeks prior to the beginning of each meeting to ensure that any necessary accommodations can be provided.

The ADF&G, Boards Support Section keeps a list of individuals and organizations interested in receiving emails for regulatory changes and board activities. Those on the list will automatically be emailed a copy of all of the board's notices of proposed regulation changes. To be added to the list, visit the website at <https://boardofgame.adfg.alaska.gov> or contact ADF&G Boards Support Section at (907) 465-4110.

Individuals can also signup to receive automated notifications of all State of Alaska notices, including public notice for regulation changes, by subscribing to the Alaska Online Public Notices System here: <https://aws.state.ak.us/OnlinePublicNotices/Default.aspx>.

**Statutory Authority:** AS 16.05, AS 16.30.

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 16.05.255; AS 16.05.256; AS 16.05.258; 16.05.262; 16.05.270; AS 16.05.330; AS 16.05.340; AS 16.05.346; AS 16.05.405; AS 16.05.407; AS 16.05.780; AS 16.05.783, and AS 16.30.010 – .030.

**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

DATE: December 4, 2024

/S/  
Kristy Tibbles, Executive Director  
Alaska Board of Game  
(907) 465-6098

1. Adopting agency: Alaska Board of Game
2. General subject of regulation: Hunting and trapping regulations for the Central and Southwest Region, Statewide regulatory provisions, and other miscellaneous provisions.
3. Citation of regulations: 5 AAC 84, 85, 92, 98, and 99
4. Department of Law file numbers (if any):
5. Reason for the proposed action:
  - ( ) compliance with federal law
  - ( ) compliance with new or changed state statute
  - ( ) compliance with court order
  - ( ) development of program standards
  - (X) Other: Regularly scheduled topics and other miscellaneous provisions for the Board of Game Central & Southwest Region and Statewide Regulatory Provisions. Implement, interpret, or make specific the provisions of AS 16.05-16.30.
6. Appropriation/Allocation: Natural Resources and all RDUs; OMB Component Number 2048.
7. Cost of implementation to the state agency and available funding: It is not possible to estimate costs. However, this action is not expected to require an increased appropriation.
8. The name of the contact person for the regulations:

Name: Kristy Tibbles  
Title: Executive Director, Board Game  
Address: Boards Support Section  
Alaska Dept. of Fish and Game  
PO Box 115526  
Juneau, AK 99811-5526  
Telephone: (907) 465-6098  
E-mail: [kristy.tibbles@alaska.gov](mailto:kristy.tibbles@alaska.gov)

9. The origin of the proposed action:

<u>X</u>	staff of state agency
<u>X</u>	federal government
<u>X</u>	general public

Page 8 of 89

**ALASKA BOARD OF GAME**  
**Central & Southwest Region Meeting**  
**Bestwestern Lake Lucille Inn | Wasilla, Alaska**  
**January 10 – 17, 2025**

**TENTATIVE ROADMAP**

**Regionwide & Multiple Units (4 proposals)**

- \_\_\_\_\_ **PROPOSAL 1:** Reauthorize the brown bear tag fee exemptions for the Central and Southwest Region Units.
- \_\_\_\_\_ **PROPOSAL 2:** Open two bear baiting seasons in Units 9, 11, 13, 14B, 14C, 16, and 17 where bear baiting is legal
- \_\_\_\_\_ **PROPOSAL 3:** Allow the use of cellular cameras for the taking black bear and brown bear over bait in Unit 9, 11, 13, 14B, 16, and 17
- \_\_\_\_\_ **PROPOSAL 4:** Establish general season, archery only sheep hunts in Units 9, 11, 13, 14A, and 14B

**King Salmon Area (20 proposals)**

- \_\_\_\_\_ **PROPOSAL 5:** Reduce the nonresident bag limit for caribou in Unit 9D from two bull caribou to one
- \_\_\_\_\_ **PROPOSAL 6:** Shorten the nonresident hunting season for caribou in Unit 9D
- \_\_\_\_\_ **PROPOSAL 7:** Extend the fall Southern Alaska Peninsula caribou season for residents and nonresidents
- \_\_\_\_\_ **PROPOSAL 8:** Clarify that hunting feral reindeer in Unit 10, Umnak Island, is allowed under the current caribou hunting regulations
- \_\_\_\_\_ **PROPOSAL 9:** Lengthen the spring and fall brown bear hunting seasons in Unit 9
- \_\_\_\_\_ **PROPOSAL 10:** Close Unit 9A to nonresident brown bear hunting
- \_\_\_\_\_ **PROPOSAL 11:** Shorten the spring and fall brown bear hunting seasons in Unit 9C by one week for residents and nonresidents
- \_\_\_\_\_ **PROPOSAL 12:** Lengthen the fall brown bear hunting seasons in Units 9D and 9E for both residents and nonresidents
- \_\_\_\_\_ **PROPOSAL 13:** Lengthen the fall brown bear hunting seasons in Units 9D and 9E for residents and nonresidents, and lengthen the nonresident spring hunting season

- \_\_\_\_\_ **PROPOSAL 14:** Lengthen the fall brown bear hunting seasons in Units 9D and 9E for residents and nonresidents
- \_\_\_\_\_ **PROPOSAL 15:** Lengthen the nonresident, spring brown bear hunting season in Units 9D and 9E
- \_\_\_\_\_ **PROPOSAL 16:** Lengthen the fall brown bear hunting seasons in Units 9D and 9E for residents and nonresidents
- \_\_\_\_\_ **PROPOSAL 17:** Lengthen the spring and fall brown bear hunting seasons in Unit 9E for residents and nonresidents
- \_\_\_\_\_ **PROPOSAL 18:** Shorten the spring and fall brown bear hunting seasons in Unit 9C for residents and nonresidents, and convert to drawing permit hunts
- \_\_\_\_\_ **PROPOSAL 19:** Establish a hunting season and nonresident bag limit for Arctic fox on the Pribilof Islands in Unit 10
- \_\_\_\_\_ **PROPOSAL 20:** Establish a nonresident bag limit on Arctic fox trapping on the Pribilof Islands in Unit 10
- \_\_\_\_\_ **PROPOSAL 21:** Remove the two per day bag limit for beaver when taken by firearm during April 15–May 31 in Unit 9
- \_\_\_\_\_ **PROPOSAL 22:** Shorten the season for hunting wolverine in Unit 9 for both residents and nonresidents
- \_\_\_\_\_ **PROPOSAL 23:** Lengthen the nonresident hunting season for Emperor geese in Units 9 and 10, and increase the number of permits allocated to nonresident hunters
- \_\_\_\_\_ **PROPOSAL 24:** Close the season for Alaska hares in Units 9 and 17

### **Dillingham Area – Unit 17 (14 proposals)**

- \_\_\_\_\_ **PROPOSAL 25:** Increase the number of moose drawing permits issued to nonresidents for Unit 17A
- \_\_\_\_\_ **PROPOSAL 26:** Lengthen the nonresident, fall moose hunt in Unit 17A
- \_\_\_\_\_ **PROPOSAL 27:** Reauthorize the antlerless moose season in Unit 17A
- \_\_\_\_\_ **PROPOSAL 28:** Reduce population and harvest objectives for moose in Unit 17B
- \_\_\_\_\_ **PROPOSAL 29:** Review the population and harvest objectives for the Mulchatna caribou herd
- \_\_\_\_\_ **PROPOSAL 30:** Implement a three-year moratorium on caribou hunting in Units 9, 17 and 19

- \_\_\_\_\_ **PROPOSAL 31:** Close the resident caribou season in Units 9B, 17 and 19
- \_\_\_\_\_ **PROPOSAL 32:** Allow the year-round take of brown bear in Unit 17
- \_\_\_\_\_ **PROPOSAL 33:** Allow same day airborne take of brown bear and wolves Unit 17
- \_\_\_\_\_ **PROPOSAL 34:** Allow the same day take of brown bear in Unit 17
- \_\_\_\_\_ **PROPOSAL 35:** Shorten the trapping seasons for wolverine in Units 9 and 17, to the last day of February
- \_\_\_\_\_ **PROPOSAL 36:** Shorten the hunting season for wolverine in Unit 17
- \_\_\_\_\_ **PROPOSAL 37:** Remove the two per day bag limit for beaver when taken by firearm and allow the use of firearm from October 10 – May 31 in Unit 17
- \_\_\_\_\_ **PROPOSAL 38:** Lengthen the permit dates to access Walrus Island State Game Sanctuary for hunting

### **Glennallen Area – Units 11 & 13 (25 proposals)**

- \_\_\_\_\_ **PROPOSAL 39:** Reduce population and harvest objectives for moose in Unit 13B
- \_\_\_\_\_ **PROPOSAL 40:** Change the population objective for moose in Unit 13C
- \_\_\_\_\_ **PROPOSAL 41:** Reduce harvest objectives for moose in Unit 13C
- \_\_\_\_\_ **PROPOSAL 42:** Reduce harvest objectives for moose in Unit 13E
- \_\_\_\_\_ **PROPOSAL 43:** Establish an antlerless moose season in Unit 13A
- \_\_\_\_\_ **PROPOSAL 44:** Establish an antlerless moose season in Unit 13C
- \_\_\_\_\_ **PROPOSAL 45:** Add a five-day archery only season for hunting moose in Unit 13
- \_\_\_\_\_ **PROPOSAL 46:** Change the Unit 13 community subsistence moose hunt to a registration hunt with additional conditions and restrictions
- \_\_\_\_\_ **PROPOSAL 47:** Open a late season archery only drawing permit hunt for any bull moose in Units 13E and 13B, along the Denali Highway
- \_\_\_\_\_ **PROPOSAL 48:** Modify the intensive management plan for Unit 13 to include Nelchina caribou
- \_\_\_\_\_ **PROPOSAL 58:** Reduce the minimum wolf population in the Unit 13 Intensive Management Plan for wolves
- \_\_\_\_\_ **PROPOSAL 49:** Eliminate the harvest of Nelchina caribou

- \_\_\_\_\_ **PROPOSAL 50:** Change the sheep draw hunt DS165 in Unit 13D to a general season hunt
- \_\_\_\_\_ **PROPOSAL 51:** Open a resident only sheep hunt in the Chitina River drainage in Unit 11
- \_\_\_\_\_ **PROPOSAL 52:** Create a new management area around MacColl Ridge in Unit 11, open to resident sheep hunting by registration permit only
- \_\_\_\_\_ **PROPOSAL 53:** Establish a resident, archery only sheep drawing hunt in Unit 13D
- \_\_\_\_\_ **PROPOSAL 54:** Change the bag limit for the Unit 13D sheep drawing hunts, DS160 and DS260
- \_\_\_\_\_ **PROPOSAL 55:** Divide the goat drawing permit hunt DG720 into three separate permit hunts
- \_\_\_\_\_ **PROPOSAL 56:** Establish an archery only registration goat hunt in Units 13D and 11
- \_\_\_\_\_ **PROPOSAL 57:** Increase the bag limit for brown bear in Unit 13
- \_\_\_\_\_ **PROPOSAL 59:** Lengthen the wolf trapping season in Unit 11
- \_\_\_\_\_ **PROPOSAL 60:** Lengthen the coyote trapping season in Unit 11
- \_\_\_\_\_ **PROPOSAL 61:** Change the start date for the ptarmigan hunting season in Unit 13B
- \_\_\_\_\_ **PROPOSAL 62:** Extend the spring hunting season for ptarmigan in Units 13A, 13C, and 13D
- \_\_\_\_\_ **PROPOSAL 63:** Require a registration permit to hunt ptarmigan in Units 13B and 13E

### **Palmer Area - Units 14A, 14B & 16 (21 proposals)**

- \_\_\_\_\_ **PROPOSAL 64:** Reauthorize the antlerless moose draw permits in Units 14A and 14B
- \_\_\_\_\_ **PROPOSAL 65:** Decrease the number of antlerless moose permits for Unit 14A
- \_\_\_\_\_ **PROPOSAL 66:** Open a fall, archery only moose hunt in Units 14A and 14B
- \_\_\_\_\_ **PROPOSAL 67:** Open a fall, archery only moose hunt in Unit 16A
- \_\_\_\_\_ **PROPOSAL 68:** Change the bag limit of the fall, Tier II moose hunt in Unit 16B
- \_\_\_\_\_ **PROPOSAL 69:** Shorten the season for the Tier II moose hunt in Unit 16B
- \_\_\_\_\_ **PROPOSAL 70:** Extend the hunting season for brown bear in Units 14A and 14B
- \_\_\_\_\_ **PROPOSAL 71:** Extend the brown bear hunting season in Unit 14B



- \_\_\_\_\_ **PROPOSAL 77:** Extend the brown bear season in Unit 14B
- \_\_\_\_\_ **PROPOSAL 72:** Eliminate the harvest ticket requirement for hunting black bear in Unit 16
- \_\_\_\_\_ **PROPOSAL 73:** Change the bag limit for sheep in Unit 14A draw hunts to any ram
- \_\_\_\_\_ **PROPOSAL 74:** Establish a resident, archery only, sheep drawing hunt in Unit 14A
- \_\_\_\_\_ **PROPOSAL 75:** Add Department removal of wolves, brown bears, and black bears to Unit 16 Intensive Management Plan
- \_\_\_\_\_ **PROPOSAL 76:** Allow the take of brown bear in Unit 16, the same day airborne
- \_\_\_\_\_ **PROPOSAL 78:** Allow the same day airborne take of wolves in the active, Unit 16 Intensive Management Plan
- \_\_\_\_\_ **PROPOSAL 79:** Extend the wolf trapping season in Unit 14A
- \_\_\_\_\_ **PROPOSAL 80:** Require sealing of beaver taken in Unit 16
- \_\_\_\_\_ **PROPOSAL 81:** Require traps and snares set within two miles of publicly maintained roads in Unit 14A be checked at least every 36 hours
- \_\_\_\_\_ **PROPOSAL 82:** Establish 50-yard trapping setbacks along specific trails in Unit 14
- \_\_\_\_\_ **PROPOSAL 83:** Extend the spring hunting season for ptarmigan in Unit 16
- \_\_\_\_\_ **PROPOSAL 84:** Extend the spring hunting season for ptarmigan in Units 14A and 14B

### **Proposals Outside the Board of Game's Authority**

*The Board of Game may discuss the following proposals but does not have authority to take regulatory action.*

- \_\_\_\_\_ **PROPOSAL 167:** For Unit 17, exempt residents who have a Tribal ID card from having a hunting or trapping license.
- \_\_\_\_\_ **PROPOSAL 168:** For Unit 17, exempt residents who have a Tribal ID card from having a hunting license for taking small game.
- \_\_\_\_\_ **PROPOSAL 171:** All domestic animals on lands designated as refuges, critical habitat areas, ranges and parks in the Central & Southwest Region, must be physically restrained by a tether.
- \_\_\_\_\_ **PROPOSAL 174:** Pause Predator Control program in Unit 17 until ADF&G can come up with a population assessment of bear density.
- \_\_\_\_\_ **PROPOSAL 184:** Establish a 4-zone management approach in Units 17A, 17B, 17C, 9B, and Unit 18.



## Alaska Board of Game

P.O. Box 115526

Juneau, AK 99811-5526

(907) 465-4110

<https://boardofgame.adfg.alaska.gov>

## Alaska Board of Game Members

<u>NAME AND ADDRESS</u>	<u>TERM EXPIRES</u>
Stosh (Stanley) Hoffman, Bethel, Chair <a href="mailto:Stosh.hoffman@alaska.gov">Stosh.hoffman@alaska.gov</a>	6/30/2026
Allen (Al) Barrette, Fairbanks <a href="mailto:Allen.barrette@alaska.gov">Allen.barrette@alaska.gov</a>	6/30/2025
Jake Fletcher, Talkeetna <a href="mailto:Jacob.fletcher@alaska.gov">Jacob.fletcher@alaska.gov</a>	6/30/2026
Ruth Cusack, Chugiak <a href="mailto:Ruth.cusack@alaska.gov">Ruth.cusack@alaska.gov</a>	6/30/2025
David Lorrington, Fairbanks <a href="mailto:David.lorrington@alaska.gov">David.lorrington@alaska.gov</a>	6/30/2026
James Baichtal, Thorne Bay <a href="mailto:Jim.baichtal@alaska.gov">Jim.baichtal@alaska.gov</a>	6/30/2027
Jake Garner, Anchorage <a href="mailto:Jake.garner@alaska.gov">Jake.garner@alaska.gov</a>	6/30/2027

\*\*\*\*\*

Alaska Board of Game members may also be reached by contacting

Kristy Tibbles, Executive Director, Alaska Board of Game

Email: [kristy.tibbles@alaska.gov](mailto:kristy.tibbles@alaska.gov) | Phone: (907) 465-6098

<https://boardofgame.adfg.alaska.gov>

**Alaska Board of Game**

P.O. Box 115526

Juneau, AK 99811-5526

(907) 465-4110

[www.boardofgame.adfg.alaska.gov](http://www.boardofgame.adfg.alaska.gov)**ALASKA BOARD OF GAME****2024/2025 Cycle****Tentative Meeting Dates**

<b>Meeting Dates</b>	<b>Topic</b>	<b>Location</b>	<b>Comment Deadline</b>
<b>January 9, 2025</b> (1 day)	<b>Work Session</b>	<b>Wasilla</b> Best Western Lake Lucille Inn	<b>TBD</b>
<b>January 10-17, 2025</b> (8 days)	<b>Central &amp; Southwest Region</b> Game Management Units 9, 10, 11, 13, 14A, 14B, 16 & 17	<b>Wasilla</b> Best Western Lake Lucille Inn	<b>December 27, 2024</b>
<b>March 21-28, 2025</b> (8 days)	<b>Statewide Regulations</b> 5 AAC Chapters 92 and 98	<b>Anchorage</b> Egan Civic & Convention Center	<b>March 7, 2025</b>

Total Meeting Days: 17

**Agenda Change Request Deadline: Friday, November 1, 2024***(The Board of Game will meet via teleconference to consider Agenda Change Requests following the November 1 deadline.)*

## 5 AAC 96.625. JOINT BOARD PETITION POLICY

*(effective September 19, 2019)*

(a) Under AS 44.62.220, an interested person may petition an agency, including the Boards of Fisheries and Game, for the adoption, amendment, or repeal of a regulation. The petition must clearly and concisely state the substance or nature of the regulation, amendment, or repeal requested, the reason for the request, and must reference the agency's authority to take the requested action. Within 30 days after receiving a petition, a board will deny the petition in writing, or schedule the matter for public hearing under AS 44.62.190--44.62.210, which require that any agency publish legal notice describing the proposed change and solicit comment for 30 days before taking action. AS 44.62.230 also provides that if the petition is for an emergency regulation, and the agency finds that an emergency exists, the agency may submit the regulation to the lieutenant governor immediately after making the finding of emergency and putting the regulation into proper form.

(b) Fish and game regulations are adopted by the Alaska Board of Fisheries and the Alaska Board of Game. Annually, the boards solicit regulation changes through regulatory proposals described in 5 AAC 96.610(a). Several hundred proposed changes are usually submitted to each board annually. The Department of Fish and Game compiles the proposals and mails them to all fish and game advisory committees, and to other interested individuals.

(c) Copies of all proposals are available at local Department of Fish and Game offices and on the boards support section's website. When the proposal books are available, the advisory committees and hold public meetings in the communities and regions they represent, to gather local comment on the proposed changes. Finally, the boards convene public meetings, which have lasted as long as six weeks, taking department staff reports, public comment, and advisory committee reports before voting in public session on the proposed changes.

(d) The public has come to rely on this regularly scheduled participatory process as the basis for changing fish and game regulations. Commercial fishermen, processors, guides, trappers, hunters, sport fishermen, subsistence fishermen, and others plan business and recreational ventures around the outcome of these public meetings.

(e) 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 received under (a) of this section can detrimentally circumvent this process and that an adequate and more reasonable opportunity for public participation is provided by regularly scheduled meetings.

(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. 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 under AS 44.62.250(a). In accordance with state policy expressed in AS 44.62.270, emergencies will be held to a minimum and are rarely found to exist. Except for petitions dealing with subsistence hunting or subsistence fishing, 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. Petitions dealing with subsistence hunting or subsistence fishing will be evaluated under these criteria:

- (1) the petition must address a fish or game population that has not previously been considered by the board for identification as a population customarily and traditionally used for subsistence under AS 16.05.258; or
- (2) the circumstances of the petition otherwise must require expedited consideration by the board, such as where the proposal is the result of a court decision or is the subject of federal administrative action that might impact state game management authority.

(Eff. 9/22/85, Register 95; am 8/17/91, Register 119; readopt 5/15/93, Register 126; am 2/23/2014, Register 209; am 9/19/2019, Register 231)

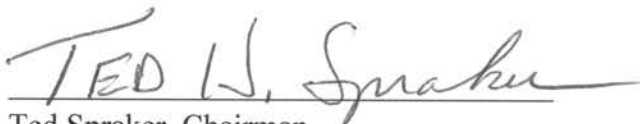
Authority: AS 16.05.251, AS 16.05.255, AS 16.05.258

**ALASKA JOINT BOARDS OF FISHERIES AND GAME****CRITERIA FOR DEVELOPMENT OF BOARD-GENERATED PROPOSAL**


It has been suggested that criteria need to be established to guide the Alaska Joint Boards of Fisheries and Game, Board of Fisheries, and Board of Game (boards) members when deliberating on whether or not to develop a board-generated proposal. The boards will consider the following criteria when deliberating the proposed development and scheduling of a board-generated proposal:

1. Is it in the public's best interest (e.g., access to resource, consistent intent, public process)?
2. Is there urgency in considering the issue (e.g., potential for fish and wildlife objectives not being met or sustainability in question)?
3. Are current processes insufficient to bring the subject to the board's attention (e.g., reconsideration policy, normal cycle proposal submittal, ACRs, petitions)?
4. Will there be reasonable and adequate opportunity for public comment (e.g., how far do affected users have to travel to participate, amount of time for affected users to respond)?

Findings adopted this 16<sup>th</sup> day of October 2013.



Ted Spraker, Chairman  
Alaska Board of Game  
Vote: 6-0



Karl Johnstone, Chairman  
Alaska Board of Fisheries  
Vote: 7-0

**Findings of the Alaska Board of Game  
2023-227-BOG  
BOARD OF GAME BEAR CONSERVATION, HARVEST,  
AND MANAGEMENT POLICY  
(Expiration Date: July, 2028  
This policy supersedes BOG Policy #2016-214-BOG)**

**Purposes of Policy**

1. To clarify the intent of the Board and provide guidelines for Board members and the Department of Fish and Game (Department ) to consider when developing regulation proposals for the conservation and harvest of bears in Alaska, consistent with the Alaska Constitution and applicable statutes.
2. To encourage review, comment, and interagency coordination for bear management activities.

**Goals**

1. To ensure the conservation of bears throughout their historic range in Alaska.
2. To recognize the ecological and economic importance of bears while providing for their management as a harvestable opportunity, food, predatory, and furbearer species.
3. To recognize the importance of bears for customary and traditional uses, viewing, photography, research, and non-consumptive uses in Alaska.

**Background**

The wild character of Alaska's landscapes is one of our most important natural resources and the presence of naturally abundant populations of brown/grizzly bears (*Ursus arctos*) and black bears (*Ursus americanus*) throughout their historic range in Alaska is important to that wild character. Bears are important to Alaskans in many ways, including as food animals, predators of moose, caribou, deer and muskox, a unique species opportunity for nonresident and resident hunters, furbearers, , and as objects of curiosity, study, awe, and enjoyment. Bears are also important components of naturally functioning Alaskan ecosystems.

Bear viewing is a rapidly growing industry in selected areas of the state. The interest exceeds the opportunities provided now by such established and controlled sites as McNeil River, Pack Creek, Anan Creek, Wolverine Creek and Brooks Camp. In most areas, hunting and viewing are compatible uses but the Board may consider bear viewing as a priority use in some small areas, especially where access for people is good and bears are particularly concentrated. The Board, the Department , and the Alaska Wildlife Troopers will continue to discourage people from feeding bears to provide viewing and will continue to enforce laws against persons who feed bears illegally.

Bears are frequently attracted to garbage or to fish and hunting camps and can be a nuisance where they become habituated to humans and human food sources. Dealing with problem bears has been especially difficult in Anchorage, Juneau, and the Kenai Peninsula. The Department has worked hard, and successfully, with municipalities to educate people and solve waste



management problems. The Department's policy on human food and solid waste management (<http://www.wc.adfg.state.ak.us/index.cfm?adfg=bears.bearpolicy>) provides guidance on reducing threats to humans and the resulting need to kill problem bears.

Bears can pose a threat to humans in certain situations. The Department has the regulatory authority to address human/bear conflicts and has developed a detailed approach to investigating incidents involving bears and humans. In addition, the Department has developed a detailed wildlife safety curriculum for use internally and by the public, with considerable focus on bears. The Department and the Board will continue to educate people about ways to minimize threats to humans and the resulting need to remove problem bears.

Alaska is world-renowned as a place to hunt brown bears, grizzly bears and black bears. Alaska is the only place in the United States where brown and grizzly bears are hunted in large numbers. The brown bear harvest has remained stable over the last 10 years, despite more liberal regulations governing take. Many of the hunters are nonresidents and their economic impact is significant to Alaska. Hunters have traditionally been the strongest advocates for bears and their habitat, providing consistent financial and political support for research and management programs.

Because bears can be both prey and predator, their relationship with people is complex. Throughout much of Interior Alaska and in some areas of Southcentral Alaska, the combined predation by bears and wolves keeps moose at relatively low levels. Bear predation on young calves has been shown to contribute significantly to keeping moose populations depressed, delayed population recovery, and low harvest by humans. People in parts of rural Alaska (e.g., Yukon Flats) have expressed considerable frustration with low moose numbers and high predation rates on moose calves in hunting areas around villages. The Board and the Department take an active role in addressing bear management issues. Because the Constitution of the State of Alaska requires all wildlife (including predators) to be managed on a sustained yield basis, the Board of Game and the Department will manage all bear populations to maintain a sustained yield, and the Board recognizes its broad latitude to manage predators including bears to provide for higher yields of ungulates (*West vs State of Alaska*, Alaska Supreme Court, 6 August 2010).

### **Brown and grizzly bears**

Although there is no clear taxonomic difference between brown and grizzly bears, there are ecological and economic differences that are recognized by the Board and Department. In the area south of a line following the crest of the Alaska Range from the Canadian border westward to the 62<sup>nd</sup> parallel of latitude to the Bering Sea, where salmon are important in the diet of *Ursus arctos*, these bears are commonly referred to as brown bears. Brown bears grow relatively large, tend to be less predatory on ungulates, usually occur at high densities, and are highly sought after by hunters for the unique hunting opportunity generally only found in Alaska and for viewing and photography. Bears found north of this line in Interior and Arctic Alaska; where densities are lower and which are usually smaller in size, more predatory on ungulates, and have fewer opportunities to feed on salmon; are referred to as grizzly bears. Brown and grizzly bears are found throughout their historic range in Alaska and may have expanded their recent historic range in the last few decades into places like the Yukon Flats and lower Koyukuk River.

Although determining precise population size is not possible with techniques currently available, most bear populations are estimated to be stable or increasing based on aerial counts, Capture-

Mark-Resight techniques (including DNA), harvest data, traditional knowledge, and evidence of expansion of historic ranges. Throughout most coastal habitats where salmon are abundant, brown bears are abundant and typically exceed 175 bears/1,000 km<sup>2</sup> (450 bears/1,000 mi<sup>2</sup>). A population in Katmai National Park on the Alaska Peninsula was measured at 550 bears/1,000 km<sup>2</sup> (1,420 bears/1,000 mi<sup>2</sup>). In most interior and northern coastal areas, densities do not exceed 40 bears/1,000 km<sup>2</sup> (100 bears/1,000 mi<sup>2</sup>). Mean densities as low as 4 grizzly bears/1,000 km<sup>2</sup> (12 bears/1,000 mi<sup>2</sup>) have been measured in the eastern Brooks Range but these density estimates may be biased low and the confidence intervals around the estimates are unknown. Extrapolations from existing density estimates yielded statewide estimate of 31,700 brown bears in 1993, but the estimate is likely to be low.

Although some northern grizzly bear populations have relatively low reproductive rates, most grizzly bear and brown bear populations are capable of sustaining relatively high harvest rates comparable to moose, caribou, sheep, goats, and other big game animals that exist in the presence of natural numbers of large predators in most areas of Alaska. In addition, grizzly bears and brown bears have shown their ability to recover relatively quickly (<15 years) from federal poisoning campaigns during the 1950s and overharvest on the Alaska Peninsula during the 1960s. Biologists were previously concerned about the conservation of brown bears on the Kenai Peninsula and brown bears there were listed by the state as a “species of special concern”. The Department implemented a conservation strategy there through a stakeholder process. In recent years it has become apparent that brown bears remain healthy on the Kenai and the Board, and the Department no longer believes there is a conservation concern.

In some areas of the state (e.g., Unit 13) where the Board has tried to reduce grizzly bear numbers with liberal seasons and bag limits for over 15 years, there is no evidence that current increased harvests have affected bear numbers, age structure, or population composition. In areas of Interior Alaska, where access is relatively poor, long conventional hunting seasons and bag limits of up to 2 bears per year have not been effective at reducing numbers of grizzly bears. In these areas, most biologists believe that as long as sows and cubs are protected from harvest it will not be possible to reduce populations enough to achieve increases in recruitment of moose.

### **Black bears**

American black bears (*Ursus americanus*) are generally found in forested habitats throughout the state. Like brown and grizzly bears, black bears also occupy all of their historic ranges in Alaska and are frequently sympatric with grizzly and brown bears. Because they live in forested habitats it is difficult to estimate population size or density. Where estimates have been conducted in interior Alaska, densities ranged from 67 bears/1,000 km<sup>2</sup> (175 bears/1,000 mi<sup>2</sup>) on the Yukon Flats to 289 bears/1,000 km<sup>2</sup> (750 bears/1,000 mi<sup>2</sup>) on the Kenai Peninsula. In coastal forest habitats of Southeast Alaska’s Alexander Archipelago, black bear densities are considered high. A 2000 estimate for Kuiu Island was 1,560 black bears/1,000 km<sup>2</sup> (4,000 black bears/1,000 mi<sup>2</sup>).

In most areas of the state, black bears are viewed primarily as food animals, but they are also sought after for their fur/hides, and as predators of moose calves. The Board classified black bears as furbearers, recognizing the desire of people to use black bear fur as trim on clothing, to enhance the value of black bears, and to enable the Board and the Department to use foot-snares in bear management programs. The classification of black bears as a furbearer has legalized the sale of some black bear hides and parts (except gall bladders) and has thus made regulations in Alaska similar to those in northern Canada in this regard.

Black bears exhibit higher reproductive rates than brown and grizzly bears. In all areas of the state black bear populations are healthy and can sustain current or increased harvest levels. However, hunting pressure on black bears in some coastal areas like Game Management Unit (GMU) 6 (Prince William Sound), GMU 2 (Prince of Wales Island) and parts of GMU 3 (Kuiu Island) may be approaching or have exceeded maximum desired levels if mature bears are to be preserved and are the subjects of frequent regulatory adjustments.

In some other parts of the state, deliberately reducing black bear numbers to improve moose calf survival has proven to be difficult or impossible with conventional harvest programs. The Board has had to resort to more innovative regulations promoting baiting and trapping with foot snares. The Department has also tried an experimental solution of translocating bears away from an important moose population near McGrath (GMU 19D) to determine if reduced bear numbers could result in significant increases in moose numbers and harvests. The success of the McGrath program has made it a potential model for other small areas around villages in Interior Alaska, if acceptable relocation sites are available.

### **Guiding Principles**

**The Board of Game and the Department will promote regulations and policies that will strive to:**

1. Manage bear populations to provide for continuing sustained yield, while allowing a wide range of human uses in all areas of the state.
2. Ensure subsistence uses of bears are provided in accordance with state law.
3. Ensure public safety near population centers.
4. Continue and, if appropriate, increase research on the management of bears and on predator/prey relationships and methods to mitigate the high predation rates of bears on moose calves in areas designated for intensive management.
5. Continue to provide for and encourage non-consumptive use of bears without causing bears to become habituated to human food.
6. Favor conventional hunting seasons and bag limits to manage bear numbers.
7. Encourage the human use of bear meat as food.
8. Employ more efficient harvest strategies, if necessary, when bear populations need to be substantially reduced to mitigate conflicts between bears and people.
9. Work with the Department to develop innovative ways of increasing bear harvests if conventional hunting seasons and bag limits are not effective at reducing bear numbers to mitigate predation on ungulates or to deal with problem bears.
10. Simplify hunting regulations for bears and increase opportunity for incidental harvest of grizzly bears in Interior Alaska by eliminating resident tag fees.
11. Recognize the increasing value of mature brown bears, especially in Units 1-6 and 8-10, and generate increased revenue from sales of brown bear tags.
12. Review and recommend revision to this policy as needed.

## **Conservation and Management Policy**

The Board and the Department will manage bears differently in different areas of the state, in accordance with ecological differences and the needs and desires of humans. Bears will always be managed on a sustained yield basis. In all non-subsistence areas, the priority is to ensure continued subsistence uses of bears in accordance with state law. In some areas, such as the Kodiak Archipelago, portions of Southeast Alaska and the Alaska Peninsula, brown bears will generally be managed for mature adult bears for hunting, and for viewing opportunities. In Southeast Alaska and Prince William Sound, black bears will generally be managed as for sustainable populations for harvest, food animals, and viewing opportunities. In Interior and Arctic Alaska, black bears and grizzly bears will be managed primarily for sustainable populations, food animals, and predators of moose and caribou. Near population centers bears will be managed to ensure for public safety. In some parts of Interior Alaska, the Board may elect to manage populations of black bears primarily as furbearers.

### **Monitoring Harvest and Population Size**

The Board and the Department recognize the importance of monitoring the size and health of bear populations on all lands in Alaska to determine if bear population management and conservation goals are being met. In areas where monitoring bear numbers, population composition, and age class is a high priority, sealing of all bear hides and skulls will be required. At the present time, all brown and grizzly bears harvested under the general, drawing, or registration hunting regulations must be inspected and sealed by a Department representative. Where monitoring bear numbers and harvests is a lower priority, harvest may be monitored using harvest tickets or subsistence harvest surveys.

Harvest of black bears will generally be monitored either with harvest tickets or sealing requirements. Where harvests are near maximum sustainable levels or where the Department and the Board need detailed harvest data, sealing will be required.

Large areas of the state have subsistence brown/grizzly bear hunts with liberal seasons and bag limits, mandatory meat salvage, and relaxed sealing requirements. The Department will continue to provide for subsistence needs.

Bear viewing also is an important aspect of bear management in Alaska. Increasing interest in watching bears at concentrated feeding areas such as salmon streams and sedge flats, and clam flats is challenging managers to find appropriate levels and types of human and bear interactions without jeopardizing human safety. Bear hunting and viewing are compatible in most situations.

Nothing in this policy affects the authority under state or federal laws for an individual to protect human life or property from bears (5 AAC 92.410). All reasonable steps must be taken to protect life and property by non-lethal means before a bear is killed.

### **Managing Predation by Bears**

In order to comply with the AS 16.05.255, the Board and Department may implement management actions to reduce bear predation on ungulate populations. The Board may promulgate regulations that allow the Department to temporarily reduce bear populations in Game Management Units, Subunits, or management areas. The Board and the Department may


also need to reduce bear predation on ungulates to provide for continued sustained yield management or conservation of ungulates. In addition, it may be necessary for the Department to kill problem bears to protect the safety of the public under AS 16.05.050 (a) (5). In some cases, the Board may direct the Department to prepare a Predation Control Areas Implementation Plan (5 AAC 92.125 or 92.126) or in other cases the Board may authorize extensions of conventional hunting seasons or implement trapping seasons to aid in managing predation on ungulates.

To comply with AS 16.05.255 to maintain sustained yield management of wildlife populations, or to prevent populations of ungulates from declining to low levels, the Board may selectively consider changes to regulations allowing the public to take bears, including allowing the following:

- Baiting of bears
- Trapping, using foot-snares, for bears under bear management or predator control programs.
- Incidental takes of brown or grizzly bears during black bear management or predator control programs.
- Use of communications equipment between hunters or trappers.
- Sale of hides and skulls as incentives for taking bears.
- Diversionary feeding of bears during ungulate calving seasons.
- Use of black bears for handicraft items for sale, except gall bladders.
- Use of grizzly bears for handicraft items for sale, except gall bladders.
- Taking of sows accompanied by cubs and cubs.
- Same-day-airborne taking.
- Aerial shooting of bears by Department staff
- Suspension or repeal of bear tag fees.
- Use of helicopters.

The Board intends that with the exception of baiting, the above-listed methods and means will be authorized primarily in situations that require active control of bear populations, and only for the minimum amount of time necessary to accomplish management objectives. The Board allows baiting of black bears as a normal method of take in broad areas of the state and will consider allowing brown bear baiting as a normal method of take in select areas.

Vote: 7-0  
January 19, 2023  
Ketchikan, Alaska

  
\_\_\_\_\_  
Jerry Burnett, Chairman  
Board of Game

**Findings of the Alaska Board of Game  
2023-228-BOG  
BOARD OF GAME WOLF MANAGEMENT POLICY  
(Policy duration: Date of finding through July 2028  
This policy supersedes BOG policy #2016-215-BOG))**

Background and Purpose

Alaskans are proud that wolves occur throughout their historic range in Alaska. Wolves are important to people for a variety of reasons, including as furbearers, big game animals, competitors for ungulate prey animals, for customary and traditional uses for Alaskans, and as subjects of enjoyment, curiosity, and study. Wolves are important components in the natural functioning of northern ecosystems. Over time, many people have come to appreciate wolves as exciting large carnivores that contribute significantly to the quality and enjoyment of life in Alaska.

The primary purpose of this policy is to provide guidance to the public, the Department, and the Board of Game on wolf management issues as the Board and the Department implement constitutional and statutory direction and respond to public demands and expectations. The Board recognizes the need for ongoing responsible wolf management to maintain sustainable wolf populations and harvests, and to help maintain sustainable ungulate populations upon which wolves are largely dependent. The Board also recognizes that when conflicts arise between humans and wolves over the use of prey, wolf populations may have to be managed more intensively to minimize such conflicts and comply with existing statutes (e.g. AS 16.05.255). Under some conditions, it may be necessary to greatly reduce wolf numbers to aid recovery of low prey populations or to arrest undesirable reductions in prey populations. In some other areas, including national park lands, the Board also recognizes that non-consumptive uses of wolves may be considered a priority use. With proper management, non-consumptive and consumptive uses are in most cases compatible but the Board may occasionally have to restrict consumptive uses where conflicts among uses are frequent.

Wolf/Human Use Conflicts

Conflicts may exist between wolves and humans when priority human uses of prey animals cannot be reasonably satisfied. In such situations, wolf population control will be considered. Specific circumstances where conflicts arise include the following:

1. Prey populations or recruitment of calves into populations are not sufficient to support existing levels of existing wolf predation and human harvest;
2. Prey populations are declining because of predation by wolves or predation by wolves in combination with other predators;
3. Prey population objectives are not being attained; and
4. Human harvest objectives are not being attained.

Wolf Management and Wolf Control

The Board and the Department have always distinguished between wolf management and wolf control. Wolf management involves managing seasons and bag limits to provide for general public hunting and trapping opportunities. These seasons provide for both subsistence and other traditional economic harvest opportunities and, as a side benefit, allow for participants to directly aid in mitigating conflicts between wolves and humans or improving ungulate harvest levels. In most cases trapping seasons will



be kept to times when wolf hides are prime. However, some hunters are satisfied to take wolves during off-prime months including August, September, April, and May. Opportunity may be allowed for such harvest.

Wolf control is the planned, systematic regulation of wolf numbers to achieve a temporarily lowered population level using aerial shooting, hiring trappers, denning, helicopter support, or other methods which may not normally be allowed in conventional public hunting and trapping. The purpose of wolf control is not to eradicate wolf populations. Under no circumstances will wolf populations be eliminated or reduced to a level where they will not be able to recover when control efforts are terminated, and wolves will always be managed to provide for sustained yield.

In some circumstances it may be necessary to temporarily remove a high percentage (>70%) of wolf populations to allow recovery of prey populations. In other situations, it may be necessary to temporarily remove a smaller percentage of wolf populations (40-70%) to allow prey populations to increase or meet human harvest objectives. Once prey population objectives have been met, wolf populations will generally be allowed to increase to or above pre-control levels.

During the 1997 review of predator control in Alaska by the National Research Council of the National Academy of Sciences (National Research Council 1997), only two clearly successful cases were found where increased harvests of ungulates resulted from control in the Yukon and Alaska. In the last 13 years since that review, several other programs have been successful, including programs in GMUs 9, 13, 16 and 19. In addition, there is now a thirty-year history of intensive wolf and moose management and research, including 2 periods of wolf control in GMU 20A. It is clear, and well documented, that periodic wolf control has resulted in much higher harvests of moose than could be realized without control (Boertje et al., 2009). Biologists now have considerable experience successfully managing moose at relatively high density (Boertje et al., 2007). The GMU 20A case history has provided a great deal of information on what biologists can expect from intensive management programs and these programs are scientifically well founded. However, GMUs are different ecologically and new information on which areas are best suited to intensive management programs will continue to be gathered.

#### Decisions by the Board to Undertake Wolf Control

Generally, there are two situations under which the Board will consider undertaking wolf control (implementing extraordinary measures outside normal hunting and trapping). In rare cases, control may be implemented where sustained yield harvests of ungulates cannot be maintained or where extirpation of ungulate populations may be expected. More commonly, the Board may implement wolf control to comply with Alaska Statutes (AS 16.05.255) where ungulate populations are declared “depleted” or where ungulate harvests must be significantly reduced, and these populations have been found by the Board to be important for “high levels of human harvest”. In most cases when wolf control is implemented, the Board will favor and promote an effective control effort by the public. Experience has shown that often a joint effort by the public and the Department has been most effective. However, the Board recognizes that there are areas and situations where the public cannot effectively or efficiently control predation and that the Department may, under its own authority and responsibilities, conduct the necessary wolf population control activities. Such situations arise in part because public effort to take wolves tends to diminish before an adequate level of population control is achieved. In areas where wolf reduction is being conducted, ungulate and wolf surveys should be conducted as frequently as necessary

to ensure that adequate data are available to make management decisions and to ensure that wolf numbers remain sufficient to maintain long-term sustained yield harvests.

#### Methods the Board Will Consider When Implementing Wolf Control Programs

- 1) Expanding public hunting and trapping into seasons when wolf hides are not prime.
- 2) Use of baiting for hunting wolves.
- 3) Allowing same-day-airborne hunting of wolves when 300 ft from aircraft.
- 4) Allowing land-and-shoot by the public.
- 5) Allowing aerial shooting by the public.
- 6) Allowing use of Department staff and helicopters for aerial shooting.
- 7) Encouraging the Department to hire or contract with wolf trappers and other agents who may use one or more of the methods listed here.
- 8) Allowing denning by Department staff and use of gas for euthanasia of sub-adults in dens.

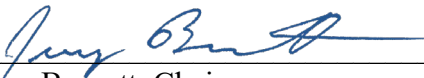
#### Terminating Wolf Control

Depending on the response to wolf control and ungulate population and harvest objectives, control may either be of short or long duration. In some cases, control may last less than five years. In other cases it may be an ongoing effort lasting many years. As ungulate harvest objectives are met, the Board will transition from a wolf control program to a wolf management program, relying to a greater extent on public hunting and trapping. In cases where ungulates respond very well and hunting is ineffective at controlling ungulate numbers for practical reasons, it may be necessary for the Board to restrict the taking of predators.

#### References Cited

- Boertje, Rodney D.; Valkenburg, Patrick, and McNay, Mark E. 1996. Increases in moose, caribou, and wolves following wolf control in Alaska. *Journal of wildlife management*. 1996; 60(3):474-489.
- Boertje, R. D., K. K. Kellie, C. T. Seaton, M. A. Keech, D. D. Young, B. W. Dale, L. G. Adams, A. R. Aderman. 2007. Ranking Alaska moose nutrition: signals to begin liberal antlerless moose harvests. *Journal of Wildlife Management* 71(5): 1494-1506.
- Boertje, R. D., M. A. Keech, D. D. Young, K. A. Kellie, and C. T. Seaton. 2009. Managing for elevated yields of moose in Alaska. *Journal of Wildlife Management* 73 (3): 314-327.
- National Research Council. 1997. *Wolves, bears, and their prey in Alaska*. National Academy Press, Wash., D.C.

Vote: 7-0  
January 19, 2023  
Ketchikan, Alaska

  
\_\_\_\_\_  
Jerry Burnett, Chairman  
Board of Game

**Findings for the Alaska Board of Game  
2019-223-BOG  
Board Recommendation to the Department of Fish and Game  
for Allocation of Nelchina Caribou Permits  
January 15, 2019**

The Board of Game finds as follows, based on information provided by Department staff, Alaska residents and other wildlife users:

The Board recommended the Department take the following actions for allocating Nelchina caribou harvests:


- 1) When the Nelchina caribou herd is above the upper end of the population objective in 5 AAC 92.108:
  - a) The one Community Subsistence Harvest hunt will be held; and
  - b) the two Tier I registration hunts will be held; and
  - c) the one youth drawing hunt will occur, the bag limit is one caribou, and up to 200 permits may be issued; and
  - d) the one resident drawing hunt will occur, the bag limit is one caribou, and up to 5,000 permits may be issued; and
  - e) the one nonresident drawing hunt will occur, the bag limit is one bull, and up to 200 permits may be issued; and
  - f) all 200 youth drawing permits will be issued each year, and the number of resident and nonresident permits to be issued will be enough that the Department would project to reach the harvestable surplus (also referred to as the quota), but not more than 5,000 and 200 respectively.
- 2) When the Nelchina caribou herd is within the population objective:
  - a) the one Community Subsistence Harvest hunt will be held; and
  - b) the two Tier I registration hunts will be held; and
  - c) all 200 youth drawing permits will be issued, and the number of resident and nonresident permits to be issued will be enough that the Department would project to reach the harvestable surplus (also referred to as the quota), but not more than 5,000 and 50 respectively. The nonresident permits will be issued after all 5,000 resident drawing permits are issued.
- 3) When the caribou population is below the management objectives and when the estimated harvestable surplus will not be adequate to meet the lower end of the amount reasonably necessary for subsistence:
  - a) a resident only Tier II hunt will be administered in the next application cycle; and
  - b) the Community Subsistence Harvest hunt will not be held in the subsequent year but will be held if applications are received and permits announced; and
  - c) Neither Tier I registration hunt will be held in the subsequent year, but will be held if applications are received and permits announced; and

- d) the one youth drawing hunt will be held if permit winners have been announced, but will not be held if permit winners have not been announced; and
- e) the one resident drawing hunt will be held if permit winners have been announced, but will not be held if permit winners have not been announced; and
- f) the one nonresident drawing hunt will be held if permit winners have been announced, but will not be held if permit winners have not been announced.

In an effort to reduce hunter confusion and maintain hunt consistency the Department will in some cases allow hunts to run their course and management action will be taken in the following year. For example, issued permits will be allowed to be hunted but quotas and/or seasons may be reduced, and/or the number of available permits may be reduced the following year.

If population objectives change, the Board may revisit this plan.

Vote: 6-0  
Adopted: January 15, 2019  
Petersburg, Alaska

  
\_\_\_\_\_  
Ted Spraker, Chair  
Alaska Board of Game

**Findings of the Alaska Board of Game**  
**2017-222-BOG**  
**Alaska Board of Game Nonresident Hunter Allocation Policy**  
(This policy supersedes BOG policy #2007-173-BOG)

In consideration that Article 8 of the Alaska Constitution states that:

**§ 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 the 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 belong to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

And, Alaska Statute 16.05.020 states that one of the primary functions of the commissioner of the Department of Fish and Game is to:

(2) manage, protect, maintain, improve, and extend the fish, game, and aquatic plant resources of the state in the interest of the economy and general well-being of the state.

And further, that; AS16.05.255 directs that the Board of Game, among other duties, may adopt regulations for:

(10) regulating sport hunting and subsistence hunting as needed for the conservation, development, and utilization of game.

(13) promoting hunting and trapping and preserving the heritage of hunting and trapping in the state.

The Alaska Board of Game establishes this document as a general statement of its views related to nonresident hunter participation in the State of Alaska.

The Alaska Board of Game finds that:

1. Carefully controlled hunting and trapping have been used since statehood to assure that Alaska's wildlife populations are healthy and sustainably managed. Alaska's wildlife populations are minimally impacted by the hunting pressure experienced today, and most hunted populations are either stable or growing. There are few remaining opportunities in North America where a hunter can experience both the quality of largely uninhabited and undeveloped environment, minimal private land ownership boundaries, or the type of hunting opportunities that Alaska has to offer. Alaska is the

only place in the United States where coastal brown bears, caribou and Dall sheep can be hunted, for instance, and there has been great demand for hunting opportunities of these species by U.S. and foreign citizens for many generations.

2. Alaska is one of the last remaining places in the United States where there are large segments of public lands open for general season hunting opportunities. The State of Alaska maintains authority for wildlife management across multiple land ownership designations yet the board recognizes that approximately 60% of the state remains in Federal ownership and is managed for the benefit of all U.S. citizens equally. In recognition of our state's constitutional mandate to manage the state's wildlife for the "common use" and "maximum benefit" of the people, the board has maintained a resident priority for hunting opportunities through management actions such as longer seasons, less restrictive antler requirements, resident tag fee exemptions, and lower licensing fees. The board has also maintained general season opportunity to the greatest degree possible for the benefit of all hunters, resident and visitor alike.
3. Under the Common Use Clause of the Alaska Constitution, access to natural resources by any person's preferred method or means is not guaranteed, and protecting public access to those resources requires an adaptive and informed balancing of demands and needs consistent with the public interest. As such, the state has considerable latitude to responsibly, equitably, and sustainably establish priorities among competing uses for the maximum benefit of the public.
4. From region to region, Alaska often has differing patterns of use, values, and traditions related to the harvest of game. Some areas welcome nonlocal hunters more readily than others, and other areas have little concern regarding who else is hunting the area, so long as local needs are met. The board has recognized that there is no single simple allocation formula that adequately covers the needs, desires, and historical use patterns of the diverse regions of our state.
5. Nonresident hunters have played a crucial and often undervalued role in support of Alaska's wildlife conservation efforts since Territorial times. Early in the last century, nonresident hunters partnered with Alaskan sportsmen to advocate for the conservation of brown bear and grizzly populations, perhaps most notably on Kodiak Island, which reversed territorial, and later state policy that was at one point directed toward the complete elimination of some segments of these populations by any means available. Nonresident hunting groups and resident hunters successfully advocated for the creation of McKinley National Park to address market hunting depletions of Dall sheep populations in that region, and later played an important role in advocating that National Park Preserves and National Wildlife Refuges in Alaska would not only allow for hunting, in the Alaska National Interest Lands Conservation Act, but that hunting and fishing would be recognized in law as priority uses under the National Wildlife Refuge System Improvement Act of 1997. These cooperative actions substantially protected continued hunting opportunities across large areas of federally managed lands in Alaska. More recently, nonresident hunters have contributed meaningfully in the



effort to prevent disease introduction in Alaska, and continue to be knowledgeable allies in safeguarding both our resources and our access to these resources in the face of external pressures.

6. Nonresident hunters typically harvest wildlife at low levels across the state, with few known exceptions. While most big game animal populations are typically harvested at a rate of less than 10 percent by nonresidents, there are some areas where it can be higher (e.g. nonresident sheep harvests averages between 35 and 40% annually and brown/grizzly bear harvests typically exceed resident harvest in much of the state.
  - The board recognizes that, in recent years, there has been a renewed effort to restrict or eliminate nonresident hunter opportunity, especially in relation to Dall sheep harvest. The board conducted an extensive survey of sheep hunter perceptions and experiences; requested that the Alaska Department of Fish and Game gather all known data regarding hunter participation and harvest rates statewide; and, convened a Dall sheep working group made up of Alaskan residents to discuss the known data, survey results, and issues more broadly in an open setting.
  - Nonresident hunter numbers are restrained due to many factors, such as the guide requirement for Dall sheep, mountain goat and brown bear/grizzly, a law primarily addressing hunter safety issues. This requirement also results in higher success rates due to the greater experience and area familiarity of hunting guides. Nonresident sheep hunters have also been limited by federal guide concessions, which have capped the number of guides in large portions of sheep ranges and held them to predetermined numbers on 10-year cycles. The competitive bidding nature for obtaining rights in these areas requires that guides hold to the number of clients they have proposed during their tenure, allowing for predictable participation and anticipated harvest rates.
7. Despite comparatively low participation and harvest rates for most species due to restricted opportunity, nonresident hunters provide the majority of direct funding into Alaskan wildlife management programs through relatively expensive license and big game tag fees. This level of funding has allowed for stable wildlife management and educational activities for decades. The additional benefit to wildlife management from receiving Pittman-Robertson matching funds, which come primarily from nationwide weapon purchases, cannot be overstated. The level of funding that nonresident license sales have provided for department survey and inventory programs, among other programs, has allowed the board to have increased confidence in providing for higher levels of harvest opportunities under sustained yield principles. Alaskan hunters have benefited most from these management programs through generally avoiding harvest quotas, draw permits, antler restrictions, and shortened seasons for the majority of hunt opportunities in Alaska. This enhances our ability to satisfy our legal mandate to manage, preserve and promote hunting and trapping throughout the state, while

providing the maximum benefit for all the people as Alaskans take home an estimated 90% of the big game animals harvested for their meat value in the state each year.

8. Nonresident hunters contribute substantially directly to the Alaskan economy through contracting with service providers, equipment rentals, supply purchases from local vendors, hotel and tourism related expenses, and meat processing and trophy expediting services. Visiting nonresident hunters are typically comprised of 80% of unguided hunters, 20% guided nonresident hunters, or hunters accompanied by second degree of kindred relatives.

- Unguided nonresident hunters often contract with air-taxis or transporters for transportation services to remote hunting locations and primarily focus their efforts on moose, caribou, deer, and black bear. Nonresident hunter dispersal through transportation services provides benefit to both resident hunters who find the more accessible hunting areas less crowded, and nonresident hunters who often have access to more remote areas that provide unique hunting settings or access to migratory resources. Unguided nonresident hunters often donate meat through their service providers to remote villages, especially portions of their moose and caribou, due to prohibitive transportation costs. There have been numerous complaints over the years related to donated meat quality, hunter crowding, overbooked services, and competition with local hunters related to air-taxi and transporter operations – resulting in the creation of controlled use areas to limit hunting-related aircraft use in several areas of the state and most recently both modified state and new federal controlled use areas in northwest Alaska. The board recognizes that these issues are not typically driven by lack of resource availability, but at times due to variance in wildlife migrations or weather and at other times unchecked competition for limited access points by multiple service providers. The board believes that these conflicts can be best addressed through greater oversight of transportation related services in our state rather than strictly limiting general hunting opportunity where resources are in many cases stable or abundant.
- Approximately 86% of registered or master guides in Alaska are Alaskan residents and upwards of 66% of assistant guides are Alaskan residents. Guided hunt opportunity is generally disbursed across the state on both state and federal lands, and to a lesser degree on private lands. A recent economic analysis of the economic impact of the guide industry notes that 3,242 guided nonresident hunters contributed approximately 87.2 million dollars to Alaska's economy in 2015, and supported 2,120 Alaskan jobs. A significant amount of game meat was donated by guided hunters in communities across the state during this same period, providing both economic relief and direct dietary benefit to mostly rural Alaskans. The benefit this brings to Alaskan communities is supported by testimony from across Alaska. There has been complaint regarding hunter crowding or competition for Dall sheep resources on state owned lands in several regions for a number of years and the board

has recently taken a very detailed look at these and other issues with the aid of a resident-comprised Dall sheep working group, as noted above. The board has advocated for the restoration of guide-concessions on state lands to both provide a comprehensive program to address quality of hunt issues such as these, and to assure that stewardship-based guided-hunt opportunities are provided in these areas.

- Recent data and testimony indicate that the trend of nonresident hunters accompanied by second degree kindred resident relatives for Dall sheep, brown bear, and mountain goat appear to be increasing. The board recognizes the high value of continued opportunity for Alaskans to share unique hunting opportunities with nonresident family members. The board has heard complaints that, in portions of the state, strictly limited permit opportunities for nonresident guide-required hunts have at times been taken to a large degree by second degree kindred hunters accompanied by resident relatives, an effect unanticipated when allocations were established. The board desires to address these issues in a manner that both protects the careful allocation frameworks that the board has already anticipated and determined as appropriate, and provide continued or expanded opportunity for Alaskans to maintain family centered hunting traditions with nonresident relatives where possible.

The primary goals and efforts of the Alaska Board of Game are directed toward the management of stable and healthy wildlife populations capable of producing harvestable surpluses to provide for a variety of uses and, at times, differing values of the public. While many uses of wildlife do not directly conflict with one another, such as wildlife viewing and hunting, with some notable exceptions, some consumptive uses do require thoughtful allocation decisions. Historically, the board has viewed meeting the subsistence needs of the Alaskan populace as its primary goal, as directed by state law.

Preferences have been granted by the state in the following order:

- 1) Alaskan Resident subsistence hunting - for all species with a customary or traditional use classification
- 2) Alaskan Resident general season hunting – for moose, deer, caribou, elk
  - Residents have longer seasons, more liberal bag limit and antler restrictions, and lower license and tag fees
- 3) Resident and Nonresident general season hunting – for Dall sheep, brown/grizzly bear, and mountain goat. Typically managed for trophy-related values.
  - Guide-required species for nonresidents can be a limiting (financial) factor for many nonresident hunters, in addition to license and tag fees
- 4) Nonresident Alien hunting – same as nonresident hunting
  - Guide-required for all big game species and with higher license and tag fees

The Alaska Board of Game has recognized the above inherent preferences and general practices that benefit Alaskan hunters and will continue to do so. In addition, the board will address allocation issues in the following circumstances, if season and/or method and means adjustments are deemed insufficient:

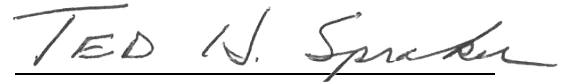
- 1) When there is suitable harvestable surplus - it is the board's policy to allow maximum opportunity for all hunters, within the bounds of sustained yield management practices, regardless of residency.
- 2) In times of non-hunting-related population decline - it will be the board's policy to restrict all non-subsistence hunting if it is predicted to contribute to the decline or have the potential to slow the recovery of these populations appreciably. Nonresident hunters will be restricted first in these circumstances, unless their portion of the overall harvest is deemed insignificant.
- 3) In times of hunting-related population decline – it will be the board's policy to identify the potential causes and address each case individually. Nonresident hunters will be restricted first in these circumstances, unless their portion of the overall harvest is deemed insignificant or the restriction of nonresident hunters does not address the primary cause of decline.
- 4) Nonresident hunting will not be authorized for any moose, caribou or deer population under a current intensive management predator control program until the minimum intensive management population or harvest objectives are met unless the board determines that such hunting will not adversely impact resident opportunity, will not adversely impact the recovery of the target population, and is determined to provide for the maximum benefit of the people of Alaska.
- 5) The board may choose to address areas of conservation, hunter overcrowding, or conflict issues by placing limitations on or between commercial service-dependent hunts, or request that the appropriate regulatory body address the service provider issue if it is beyond the board's authority. This may be accomplished by guided-only or non-guided-only permit stipulations for any species, as the board has done in several places in the past. Sustained yield will be the first test in these circumstances, then subsistence obligations, historical use patterns, and quality of hunt experience will be considered.
- 6) When a draw hunt is deemed necessary, allocation will be determined on a case by case basis and will be based upon the historical data of nonresident and resident permit, harvest or participation allocation over the past ten or more years. When a guided nonresident hunter applies for a drawing permit, proof of having a signed guide-client contract is required and contracting guides shall be registered in the area prior to the drawing. When a guide signs a guide-client contract, the guide is providing guiding services and therefore must be registered for the use area at that time.

- 7) The board has supported the reestablishment of state-managed guide concessions to address user conflicts and hunt quality issues for more than a decade. The board continues to support this avenue to address known conflict areas. It will be the board's policy to address nonresident allocations under state or federal concessions that have overlaying draw requirements in a manner that cooperates with land management efforts and goals, as deemed appropriate by the board.

Vote: 5-1-1

Adopted: November 17, 2017

Anchorage, Alaska

A handwritten signature in black ink that reads "TED N. Spraker". The signature is written in a cursive, slightly stylized font. The first name "TED" is in all caps, and "N." is a small initial. "Spraker" is written in a more fluid, cursive script.

Ted Spraker, Chairman  
Alaska Board of Game

**Findings for the Alaska Board of Game  
2017-220-BOG  
Board Recommendation to the Department of Fish and Game provided  
during the Special Meeting on Copper Basin Area Moose and Caribou Hunting  
March 21, 2017**

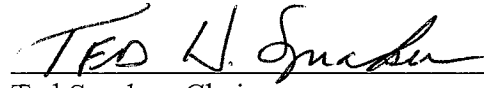
The Board of Game finds as follows, based on information provided by Department staff, Alaska residents and other wildlife users:

The Board recommended the Department take the following actions:

1. When necessary, increase the bag limit to two caribou, except during the September 1 – 20 moose season.
2. Regarding the Copper Basin Community Subsistence Harvest “CSH” moose hunt, and consistent with earlier findings, the board found that the ability to take any bull moose regardless of antler size or configuration is an important component of the community pattern of subsistence hunting. The ability to take any bull regardless of antler characteristics must be limited because of the potential to overharvest certain age classes of bulls. For many hunts, regulations that restrict antler characteristics of legal animals to spike-fork antlers or 50-inch antlers or antlers with 4 or more brow tines (SF50/4) protects those age classes, however, they do not provide the any bull opportunity consistent with the community pattern of subsistence harvest.
3. Currently, the board limits any bull opportunity in the CSH moose hunt by providing 1 any bull permit for every three households and closes the hunt when 100 bulls in the middle age classes needing protection are taken.
4. However, the board found that providing 1 any bull permit for every three households does not satisfy the need for reasonable opportunity for three reasons. First, the hunts can be very short and may close with little warning and participants may not get a chance to hunt before the season closes. Second, the competition from hunters can be very intense during the early days of the season. Third, some households do not receive an any bull permit and are not able to take a bull that is presented to them. The board heard testimony that it is traditional in the Ahtna culture to take any bull that presents itself to the hunter, and that it would be culturally inappropriate to not take a bull that presents itself.
5. Because the opportunity for hunting for any bulls in the community pattern of harvest must be restricted, the board determined that the any bull permits should be distributed to CHS moose hunt participants using the existing scoring criteria described in 5 AAC 92.070.
6. The any bull hunt does not currently provide reasonable opportunity and participation must be restricted. The SF50/4 portion of the population does not require participation to be restricted, and all moose hunts in this area allow harvest of SF50/4. The combination of a limited number of any bulls distributed through existing scoring criteria described in

5 AAC 92.070 and the opportunity to take bulls that meet antler restrictions (either through the CSH or other hunts) satisfies the need to provide a reasonable opportunity for subsistence, and the need to provide opportunity to take any bulls in a hunt consistent with the community pattern of harvest identified in earlier findings.

Vote: 5-1-1  
Adopted March 21, 2017  
Glennallen, Alaska

  
Ted Spraker, Chairman  
Alaska Board of Game

**Alaska Board of Game  
2016-213-BOG  
Findings Related to Proposal 207: Restrictions on the  
Use of Aircraft Associated with Sheep Hunting**

To address complaints concerning misuse of aircraft, particularly during sheep hunting season, the Board of Game drafted a proposal to limit aircraft use associated with sheep hunting, later identified as proposal 207. This proposal was deliberated on during the January 8, 2015 Work Session Meeting held in Juneau, where the Board agreed to schedule the proposal to be addressed at the February 2015, Central/SW Regional meeting in Wasilla. The Board also held an evening “town hall” style meeting in February where approximately 165 people participated in a discussion concerning the use of aircraft during sheep season.

Recognizing there was opposition from those using aircraft and support from hunters that did not use aircraft, the Board deferred the proposal to the March 2015, Southcentral Region Meeting held in Anchorage to facilitate additional public comment. Proposal 207 was approved at this meeting with six members in support and one opposed, following a lengthy public testimony process.

A special meeting was then held on April 24, 2015 for the purpose of scheduling a future meeting to rescind the action taken by the Board on proposal 207, at the request of two Board members. A special meeting was held on May 28, 2015 to discuss the merits of retaining proposal 207. The request to rescind failed; with a vote of two supporting rescinding and five supporting the proposal.

The adopted language now reads: 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 through September 20 aircraft may not 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.**

The purpose of this finding is to clarify the Board’s intent when adopting this restriction and address some of the commonly heard misinterpretations brought to Board members’ attention since the regulation became effective July 1, 2015.

Passage of proposal 207 is intended to:

1. Specifically address public complaint that the Board of Game has heard for many decades regarding the controversial practice of hunting for wildlife from aircraft.
  - Since at least the 1970’s the Board of game has heard testimony regarding how hunting from an aircraft has both disrupted the efforts of other hunters through displacement of animals and also lowered the quality of experience for other hunters who do not use aircraft as a hunting tool.



**Findings for the Alaska Board of Game  
2015-209-BOG  
Board Recommendation to the Department of Fish and Game  
Provided during the Central/Southwest Region Meeting  
March 18, 2015**

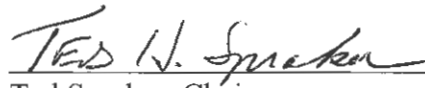
The Board of Game finds as follows, based on information provided by Department staff, Alaska residents and other wildlife users:

The Board recommended the department take the following actions:

1. Establish individual quotas for each sub area of the Copper Basin community subsistence hunt for the moose that do not meet general season antler requirements in Units 11 and 13 and attempt to achieve the quota for each subarea regardless of whether or not the total harvest exceeds the total allocation for the CSH program.
2. As a permit condition, require hunters to report within 24 hours of harvesting a moose in the Copper Basin community subsistence hunt.
3. Keep the Copper Basin community subsistence caribou hunt open for the entire season or until the Copper Basin community subsistence caribou quota has been met, whichever occurs first.

Adopted March 18, 2015:

Vote: 6-1

  
\_\_\_\_\_  
Ted Spraker, Chairman  
Alaska Board of Game

**Findings for the Alaska Board of Game  
2013-201-BOG  
Board Direction to the Department of Fish and Game  
Provided during the Central/Southwest Region Meeting  
February 14, 2013**

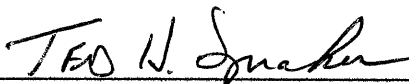
The Board of Game finds as follows, based on information provided by Department staff, Alaska residents and other wildlife users:

The Board directed the department to take the following actions:

1. Issue 20 permits the first year for 17A nonresident moose drawing permit (the first year of the hunt will be the 2014/2015 regulatory year).
2. Use discretionary authority to restrict aircraft access during the fall season for moose hunting in 17A in a 2 mile corridor along the rivers and lakes as identified in the Unit 17A Moose Management Plan recommendations. The board did not adopt the moose management plan in its entirety.
3. Come back to the Board at the October 2013 work session with a review of the application and reporting form for the Copper Basin Community Subsistence Hunt. This will include a review of possible changes to the program that were raised by the department and public at this meeting.
4. Allow the take of brown bears at bait sites in Unit 16 only during the existing spring baiting season (April 15-June 30).
5. Registration permits for Unit 13 winter moose hunt will be available only in Glennallen 10 working days prior to the hunt opening and ending the day prior to the hunt opening. November 17-28, 2014. Reporting period will be within 24 hours of returning from the field.

With regards to items 1, 2, 4 and 5, the Board acknowledges that the direction provided concerning these changes is the purview of the department under its discretionary and fiscal authority. The department will attempt to make the changes as directed, but may choose to exercise its authority in the future and make changes necessary to provide additional opportunity and cost savings.

Vote: 7-0  
February 14, 2013  
Wasilla, Alaska

  
\_\_\_\_\_  
Ted Spraker, Chairman  
Alaska Board of Game

## **Findings of the Alaska Board of Game 2011-184-BOG**

### **Game Management Unit 13 Caribou and Moose Subsistence Uses**

These findings supplement 2006-170-BOG as to uses of Nelchina caribou and Unit 13 moose. In the 2006 finding, the Board indentified the specific pattern of subsistence uses upon which the positive customary and traditional use finding for Nelchina caribou and Unit 13 moose, set forth in 5 AAC 99.025, were based. This pattern of uses originated within the communities of the indigenous Ahtna Athabascan inhabitants of the Copper River Basin. Among other things, the findings emphasized the “community-based” nature of this traditional pattern of use. As described in those findings, this community-based subsistence pattern:

- Links families in widespread networks of sharing that are shaped by traditional norms of behavior;
- Provides a context in which skills, knowledge, and values are passed across generations; is accomplished efficiently with thorough, non-wasteful use of the harvested game and often by hunters who specialize in harvesting meat for the community; and
- Occurs within a broader pattern of use of and dependence upon a variety of locally-harvested wild foods that is a key element of the way of life of the local area.

The board has also noted that this community-based pattern as established by the Ahtna has been adopted and modified by other local settlers and, to a more limited degree, by other Alaska residents. This community-based, local use pattern was contrasted to a largely nonlocal, Rail belt based pattern that was probably most properly characterized as a non-subsistence use pattern. Thus, the 2006 findings addressed and discussed two basic use patterns for Nelchina caribou and Unit 13 moose.

The Board finds that there is need to recognize the range of uses within the previously-described subsistence use pattern that have developed as individuals, families, and other social groups, both within and outside the local area, have adapted to changing economic, demographic, and cultural conditions. Differences have developed concerning the level of organization of subsistence uses of Nelchina caribou and Unit 13 moose, such that the traditional uses are practiced among households and families in addition to the community-based pattern established by the Ahtna. The Ahtna community-based pattern persists within close-knit communities that are also widespread both within and outside the basin. Other basin residents and some nonlocal residents who are not part of the traditional Ahtna community engage in subsistence uses at a more individual, household, or extended family level. Both sub-patterns exhibit, with some variation, most of the criteria listed in 5 AAC 99.010(b), but different regulatory options may be necessary to provide reasonable opportunities for each. The range of uses that characterize these sub-patterns are as follows.

Since the beginning of the towns and settlement areas within the range, or with easy access to, the Nelchina Caribou Herd and Unit 13 moose, individuals, households, and families from

those towns and settlements have hunted the herd to provide for their basic necessities of life, especially food, and not just for recreational or trophy purposes. This relatively small use is not community based in nature, in that these individuals, households, and families are not linked to extensive networks of cooperation and sharing or are not part of larger social groups that organize and promote traditional knowledge and behavior, but is focused primarily on procuring food and has, as of the date of these findings, existed now for at least three generations in some of these areas. As set forth in greater detail below, this use has at least a few identifiable characteristics which separate it from the larger Rail belt based, non-subsistence use patterns.

Since at least the early 1930's, hunting of the Nelchina Caribou Herd and Unit 13 moose have been regulated by season and bag limits. Nonlocal hunters interviewed in the 1980's by the Subsistence Division of ADF&G confirmed that most hunt in the fall, with fewer participating in winter hunts. All hunters currently tend to focus their harvest efforts during the late summer and early fall, when caribou and moose are in their best physical condition and relatively accessible from the road system. Winter hunts have been an important back-up opportunity for the community based subsistence use pattern described in the 2006 findings, and may also be relied on by other subsistence users, to a somewhat lesser extent. The winter hunts do not appear to be important to non-subsistence users.

Regarding efficiency of hunting effort, the Board has not been presented with any information that would distinguish non-local subsistence users from other users based primarily from the Rail belt. Compared to community-based and other local users who hunt close to home, non-local users tend to travel greater distances (typically 200-300 miles), thereby incurring greater costs, to harvest Nelchina caribou and Unit 13 moose, making their use less efficient. However, data from the 1980's illustrates that even non-local subsistence users tend to hunt in the areas most accessible to their communities. Thus, Fairbanks-area hunters tended to hunt near the Denali Highway, and Anchorage-area hunters tended to hunt near the Glenn Highway. Also, efficiency by non-community based subsistence users may be fostered to some extent by limiting hunting to a few well-known areas year after year, within relatively easy, and predictably economical, reach of participants.

Non-local subsistence users of the Nelchina Caribou Herd and Unit 13 moose and others who are not organized at the community-level have testified, and Board members know from experience, that they prefer to return year-by-year to one or more well-known and long-established camping/hunting sites. These are traditional "caribou," "moose," or "caribou and moose" camps for these individuals and their families. If caribou or moose are not obtained during these forays, chances are they will not be obtained at all because subsistence users, unlike non-subsistence users, tend not to travel around the state to experience a wide variety of hunting opportunities. Unlike subsistence users who are organized at the community level, many other users tend to travel further into the backcountry, away from major roads and rivers, often using off-road vehicles to get to the remotest locations possible.

The Board has not been presented with any information that would distinguish the handling, preparing, preserving, and storing techniques used by individuals, households, families outside the traditional community-based context to distinguish them from their neighbors who hunt for recreation. Most users of Nelchina caribou and Unit 13 moose based along the Rail belt

freeze their harvested meat and use modern methods of handling, preparing, preservation, and storage. Compared to those who follow traditions established by the Ahtna and adopted by some other users, there is less use of organ meats, and almost no use of the hide and bones; and the roles in handling and preparing harvested animals are less formal and not based on longstanding, widely-understood rules of proper behavior towards the animals taken, as is the case for those who follow the Ahtna, community-based traditions.

Because households and families engaged in subsistence uses tend to hunt from long-established, multi-generational camps, lore about how and where to hunt is handed down from generation to generation. This intergenerational transmission of knowledge is less formalized than the way knowledge is passed on within the Ahtna community based use pattern, but it is more apparent and traditional than is the case for non-subsistence uses, in which knowledge is clearly passed from one generation to the next but very little in the way of a formal and traditional transmission system exists, and knowledge is not necessarily tied to any particular location.

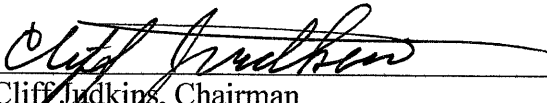
All subsistence users tend to share their harvests within their families and with close friends and, to some extent, this sharing is expected from year to year, and plays parts in traditional meals and celebrations. Non-local hunters interviewed by the Division of Subsistence in the 1980's confirmed that they shared mostly within their own households, while approximately 1/3 also said they shared with friends. Sharing among nonlocal hunters, as well as among some hunters who live in the local area, is less formal than is true under the community based use pattern as practiced by the Ahtna and some other local residents, and community and peer pressure to share is far less pronounced, but it is greater than is generally the case for the non-subsistence uses of Nelchina caribou and Unit 13 moose. Some long-established families living in close proximity to, and with a well-established history of hunting the Nelchina Caribou Herd and Unit 13 moose, do expect that, if a family member successfully harvests a Nelchina caribou, the meat will be shared.

Some nonlocal hunters have testified that, as is generally the case in a subsistence use pattern, they prefer to consume wild foods over purchased foods, and often obtain the majority of their protein needs from Alaska's fish and game resources, as well as pick berries and harvest other wild foods. These preferences are sometimes expressed by non-subsistence hunters as well. Such users often travel to different, favored locations to harvest fish and game and other wild foods, but many of these locations are outside of the range of the Nelchina Caribou Herd and/or Unit 13 moose. Most non-local residents interviewed by the Division of Subsistence in the 1980's reported that moose was more important than caribou in their harvesting priorities, and often travelled to other locations to obtain moose. Locally-based users, on the other hand, tend to concentrate all of their wild food harvests in close proximity to the herd's range, and often try to harvest more than one resource per trip. Non-subsistence users tend to rely on wild foods to a much lesser degree, or not at all, compared to both groups of subsistence users.

Based on public testimony provided during the Board's last several meetings addressing the Nelchina Caribou Herd, on the Board's own experience, and on the above finding and 2006-170-BOG, the Board, applying its expertise and judgment, concludes that, at most, a few thousand people use the Nelchina Caribou Herd and Unit 13 moose in accordance with the identified subsistence use patterns, and that, therefore, a range of 600-1000 caribou and 300-600

moose are necessary to provide a reasonable opportunity for both identified subsistence uses of this herd. This finding may be updated as appropriate and as additional data on the uses is gathered.

Vote: 6-1  
March 7, 2011  
Wasilla, Alaska

  
Cliff Judkins, Chairman  
Alaska Board of Game

**Alaska Board of Game  
Policy for the  
Annual Reauthorization of Antlerless Moose**

**#2007-172-BOG**

**Background**

Alaska Statute AS 16.05.780 requires the Board of Game to reauthorize the Antlerless moose seasons in each Game Management Unit, subunit or any other authorized antlerless moose season on a yearly basis.

In order for the Board to comply with AS 16.05.780, it must consider that antlerless moose seasons require approval by a majority of the active advisory committees located in, or the majority of whose members reside in, the affected unit or subunit. For the purpose of this section, an “active advisory committee” is a committee that holds a meeting and acts on the proposal.

Because of the requirement for yearly reauthorization, the Board of Game approves of the proposals in order to insure they remain in regulation. In the case of the antlerless moose seasons, the Board of Game has delegated authority to the Department which allows them to administer a hunt if there is an allowable harvest of antlerless moose. The Board of Game has provided language to allow the Department to issue an “up to” number of permits so that we do not have to try and set a hard number each year. In most years it would be very difficult for a decision on allowable harvest to be made prior to the surveys the Department makes of the moose population.

This requirement for yearly authorization takes a lot of valuable Board time as well as requiring the Department to bring in area biologists or regional supervisors to present to the Board information on the proposed regulation. The attendance of many of these area biologists or regional supervisors is not required for any other proposed regulatory changes that the Board will consider in the normal Board cycle of proposals.

Because this requirement increases the cost to the Department and the Board, and because the annual reauthorization for some of the antlerless moose seasons may be considered a house keeping requirement in order to comply with AS 16.05.780, the Board has determined that a more efficient way to handle the annual reauthorization should be adopted and has established the following policy in agreement with the Department.

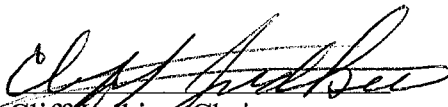
**Policy for yearly authorization of Antlerless Moose Hunts by the Board of Game**

Each year, the Department will present as a package for approval all of the antlerless moose proposals. During that presentation, if there are any changes that will be required to be considered, they will be noted for later discussion.

Because the Board had delegated the authority to the Department to hold antlerless moose hunts, there are many hunts that do not occur based on biology. The Department and the Board finds that it is important to keep these regulations on the books so that when opportunity exists, the Department will have the ability to provide additional opportunity for the use of antlerless moose.

The Board agrees that it will minimize debate during the presentation and only consider extensive discussion on any reauthorization that will be associated with a pending proposal submitted during the normal cycle to be considered. This discussion will be limited to any proposal submitted to the Board and not during the approval for the packaged proposals for reauthorization of antlerless moose seasons.

The Board is aware of the time and expense required to comply with AS 16.05.780; it feels that by adopting this policy both the Department and Board will be better served.



Cliff Jenkins, Chairman  
Alaska Board of Game

Vote: 7-0  
March 12, 2007  
Anchorage, Alaska



**Findings for the Alaska Board of Game  
#2006 – 170 - BOG**

**Game Management Unit 13  
Caribou and Moose Subsistence Uses**

**Background**

Virtually since its inception, the Tier II subsistence permit system has been plagued with public complaints about inequities, unfairness, and false applications. Over the years, the Alaska Board of Game (Board) has amended its regulations numerous times to try to address management and legal problems, but the controversy continues and the system remains rife with problems. Public complaints have been primarily directed at the Tier II permitting system—particularly those near urban areas like the Minto moose hunt and the Nelchina Tier II caribou hunt.

The Board has primarily focused on the Nelchina basin caribou and moose hunts because these have generated the vast majority of the interest and complaints from the general public. In addition, Board members are concerned the hunting patterns no longer meet the Board's intent when these subsistence hunts were originally established in regulation. A review of these hunts question whether the current hunts are consistent with the Board's customary and traditional use findings based on the eight criteria the Joint Boards of Fish and Game established (5 AAC 99.010) for implementing the state subsistence law (AS 16.05.258(a)).

Statistics associated with the Nelchina caribou hunt illustrate some troubling trends. Permits have been slowly shifting away from local Alaskan residents the Board identified as the most dependent on the wildlife resources in the region and towards less subsistence dependent urban residents. Testimony from some local residents of Unit 13 indicated they no longer participated in the state subsistence program. The present Tier II scoring and permit allocation system has made it more difficult for long-time, resource-dependent residents of the area to compete for permits, forcing them to rely more heavily on the federal system to provide for subsistence opportunities. The system also makes it almost impossible for area newcomers and younger Alaskans to ever qualify for the limited permits despite their subsistence dependence on wildlife resources for food. In addition, many of the traditions associated with a subsistence way of life are being sidestepped and avoided, such as the traditional teaching of the art of hunting, fishing and trapping to younger generations; and the processing, utilization, and other long-term social and cultural relationships to the resources being harvested and to the land that produces those resources.

The Board's long-term goal is to design a system to accommodate subsistence-dependent users in such a manner that permits can be virtually guaranteed from year to year. The reliability of available hunting opportunities is critical to the maintenance of the subsistence way of life. This could be similar and complementary to the federal subsistence permit system. The federal program allows any Alaska resident living in the Copper Basin and several communities outside

of GMU 13 to harvest two caribou and one moose per year, there is no limit per household except in Unit 13(E) for moose, harvest of caribou by gender is also generally unrestricted in units 13(A) and 13(B), and moose hunters may only take any antlered bull under the federal system.

Bag limits may not be accumulated across both state and federal systems, so hunters can take a total of only one moose and two caribou for the year. State regulations allow all Alaskan residents to harvest a bull moose with spike-fork or 50-inch antlers or antlers with 4 brow tines on at least one side from September 1 – 20. In addition, up to 150 Tier II permits are issued for any bull moose, August 15 – 31, with only one permit being allowed per household. The moose seasons for federally qualified users on federally-managed lands are much longer from August 1 – September 20.

Under the state system, all caribou permits are issued under Tier II regulations and were limited to 3 per household. The Board recently changed the limit to 2 per household. The bag limit is one caribou, although in recent years, harvest under state regulation has been limited to bulls only. The caribou season for federally qualified users on federal land is 10 days longer in the fall, ending September 30 rather than September 20.

State regulations do not jeopardize a qualified federal subsistence hunter from hunting under a federal permit. However, if there are too many state applicants, controlling statutes mandate that permits be issued under the Tier II criteria, with all of its attendant problems.

The Board intends to explore subsistence hunt provisions that reflect and accommodate the customary and traditional use patterns of Nelchina caribou and moose in Game Management Unit (GMU) 13, while distinguishing those uses from other uses.

In accordance with the Joint Boards of Fisheries and Game eight criteria for implementing the state subsistence law, the following findings are made:

### **Findings**

When the Board originally determined there were customary and traditional uses of the Nelchina Caribou Herd and moose in GMU 13, it recognized these subsistence uses were established by Ahtna Athabascan communities within the Copper River basin, and were later adopted by other Alaska residents. Due to the importance of, and high level of competition for subsistence permits in this area, the Board has undertaken, as precisely as possible, the task to identify the particular characteristics of these customary and traditional use patterns. Although they have changed over time due to limited access associated with demographic, economic, and technological factors, the patterns are characterized by traditional fall and winter hunting seasons, efficient methods and means, thorough use of most of the harvested animal, harvest areas traditionally associated with local communities, traditions about harvesting and uses that are passed between generations orally and through practice, and reliance on other subsistence resources from within these same traditional harvest areas

**Criterion 1. A long-term consistent pattern of noncommercial taking, use, and reliance on the fish stock or game population that has been established over a reasonable period of time of not less than one generation, excluding interruption by circumstances beyond the user's control, such as unavailability of the fish or game caused by migratory patterns.**

This criterion presupposes that an identifiable, consistent “pattern” of noncommercial taking, use, and reliance is characteristic of subsistence use. The Board finds, even though there are many similarities among all users of the moose and caribou resources in the area, there continue to be identifiable distinctions, constituting a unique pattern of subsistence use, that is traceable in direct line back to the original Ahtna Athabascan and later non-native customary and traditional use.

The Board has concluded that the pattern of moose and caribou subsistence use for this region was originally defined by the Ahtna Athabascan residents and then adopted and modified by other local settlers in the early 20<sup>th</sup> century. This pattern of use was established over many generations and focused on the total aggregate of fish, wildlife, and plant resources locally available to the area residents.

The greatest dependency on subsistence resources occurred prior to the completion of the existing road system in the 1940s. After about 1950, historical use patterns changed rapidly, especially with the introduction of more mechanized access methods. The mobility of the subsistence and non-subsistence users, the availability of seasonal and part-time employment, increased human populations, increasing competition for wildlife resources, and fluctuating game populations (particularly moose and caribou) caused major shifts in subsistence dependency of people within and adjacent to the region. Nevertheless, aspects of the traditional Ahtna Athabascan use pattern are present today, but subsistence-dependent families engaged in that pattern now account for a smaller percentage of all users than a half-century ago.

Most of the long-term subsistence patterns in this area are community-based. The area's communities tend to be long-established, by Alaskan standards, and the residents of these communities tend to be long-term residents, descending from multi-generational families with long ties to the area. These communities tend to exhibit a use of local resources that stretches back to well before Euroamerican contact. In contrast, the use pattern based out of nearby urban areas tends to involve much more recently established communities, a high degree of turnover among residents, short-term residency and, generally, a relatively brief history of use.

**Criterion 2. A pattern of taking or use recurring in specific seasons of each year.**

Local communities established a tradition of hunting caribou, moose, and other big game species in the late summer and early fall following subsistence fishing, and again hunting in the winter as fresh meat was needed and game was available. Winter hunts have always been critical to subsistence users, as very few other subsistence resources are available during this time. This need for, and use of, winter hunting opportunities is different from use patterns developed by residents of Alaska's more developed and urban areas, where almost all big game hunting takes place exclusively in the fall and is controlled largely by regulations. Thus, as late as 1984, over 60% of the caribou harvest taken by local residents was taken during the winter. Recent changes in that pattern can be largely attributed to regulatory changes, competition from non-local

hunters and shifting migratory patterns of the caribou herd. The seasonal use pattern was based on the traditional Ahtna seasonal movements and the general availability of game. For example, the fall hunt traditionally followed the salmon harvest, whereas the winter hunt took place whenever meat was needed and game was available.

**Criterion 3. A pattern of taking or use consisting of methods and means of harvest that are characterized by efficiency and economy of effort and cost.**

Before the mid-20<sup>th</sup> century, Ahtna Athabascan hunters tended to rely on boat access along the area's major waterways in fall, on foot along established trails, and by dog team along winter trails after freeze-up. With the opening up of the Nelchina basin to highway access, and the introduction of off-road vehicles, snowmachines, four-wheelers, and other transportation innovations, a shift in the use pattern occurred. Now, local residents tend to utilize roads as hunting corridors in place of rivers in the fall, and use snowmachines to access the backcountry in winter. Recently, expensive off-road vehicles have been purchased and used by many non-local users and a few more affluent local residents in an attempt to compete with non-local hunters and to increase their opportunity for success. The use of all terrain vehicles may create their own hunting efficiencies as hunting effort and transportation take advantage of labor-saving devices. Hunting methods have changed over the last 75 years. Automobiles, snowmachines, and less expensive all terrain vehicles may make hunting more effective because local and non-local residents can now cover larger areas when hunting caribou or moose. Local hunters can, when animals are available, make relatively short trips that fit into a contemporary work schedule. On the other hand, the use of highway, off-road, and similar vehicles has promoted more frequent short trips with considerable transportation costs for depreciation, fuel, and maintenance. What are being lost are the multi-resource harvest efficiencies associated with long subsistence-oriented summer and fall camping trips traditionally engaged in by Ahtna communities. Thus, recent transportation improvements and fuel prices may have changed traditional subsistence activities to the point where it is unlikely that there is a positive cost/benefit (from an economic standpoint) associated with some of the hunting techniques, especially in cases involving the use of expensive recreational motor vehicles. Overall, the use of some motorized vehicles such as ATVs has blurred the distinction between true customary and traditional patterns and recreational activities.

Residents of local communities—those with the longest histories of use of moose and caribou in the region—have traditionally traveled shorter distances to hunt than do non-local participants; and generally utilize less technology in doing so. Most Ahtna elders testified they still prefer to walk in to hunting areas and maintain permanent camps, whenever possible, in accordance with longstanding means and methods. On the other hand, most non-local users must travel at least 125 miles just to get to the area and have tended to be reliant on all-terrain vehicles (ATVs), aircraft and other expensive off-road and recreational vehicles.

As late as 1984, Copper Basin residents utilized only highway vehicles for hunting access over 65% of the time. It is the Board's conclusion that many of these newer technologies have been adopted based on a perceived need to compete with technologically-oriented recreational hunters from Alaska's urban areas. This may be a direct effect of the 1984 regulations.

Historically, much of the taking of caribou, moose, and small game was done as part of a seasonal round of subsistence activities throughout defined areas used by the community. Family dependence on these resources required a commitment of considerable time and effort to accumulate adequate subsistence resources to meet annual protein requirements and other customary and traditional uses.

Another example of subsistence efficiency in the customary and traditional use pattern has been that specialized hunters tend to provide for the community at large, sometimes or often taking more than necessary for their own family's use in their capacities as community providers, and to fulfill social and cultural obligations. Community subsistence activities are then divided among members and further introduced into traditional patterns of barter and exchange. Thus, some harvest and others process, distribute, receive and utilize the results of the harvest. Each member of the community has a defined role and specialty.

A third example of subsistence efficiency, historically, has been the effort to keep hunting as close to home as reasonably possible, minimizing cost and effort necessary to obtain the wild food resources needed by families and communities. The Board believes that, if competition among users can be reduced, this efficiency is likely to be easier for subsistence users to realize.

In these community efforts, special emphasis has been placed on allowing the maximum opportunity to harvest as many animals and the widest variety of useable species as efficiently as possible. Emphasis was also placed on food gathering activities and other traditions associated with Ahtna Athabascan communities.

**Criterion 4. The area in which the noncommercial long-term, and consistent pattern of taking, use, and reliance upon the fish stock or game population has been established.**

The Board is examining the area where the subsistence hunting of big and small game occurred prior to the significant change in uses and activities that occurred after approximately 1950 in Game Management Unit 13.

Subsistence uses involve an intimate and exclusive relationship between the user and a very particular set of places generally in close proximity to the hunter's residence. The user is tied to the land. Other types of uses do not exhibit these close, long-term, multi-generational ties to a particularly locality. Even as late as 1981, hunters from Copper Basin communities did not report traveling out of the basin to hunt, while urban-based hunters named alternative areas if they could not hunt Nelchina caribou and moose. Testimony from Ahtna elders emphasized their reliance on local fish and game, and their reluctance, for practical and cultural reasons, to travel outside of their traditional areas for subsistence purposes. Likewise, they described the longstanding family and community use histories and patterns for such areas. Consistently, lifelong residents of the local areas did not share the attitude of utilizing other areas. When Nelchina caribou were not available to them they either added emphasis on moose, and/or use of the Mentasta caribou herd. Resident lake fish species and small game were other alternatives commonly mentioned as alternative and supplemental wild food resources. Families in the range of the Nelchina caribou who harvested little or no wild game mentioned receiving donated meat as an alternative. This differs markedly from the use patterns found in Alaska's urban areas,

where traveling to, and exploring, new game country is deemed a virtue and an essential part of many outdoor experiences.

The Ahtna pattern exhibits a familiarity with terrain and landscape including the associated history of the region transmitted through oral traditions and Ahtna geographic placenames.

**Criterion 5. A means of handling, preparing, preserving, and storing fish or game that has been traditionally used by past generations, but not excluding recent technological advances where appropriate.**

The traditional pattern has been to salvage and use all parts of the harvested animal, in conformance with traditions prohibiting waste. Lifelong residents of the Copper Basin testified they still practice their traditional methods of harvest by retrieving the entire carcass and all bones, hide, head, heart, liver, kidneys, stomach, and fat. Only the antlers were often left behind. This also differs from patterns based out of urban areas, where hunters tend to focus on the meat and antlers, usually leaving most organs, bones, and the hide in the field.

Ahtna elders also emphasized that preparation and storage are viewed as essential components of their overall use. Women traditionally look forward to practicing their roles as preparers and preservers of harvested game every bit as much as men looking forward to harvesting and providing the game. These traditions and roles are passed on by older relatives to younger family members through in-the-field training and a system of *engii* (rules of appropriate behavior or taboos) that teach traditional means of harvest, handling, and preparation. These “engiis” emphasize traditional Ahtna views of the human place within the natural world and a respectful treatment of animals.

**Criterion 6. A pattern of taking or use that includes the handing down of knowledge of fishing or hunting skills, values, and lore from generation to generation.**

The Board has concluded that the subsistence traditions of handing down the hunting and fishing knowledge, values and skills through family oriented experiences are an important aspect of the subsistence way of life in this region. Providing the opportunities for the young and old to participate in subsistence activities is critical to the perpetuation of traditional knowledge about hunting locations, hunting methods, methods of handling harvests, and respectful treatment of wildlife. To increase hunting opportunities for youth, a recent provision adopted by the Board allows a resident hunter between the ages of 10 and 17 to hunt on behalf of a resident permit holder. The youth hunter must have completed a certified Basic Hunter Education course and be in direct supervision of the permit holder, who is responsible for ensuring all legal requirements are met.

Ahtna elders have passed this knowledge on to the next generation in the context of community-based traditions that included relatively long summer and fall camping trips described above. As mentioned previously, teaching roles and lessons tend to be more formalized through the system of “engiis” than is the case for uses based out of the urban areas. Skills emphasized included not only those needed to harvest each species, but also the art of field preparation and care for a wide

variety of species and the utilization, preparation, and distribution of game. Most local users learned how to hunt in the local area from other family members in the local area. Most older, local users have also taught other family members. On the other hand, most non-local users learn about hunting in the area by personal experience or from fellow non-local, unrelated hunters. Also, non-local users tend to be controlled primarily by applicable statutes and regulations rather than long-term oral traditions and community-based values.

The Board considers it extremely important to stress the need to pass on skills and knowledge associated with utilization of all parts of the animal taken, as well as preservation of the traditional, cultural rules and family values associated with these subsistence users in this area. Field skills need to be perpetuated for handling not only the meat but the hides, internal organs, stomach, and intestines. This is consistent with the customary practice of maximizing the use of animals taken characteristic of subsistence uses.

**Criterion 7. A pattern of taking, use, and reliance where the harvest effort or products of that harvest are distributed or shared, including customary trade, barter, and gift-giving.**

Widespread community-wide sharing is customary in local communities, involving all family members, elders, others in need, and taking place in formal settings such as during ceremonial potlatches. As such, sharing has associated social, cultural, and economic roles in the community. Sharing is expected and follows well-understood community standards that are structured on kinship relations and obligations. As an example, young hunters are required by Athabascan tradition to give all or most of their first harvested animal to elders and others in need. Also, traditional barter and exchange follow these standards. Successful Ahtna harvesters traditionally share some of their moose and caribou meat with other families and communities to meet their social obligations and for ceremonial purposes. This, again, is in contrast to the uses arising out of the urban areas where hunters are completely free to share, or not share, as they see fit and there is not a system of sharing, barter, and exchange. In addition to the key social and cultural roles of sharing in the local rural community, sharing of subsistence resources plays a key economic role in distributing essential food supplies throughout the community. The Board has concluded it is imperative to accommodate the customary and traditional family and community harvest sharing practices as part of the subsistence way of life to the maximum extent possible.

Use of the state authorized proxy system has provided a limited opportunity for individuals to harvest for permittees who are personally incapable of participating in the field but who have a personal history of subsistence use. Proxy hunters are not required to fully accommodate the customary and traditional practices. Non-local users, on the other hand, tend to have few established rules or traditions requiring sharing, and seldom share outside of their own households. External sharing, when it occurs, is usually with friends and co-workers, and extensive kinship networks are absent. There are no non-local traditions of community-wide meat distribution.

**Criterion 8. A pattern that includes taking, use, and reliance for subsistence purposes upon a wide diversity of the fish and game resources and that provides substantial economic, cultural, social, and nutritional elements of the subsistence way of life.**

The Board has concluded it is critical to emphasize the values associated with the reliance and dependence on a wide variety of fish and wildlife resources as an important element of the subsistence way of life for this region. Subsistence use patterns historically required a significant dedication of time and effort towards the harvesting of adequate fish and game resources to meet the protein and nutritional requirements of the subsistence harvesters, their families, and their communities.

This differs markedly from the more recreational type of uses arising out of the Alaska's more urban areas, where a single, focused effort to harvest only one resource in any given location, and then salvage only what is legally required from that resource, tends to be a predominant characteristic. To the extent that other foodstuffs are harvested, they are often harvested in completely separate areas, far removed from the fall hunting area. Also, different hunting areas are explored in different years. This separation of the interconnected diversity of resource uses also seriously undermines the principles reflected in Criterion 3. As more and more emphasis is placed on single species harvesting patterns, cost is increased, and efficiency is reduced. Such practices do not reflect the customary and traditional use pattern.

Reliance on most, or all, locally available sources of wild food is characteristic of a traditional subsistence way of life where maximum economic and nutritional benefits typically must be derived from the hunt and harvests. The local harvest of salmon has historically been the most important wildlife resource in terms of useable pounds per subsistence-dependent family in Unit 13. Alaska residents are allowed to use a fish wheel in the Copper River between Slana and the Copper River bridge at Chitina to harvest salmon—permits are issued free of charge. The limit is 500 total salmon for a household with two or more members and 200 for a household with one member, with no limit on the number of Chinook salmon in the total harvest by fish wheel. The salmon run in the Copper River is primarily comprised of sockeye and Chinook salmon.

Use of moose and caribou by local communities is embedded in a wide range of other fish and wildlife uses. It is also embedded in a mixed, subsistence-cash economy characterized by seasonal employment and relatively low cash incomes. A wide variety of subsistence foods are still critically important in these local economies. Almost all hunting, fishing, and gathering takes place locally and the majority of meat and fish consumed tends to come from local sources.

Big game species are taken for food and not for their trophy value by families engaged in subsistence uses. The Board may undertake efforts to reduce or eliminate the trophy values of the resources taken to focus entirely on the inherent subsistence values.

Vote: 6/0  
November 12, 2006  
Anchorage, Alaska

---

Ron Somerville, Chairman  
Alaska Board of Game

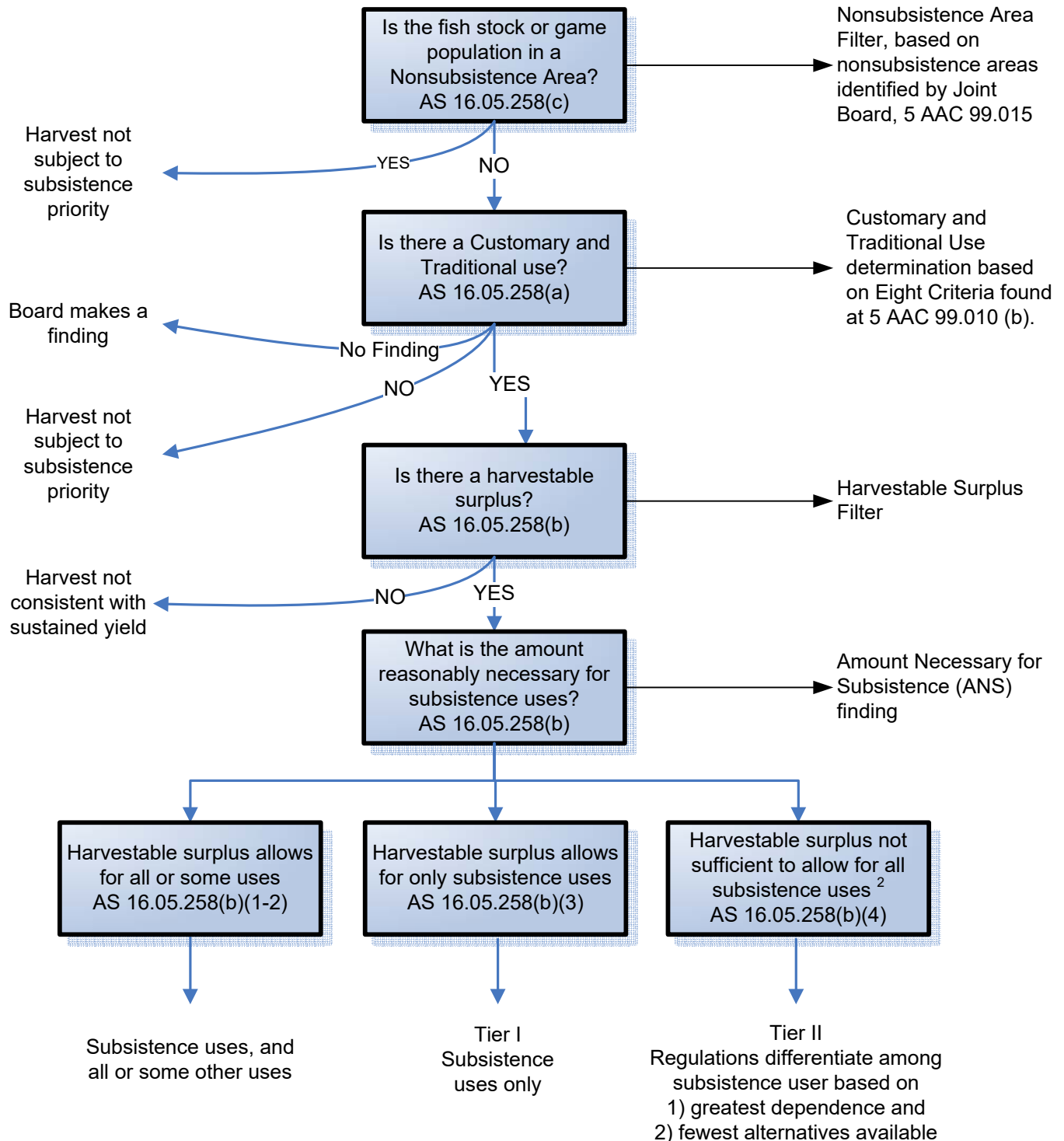


## **State subsistence materials**

1. Alaska Board of Fisheries and Game steps when considering regulations that affect subsistence uses (flowchart)
2. Board of Game subsistence regulatory process in six steps
3. Tier II or Not? Steps to analyze hunting opportunity, Board of Game
4. State subsistence statutes, with notes (AS 16.05.258, 16.05.259, 16.05.940)
5. State subsistence regulations (5 AAC 99)
6. Maps of the five current state nonsubsistence areas (Ketchikan, Juneau, Valdez, Anchorage-Matsu-Kenai Peninsula, Fairbanks)

# Alaska Board of Fisheries and Game Steps When Considering Regulations that Affect Subsistence Uses

Alaska Statute 16.05.258 Subsistence Use and Allocation of Fish and Game



<sup>2</sup> Harvestable surplus below lower end of ANS range

*Alaska Department of Fish and Game*  
**Steps When the Board of Game is Considering Subsistence Uses and  
Regulatory Proposals**

Note: these steps are based on those described in the state subsistence statute -- AS 16.05.258

1. Nonsubsistence Area Filter

Is the game population in the proposal in a nonsubsistence area? (*See* descriptions of these areas at 5 AAC 99.015; see also maps of these areas in board notebooks.) If all of the game population is in a nonsubsistence area, there is no need for the board to address subsistence uses: subsistence harvests are not allowed in a nonsubsistence area. To address game populations outside a nonsubsistence area, then the board goes to Step 2.

2. Customary and Traditional Use Determination

The board determines if there is a customary and traditional use of the game population by considering information about the use pattern or pattern(s) and applying the eight criteria found at 5 AAC 99.010. If there has been a previous positive finding, then this step is unnecessary, and the board goes to Step 3. If there has been a previous negative finding, there is no need to address subsistence uses further, unless the proposal is for reconsidering a negative finding. The board may periodically reconsider previous customary and traditional use findings.

3. Harvestable Surplus Filter

The board determines if a portion of the game population be harvested consistent with sustained yield, by considering biological information. If there is no harvestable surplus, then the board authorizes no harvest of the game under the sustained yield mandate, and there is no need to address subsistence uses further. If there is a harvestable surplus, then the board goes to Step 4.

4. Amount Reasonably Necessary for Subsistence

The board determines the amount reasonably necessary for subsistence uses, considering information about the subsistence use pattern(s). If there has been a previous determination on the amount, then the board goes to Step 5. The board may periodically reconsider and update amounts reasonably necessary for subsistence.

5. Subsistence Regulations and Reasonable Opportunity Finding

The board determines and adopts subsistence regulations that provide a reasonable opportunity for subsistence uses, which is defined as an opportunity that allows a normally diligent participant with a reasonable opportunity for success in harvesting the game [AS 16.05.258(f)].

When the harvestable surplus meets or exceeds the amount determined by the board to provide a reasonable opportunity for success in harvesting, then further harvest restrictions are not necessary. Harvest regulations for other uses may be adopted by the board after subsistence regulations are adopted that provide a reasonable opportunity for success in harvesting.

If a proposal is for a reduction in subsistence harvest opportunity, regulations allowing harvest of the game population for other uses must be restricted first before restricting a reasonable opportunity for subsistence uses.

**AS 16.05.258. Subsistence use and allocation of fish and game.**

(a) Except in nonsubsistence areas, the Board of Fisheries and the Board of Game shall identify the fish stocks and game populations, or portions of stocks or populations, that are customarily and traditionally taken or used for subsistence. The commissioner shall provide recommendations to the boards concerning the stock and population identifications. The boards shall make identifications required under this subsection after receipt of the commissioner's recommendations.

(b) The appropriate board shall determine whether a portion of a fish stock or game population identified under (a) of this section can be harvested consistent with sustained yield. If a portion of a stock or population can be harvested consistent with sustained yield, the board shall determine the amount of the harvestable portion that is reasonably necessary for subsistence uses and

(1) if the harvestable portion of the stock or population is sufficient to provide for all consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) shall adopt regulations that provide for other uses of those stocks or populations, subject to preferences among beneficial uses; and

(C) may adopt regulations to differentiate among uses;

(2) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses and some, but not all, other consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) may adopt regulations that provide for other consumptive uses of those stocks or populations; and

(C) shall adopt regulations to differentiate among consumptive uses that provide for a preference for the subsistence uses, if regulations are adopted under (B) of this paragraph;

(3) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses, but no other consumptive uses, the appropriate board shall

(A) determine the portion of the stocks or populations that can be harvested consistent with sustained yield; and

(B) adopt regulations that eliminate other consumptive uses in order to provide a reasonable opportunity for subsistence uses; and

(4) if the harvestable portion of the stock or population is not sufficient to provide a reasonable opportunity for subsistence uses, the appropriate board shall

(A) adopt regulations eliminating consumptive uses, other than subsistence uses;

(B) distinguish among subsistence users, through limitations based on

(i) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood;

(ii) the proximity of the domicile of the subsistence user to the stock or population; and

(iii) the ability of the subsistence user to obtain food if subsistence use is restricted or eliminated.

(c) The boards may not permit subsistence hunting or fishing in a nonsubsistence area. The boards, acting jointly, shall identify by regulation the boundaries of nonsubsistence areas. A nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community. In determining whether dependence upon subsistence is a principal characteristic of the economy, culture, and way of life of an area or community under this subsection, the boards shall jointly consider the relative importance of subsistence in the context of the totality of the following socio-economic characteristics of the area or community:

(1) the social and economic structure;

(2) the stability of the economy;

(3) the extent and the kinds of employment for wages, including full-time, part-time, temporary, and seasonal employment;

- (4) the amount and distribution of cash income among those domiciled in the area or community;
- (5) the cost and availability of goods and services to those domiciled in the area or community;
- (6) the variety of fish and game species used by those domiciled in the area or community;
- (7) the seasonal cycle of economic activity;
- (8) the percentage of those domiciled in the area or community participating in hunting and fishing activities or using wild fish and game;
- (9) the harvest levels of fish and game by those domiciled in the area or community;
- (10) the cultural, social, and economic values associated with the taking and use of fish and game;
- (11) the geographic locations where those domiciled in the area or community hunt and fish;
- (12) the extent of sharing and exchange of fish and game by those domiciled in the area or community;
- (13) additional similar factors the boards establish by regulation to be relevant to their determinations under this subsection.

(d) Fish stocks and game populations, or portions of fish stocks and game populations not identified under (a) of this section may be taken only under nonsubsistence regulations.

(e) Takings and uses of fish and game authorized under this section are subject to regulations regarding open and closed areas, seasons, methods and means, marking and identification requirements, quotas, bag limits, harvest levels, and sex, age, and size limitations. Takings and uses of resources authorized under this section are subject to AS 16.05.831 and AS 16.30.

(f) For purposes of this section, “reasonable opportunity” means an opportunity, as determined by the appropriate board, that allows a subsistence user to participate in a subsistence hunt or fishery that provides a normally diligent participant with a reasonable expectation of success of taking of fish or game. (§ 6 ch 52 SLA 1986; am § 2 ch 1 SSSLA 1992)

Administrative Code. — For subsistence uses, see 5 AAC 99.

Editor’s notes. — Sections 3 and 12, ch. 1, SSSLA 1992, which provided for a delayed amendment of this section, were repealed by §§ 1 and 2, ch. 1, FSSLA 1998 before the delayed amendment took effect.

## NOTES TO DECISIONS

Rural residency requirement unconstitutional. — The requirement contained in the 1986 subsistence statute (ch. 52, SLA 1986), that one must reside in a rural area in order to participate in subsistence hunting and fishing, violates Alaska Const., art. VIII, §§ 3, 15, and 17. *McDowell v. State*, 785 P.2d 1 (Alaska 1989).

Prohibition of subsistence permits for residents in nonsubsistence areas invalid. — The requirements of the equal access clauses apply to both tiers of subsistence users. Just as eligibility to participate in all subsistence hunting and fishing cannot be made dependent on whether one lives in an urban or rural area, eligibility to participate in Tier II subsistence hunting and fishing cannot be based on how close one lives to a given fish or game population. Subsection (b)(4)(B)(ii), which uses the proximity of the domicile of the Tier II subsistence permit applicant to the fish or game population which the applicant wishes to harvest as a basis for the applicant’s eligibility, violates sections 3, 15, and 17 of article VIII of the Alaska Constitution. *State v. Kenaitze Indian Tribe*, 894 P.2d 632 (Alaska 1995).

Creation of nonsubsistence areas not unconstitutional. — The statutory provision in subsection (c) mandating the creation of nonsubsistence areas does not violate sections 3, 15, and 17 of article VIII of the Alaska Constitution because the provision by itself without the proximity of domicile provisions does absolutely bar subsistence uses for certain residents. *State v. Kenaitze Indian Tribe*, 894 P.2d 632 (Alaska 1995).

Authority of Board of Game. — Section 1605.258(b)(2) not only grants the Alaska Board of Game the authority to differentiate between subsistence uses, it requires the Board to adopt regulations that provide a reasonable opportunity for subsistence uses of those game populations that are customarily and traditionally taken or used for subsistence. *Alaska Fish & Wildlife Conservation Fund v. State*, 347 P.3d 97 (Alaska 2015).

Regulations adopted under former AS 16.05.257 had to be in accordance with the Administrative Procedure Act (AS 44.62). *State v. Tanana Valley Sportsmen's Ass'n*, 583 P.2d 854 (Alaska 1978). While former AS 16.05.257, which authorized the Board of Game to adopt regulations providing for subsistence hunting, did not specifically refer to the Administrative Procedure Act (AS 44.62), it appeared clear that it merely set forth an additional purpose for which regulations might be promulgated. *State v. Tanana Valley Sportsmen's Ass'n*, 583 P.2d 854 (Alaska 1978).

Considerations in adopting regulations. — The boards of fisheries and game have the discretion to adopt regulations that recognize the needs, customs, and traditions of Alaska residents, but they are not mandated to do so when formulating their subsistence regulations. *State v. Morry*, 836 P.2d 358 (Alaska 1992).

Decision of the Alaska Joint Boards of Fisheries and Game to use the non-rural boundaries as starting points for their nonsubsistence determinations was not inconsistent with subsection (c) of this section. *State v. Kenaitze Indian Tribe*, 83 P.3d 1060 (Alaska 2004).

Decision of the Alaska Joint Boards of Fisheries and Game to use large nonsubsistence starting areas or even to combine two proposed areas did not exceed their discretion; although the boundaries encompassed relatively large areas, an “area or community” as the words are used in subsection (c) of this section may encompass several subdistricts grouped together. *State v. Kenaitze Indian Tribe*, 83 P.3d 1060 (Alaska 2004).

“Sustained yield”. — The term “sustained yield” in subsection (b) is potentially broad enough to include authority in the game board to restrict even subsistence hunting in order to rebuild a damaged game population. However, the board does not have absolute discretion in this area. There must be a balance of minimum adverse impact upon rural residents who depend upon subsistence use of resources and recognized scientific principles of game management. *Kwethluk IRA Council v. Alaska*, 740 F. Supp. 765 (D. Alaska 1990).

The state has a compelling interest in maintaining a healthy and sustainable king salmon population in the Kuskokwim River, and the population would be harmed if the court granted a religious exemption to allow all Yup'ik subsistence fishers to fish for king salmon according to their sincerely held religious beliefs without regard to emergency closures or gear restrictions. *Phillip v. State*, 347 P.3d 128 (Alaska 2015).

“Area or community.” — The term “area or community” is broad enough to encompass several subdistricts grouped together. *Native Village of Elim v. State*, 990 P.2d 1 (Alaska 1999).

The subsistence law leaves the determination of which geographic boundaries constitute a subsistence area or community to the discretion of the fisheries board. *Native Village of Elim v. State*, 990 P.2d 1 (Alaska 1999).

Familial relationship not required. — In evaluating a subsistence fishery proposal, the Board of Fisheries erroneously required users of salmon in an area to have a familial relationship with prior generations of subsistence users in the area; such interpretation of 5 AAC 99.010(b) was inconsistent with subsection (a)

and the definition of “customary and traditional” in AS 16.05.940. *Payton v. State*, 938 P.2d 1036 (Alaska 1997).

Invalid regulations severable. — Invalid portions of regulations established pursuant to the mandate of this section are severable from the remaining regulations if, standing alone, the regulation can be given legal effect and the legislature intended the provision to stand. *State v. Palmer*, 882 P.2d 386 (Alaska 1994).

Issuance of permits based on verbal instructions to agents held improper. — Nothing in the Administrative Procedure Act (AS 44.62) authorizes the Board of Game to impose requirements not contained in written regulations by means of oral instructions to agents. Such verbal additions to regulations involving requirements of substance are unauthorized and unenforceable. *State v. Tanana Valley Sportsmen’s Ass’n*, 583 P.2d 854 (Alaska 1978).

Adoption of eligibility criteria. — All Alaskans are eligible to participate in subsistence hunting and fishing, and the board of game lacks the authority to adopt eligibility criteria when the resource is sufficiently abundant to satisfy all subsistence users. *State v. Morry*, 836 P.2d 358 (Alaska 1992).

The least intrusive standard applied by the superior court to board of game regulations for subsistence uses is not explicitly mentioned in the text of the subsistence preference laws nor can such a standard be reasonably implied from the fact that the subsistence law in this section accords a “preference” to subsistence users. The subsistence law provides a preference only by giving subsistence users “reasonable opportunity” to harvest the resource, and the superior court erred in its decision that the least intrusive standard was implied as a rule of construction for the term “reasonable opportunity.” *State v. Morry*, 836 P.2d 358 (Alaska 1992).

Grouping of stock. — Since manageability is the key element in the classification of a category of fish as a “stock,” it was not unreasonable for the fisheries board to group salmon stocks together where it determined that subsistence users themselves “customarily and traditionally” took the species interchangeably. *Native Village of Elim v. State*, 990 P.2d 1 (Alaska 1999).

Reasonable basis for Board of Game’s quota of caribou to be killed under former AS 16.05.257. — See *State v. Tanana Valley Sportsmen’s Ass’n*, 583 P.2d 854 (Alaska 1978).

Emergency caribou hunt allowed. — Native Alaskan villagers were granted injunctive relief permitting an emergency caribou hunt allowing the taking of 50 to 70 animals where the hunt was justified by economic conditions and would not adversely affect the herd. *Kwethluk IRA Council v. Alaska*, 740 F. Supp. 765 (D. Alaska 1990).

In affirming the grant of summary judgment to the state in a management team’s challenge to 5 AAC 85.045, the court determined that the regulation violated neither the sustained yield principle of Alaska Const. art. VIII, § 4, nor AS 16.05.255 and this section; the Board of Game acted within its discretion in adopting the regulation that allowed for the issuance of “up to” 400 hunting permits in a controlled use area because creating a controlled use area did not necessarily amount to designating a relevant animal population for management purposes, and it was reasonable not to manage moose in the region as a distinct game population. *Koyukuk River Basin Moose Co-Management v. Bd. of Game*, 76 P.3d 383 (Alaska 2003).

Regulations held valid. — 5 AAC 99.010(b) is constitutional, consistent with its enabling statute, and reasonably necessary to carry out the purposes of the subsistence state. AS 16.05.251(a)(6) and 16.05.258(a) allow the Board of Fisheries, to create regulations for classifying fish, and for identifying the

particular fish stocks that align with subsistence use patterns; the subsistence statute provides a general definition of the requirements for subsistence use, but 5 AAC 99.010(b) provides definitions of each specific component, and guidelines for how they should be applied. *Alaska Fish & Wildlife Conservation Fund v. State, Dep't of Fish & Game*, 289 P.3d 903 (Alaska 2012).

Department of Fish and Game regulations promulgated by the Alaska Board of Game managing caribou hunting, were upheld because the Board's "amount reasonably necessary for subsistence" calculation did not implicate, or violate, the equal access, uniform application, or equal protection clauses of the Alaska Constitution; the Board included a broad variety of subsistence uses, and its definition applied equally to all citizens. *Manning v. State*, 355 P.3d 530 (Alaska 2015), cert. denied.

Summary judgment in favor of the Department of Fish and Game, upholding regulations promulgated by the Alaska Board of Game managing caribou hunting, was proper because considerable evidence justified the Board's "amount reasonably necessary for subsistence" calculation; the Board reasonably concluded that there was a reasonable opportunity for subsistence uses, and managing the Nelchina caribou hunt was consistent with the statute and was reasonable and not arbitrary. *Manning v. State*, 355 P.3d 530 (Alaska 2015), cert. denied.

Regulations held invalid. — Board of game regulations establishing seasons and bag limits on the taking of moose and caribou were arbitrary and invalid, where the board did not follow or articulate its use of the statutory analytical process for adopting bag limits as to subsistence hunting, and the regulations imposed seasons not consistent with the board's findings as to established village customs and thereby unacceptably restricted the statutory preference for subsistence uses. *Bobby v. Alaska*, 718 F. Supp. 764 (D. Alaska 1989).

Trophy hunting regulations adopted by the board of game do not constitute compliance with the requirement of subsection (c) that the board adopt subsistence hunting regulations for game. *State v. Morry*, 836 P.2d 358 (Alaska 1992).

Where no hearing was ever held regarding whether regulations of the board of game were consistent with the subsistence law prior to their adoption as subsistence regulations, the challenged tag/fee and sealing regulations, as subsistence regulations applicable to the taking and use of brown/grizzly bears in the affected game management units, were invalid. *State v. Morry*, 836 P.2d 358 (Alaska 1992).

Board of Fisheries regulations that allowed the Department of Fish and Game to establish harvest limits through the permitting process held invalid; annual subsistence fishing harvest limit on sockeye salmon constitutes a "regulation" that was to be adopted by the Board of Fisheries in compliance with the Administrative Procedure Act. *Estrada v. State*, 362 P.3d 1021 (Alaska 2015).

Remand. — Where defendant was erroneously barred from challenging regulations prohibiting hunting with the aid of an artificial light and applying the prohibition against subsistence hunters, the case was remanded to allow defendant to demonstrate that the regulations were adopted without compliance with the Administrative Procedure Act, AS 44.62. *Totemoff v. State*, 905 P.2d 954 (Alaska 1995), cert. denied, 517 U.S. 1244, 116 S. Ct. 2499, 135 L. Ed. 2d 290 (1996).

Cited in *Krohn v. State, Dep't of Fish & Game*, 938 P.2d 1019 (Alaska 1997).

#### **AS 16.05.259. No subsistence defense.**

In a prosecution for the taking of fish or game in violation of a statute or regulation, it is not a defense that the taking was done for subsistence uses. (§ 7 ch 52 SLA 1986)



Revisor's notes. — Formerly AS 16.05.261. Renumbered in 1987.

## NOTES TO DECISIONS

Power to challenge regulation. — A person charged with a subsistence hunting violation is not precluded by this section or by the federal Alaska National Interest Lands Conservation Act from challenging the regulation he is alleged to have violated. *Bobby v. Alaska*, 718 F. Supp. 764 (D. Alaska 1989).

Since *State v. Eluska*, 724 P.2d 514 (Alaska 1986) and this section prevent hunters who took game in the absence of any regulation authorizing them to do so from claiming a subsistence defense, a defendant was not prohibited from contesting the validity of a regulation which prohibits hunting with the aid of an artificial light. *Totemoff v. State*, 905 P.2d 954 (Alaska 1995), cert. denied, 517 U.S. 1244, 116 S. Ct. 2499, 135 L. Ed. 2d 290 (1996).

### **AS 16.05.940. Definitions. In AS 16.05 — AS 16.40,**

- (1) "aquatic plant" means any species of plant, excluding the rushes, sedges, and true grasses, growing in a marine aquatic or intertidal habitat;
- (2) "barter" means the exchange or trade of fish or game, or their parts, taken for subsistence uses
  - (A) for other fish or game or their parts; or
  - (B) for other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature;
- (3) "a board" means either the Board of Fisheries or the Board of Game;
- (4) "commercial fisherman" means an individual who fishes commercially for, takes, or attempts to take fish, shellfish, or other fishery resources of the state by any means, and includes every individual aboard a boat operated for fishing purposes who participates directly or indirectly in the taking of these raw fishery products, whether participation is on shares or as an employee or otherwise; however, this definition does not apply to anyone aboard a licensed vessel as a visitor or guest who does not directly or indirectly participate in the taking; "commercial fisherman" includes the crews of tenders or other floating craft used in transporting fish, but does not include processing workers on floating fish processing vessels who do not operate fishing gear or engage in activities related to navigation or operation of the vessel; in this paragraph "operate fishing gear" means to deploy or remove gear from state water, remove fish from gear during an open fishing season or period, or possess a gill net containing fish during an open fishing period;
- (5) "commercial fishing" means the taking, fishing for, or possession of fish, shellfish, or other fishery resources with the intent of disposing of them for profit, or by sale, barter, trade, or in commercial channels; the failure to have a valid subsistence permit in possession, if required by statute or regulation, is considered prima facie evidence of commercial fishing if commercial fishing gear as specified by regulation is involved in the taking, fishing for, or possession of fish, shellfish, or other fish resources;
- (6) "commissioner" means the commissioner of fish and game unless specifically provided otherwise;
- (7) "customary and traditional" means the noncommercial, long-term, and consistent taking of, use of, and reliance upon fish or game in a specific area and the use patterns of that fish or game that have been established over a reasonable period of time taking into consideration the availability of the fish or game;
- (8) "customary trade" means the limited noncommercial exchange, for minimal amounts of cash, as restricted by the appropriate board, of fish or game resources; the terms of this paragraph do not restrict money sales of furs and furbearers;
- (9) "department" means the Department of Fish and Game unless specifically provided otherwise;
- (10) "domestic mammals" include musk oxen, bison, and reindeer, if they are lawfully owned;
- (11) "domicile" means the true and permanent home of a person from which the person has no present intention of moving and to which the person intends to return whenever the person is away; domicile may be proved by presenting evidence acceptable to the boards of fisheries and game;

- (12) “fish” means any species of aquatic finfish, invertebrate, or amphibian, in any stage of its life cycle, found in or introduced into the state, and includes any part of such aquatic finfish, invertebrate, or amphibian;
- (13) “fish derby” means a contest in which prizes are awarded for catching fish;
- (14) “fish or game farming” means the business of propagating, breeding, raising, or producing fish or game in captivity for the purpose of marketing the fish or game or their products, and “captivity” means having the fish or game under positive control, as in a pen, pond, or an area of land or water that is completely enclosed by a generally escape-proof barrier; in this paragraph, “fish” does not include shellfish, as defined in AS 16.40.199;
- (15) “fish stock” means a species, subspecies, geographic grouping, or other category of fish manageable as a unit;
- (16) “fish transporter” means a natural person who holds a fish transporter permit issued under AS 16.05.671;
- (17) “fishery” means a specific administrative area in which a specific fishery resource is taken with a specific type of gear; however, the Board of Fisheries may designate a fishery to include more than one specific administrative area, type of gear, or fishery resource; in this paragraph
- (A) “gear” means the specific apparatus used in the harvest of a fishery resource; and
- (B) “type of gear” means an identifiable classification of gear and may include
- (i) classifications for which separate regulations are adopted by the Board of Fisheries or for which separate gear licenses were required by former AS 16.05.550 — 16.05.630; and
- (ii) distinct subclassifications of gear such as “power” troll gear and “hand” troll gear or sport gear and guided sport gear;
- (18) “fur dealing” means engaging in the business of buying, selling, or trading in animal skins, but does not include the sale of animal skins by a trapper or hunter who has legally taken the animal, or the purchase of animal skins by a person, other than a fur dealer, for the person’s own use;
- (19) “game” means any species of bird, reptile, and mammal, including a feral domestic animal, found or introduced in the state, except domestic birds and mammals; and game may be classified by regulation as big game, small game, fur bearers or other categories considered essential for carrying out the intention and purposes of AS 16.05 — AS 16.40;
- (20) “game population” means a group of game animals of a single species or subgroup manageable as a unit;
- (21) “hunting” means the taking of game under AS 16.05 — AS 16.40 and the regulations adopted under those chapters;
- (22) “nonresident” means a person who is not a resident of the state;
- (23) “nonresident alien” means a person who is not a citizen of the United States and whose permanent place of abode is not in the United States;
- (24) “operator” means the individual by law made responsible for the operation of the vessel;
- (25) “person with physical disabilities” means a person who presents to the department either written proof that the person receives at least 70 percent disability compensation from a government agency for a physical disability or an affidavit signed by a physician licensed to practice medicine in the state stating that the person is at least 70 percent physically disabled;
- (26) “personal use fishing” means the taking, fishing for, or possession of finfish, shellfish, or other fishery resources, by Alaska residents for personal use and not for sale or barter, with gill or dip net, seine, fish wheel, long line, or other means defined by the Board of Fisheries;
- (27) “resident” means
- (A) a person who for the 12 consecutive months immediately preceding the time when the assertion of residence is made has maintained the person’s domicile in the state and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country;
- (B) a partnership, association, joint stock company, trust, or corporation that has its main office or headquarters in the state; a natural person who does not otherwise qualify as a resident under this

paragraph may not qualify as a resident by virtue of an interest in a partnership, association, joint stock company, trust, or corporation;

(C) a member of the military service, or United States Coast Guard, who has been stationed in the state for the 12 consecutive months immediately preceding the time when the assertion of residence is made;

(D) a person who is the dependent of a resident member of the military service, or the United States Coast Guard, and who has lived in the state for the 12 consecutive months immediately preceding the time when the assertion of residence is made; or

(E) an alien who for the 12 consecutive months immediately preceding the time when the assertion of residence is made has maintained the person's domicile in the state and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country;

(28) "rural area" means a community or area of the state in which the noncommercial, customary, and traditional use of fish or game for personal or family consumption is a principal characteristic of the economy of the community or area;

(29) "seizure" means the actual or constructive taking or possession of real or personal property subject to seizure under AS 16.05 — AS 16.40 by an enforcement or investigative officer charged with enforcement of the fish and game laws of the state;

(30) "sport fishing" means the taking of or attempting to take for personal use, and not for sale or barter, any fresh water, marine, or anadromous fish by hook and line held in the hand, or by hook and line with the line attached to a pole or rod which is held in the hand or closely attended, or by other means defined by the Board of Fisheries;

(31) "subsistence fishing" means the taking of, fishing for, or possession of fish, shellfish, or other fisheries resources by a resident domiciled in a rural area of the state for subsistence uses with gill net, seine, fish wheel, long line, or other means defined by the Board of Fisheries;

(32) "subsistence hunting" means the taking of, hunting for, or possession of game by a resident domiciled in a rural area of the state for subsistence uses by means defined by the Board of Game;

(33) "subsistence uses" means the noncommercial, customary and traditional uses of wild, renewable resources by a resident domiciled in a rural area of the state for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, and for the customary trade, barter, or sharing for personal or family consumption; in this paragraph, "family" means persons related by blood, marriage, or adoption, and a person living in the household on a permanent basis;

(34) "take" means taking, pursuing, hunting, fishing, trapping, or in any manner disturbing, capturing, or killing or attempting to take, pursue, hunt, fish, trap, or in any manner capture or kill fish or game;

(35) "taxidermy" means tanning, mounting, processing, or other treatment or preparation of fish or game, or any part of fish or game, as a trophy, for monetary gain, including the receiving of the fish or game or parts of fish or game for such purposes;

(36) "trapping" means the taking of mammals declared by regulation to be fur bearers;

(37) "vessel" means a floating craft powered, towed, rowed, or otherwise propelled, which is used for delivering, landing, or taking fish within the jurisdiction of the state, but does not include aircraft. (§ 2 art I ch 95 SLA 1959; § 9 art III ch 94 SLA 1959; am §§ 1 — 4 ch 131 SLA 1960; am § 23 ch 131 SLA 1960; am § 1 ch 21 SLA 1961; am §§ 1, 2 ch 102 SLA 1961; am § 1 ch 160 SLA 1962; am §§ 13, 14 ch 31 SLA 1963; am § 2 ch 32 SLA 1968; am § 3 ch 73 SLA 1970; am § 1 ch 91 SLA 1970; am § 4 ch 110 SLA 1970; am § 1 ch 90 SLA 1972; am § 5 ch 82 SLA 1974; am §§ 26, 82 ch 127 SLA 1974; am §§ 18 — 20 ch 206 SLA 1975; am § 12 ch 105 SLA 1977; am §§ 14, 15 ch 151 SLA 1978; am § 1 ch 78 SLA 1979; am § 1 ch 24 SLA 1980; § 4 ch 74 SLA 1982; am § 24 ch 132 SLA 1984; am §§ 9 — 11 ch 52 SLA 1986; am § 5 ch 76 SLA 1986; am § 1 ch 114 SLA 1988; am § 9 ch 145 SLA 1988; am § 3 ch 6 SLA 1989; am § 15 ch 211 SLA 1990; am § 18 ch 30 SLA 1992; am § 2 ch 49 SLA 1992; am § 3 ch 90 SLA 1992; am § 4 ch 1 SSSLA 1992; am § 4 ch 9 SLA 1994; am § 3 ch 38 SLA 1997; am § 4 ch 112 SLA 2003)

Revisor's notes. — Reorganized in 1983, 1986, 1989, 1992, 2003, and 2012 to alphabetize the defined terms and to maintain alphabetical order. Former paragraph (13) was renumbered as AS 16.05.662(b) in 1992.

Both § 2, ch. 49, SLA 1992, and § 3, ch. 90, SLA 1992 amended former paragraph (12), now paragraph (17) of this section, defining “fishery”. Because the latter amendment took effect first and included the former amendment, paragraph (17) is set out as amended by § 3, ch. 90, SLA 1992.

Editor's notes. — Sections 5 and 12, ch. 1, SSSLA 1992, which provided for a delayed repeal of former paragraphs (36) and (37), now paragraphs (7) and (8) of this section, defining “customary and traditional” and “customary trade” respectively, were themselves repealed by §§ 1 and 2, ch. 1, FSSLA 1998 before the delayed repeal took effect.

Legislative history reports. — For report on ch. 32, SLA 1968 (HCSCSSB 50 am), see 1968 House Journal, p. 169. For report on the 1974 amendment of former paragraph (2), now paragraph (4) of this section, defining “commercial fisherman,” ch. 127, SLA 1974 (SCSHB 817 am S), see 1974 House Journal, p. 657.

For legislative letter of intent in connection with the amendment to (4) of this section, defining “commercial fisherman,” by § 1, ch. 114, SLA 1988 (CSSB 309 (Res)), see 1988 Senate Journal 2027. For an explanation of the 1994 amendment of (10) of this section, defining “domestic mammals,” see 1994 House Journal Supplement No. 12, February 22, 1994, page 2.

Opinions of attorney general. — The paragraph defining “resident” did not grant special resident privileges to military personnel. 1964 Op. Att’y Gen. No. 2.

Term “customary trade” as used in the definition of “subsistence uses” allows for limited exchanges for cash other than for purely personal or family consumption. 1981 Op. Att’y Gen. No. 11.

Definition of “subsistence uses” in terms of “customary and traditional uses of wild, renewable resources” reflects the equating of “subsistence use” with use by rural residents. 1981 Op. Att’y Gen. No. 11.

A domestic or nondomestic animal becomes feral when it returns to a wild state. In the case of a partially domesticated or captive wild animal such as a fox that escapes, this generally means when the animal is no longer under the control of its owner or the owner is not in direct pursuit. In the case of a domestic animal such as a cow or pig that escapes, it is “feral” when it is living as a wild creature, and this may take more or less time depending on the circumstances. In the case of a domestic animal trespassing upon public lands, it could be declared “feral” under statute or regulation. July 30, 1987 Op. Att’y Gen.

The statutory term “feral domestic animal” found in the definition of “game” now (19) is a contradiction in terms; any regulatory clarification should focus on what is a “feral animal” and explain that the term “feral domestic animal” is interpreted to mean a domestic or domesticated animal that has become feral. July 30, 1987 Op. Att’y Gen.

If factual information supported the proposition that it is “customary and traditional” to make handicraft articles from sea otter skins, and if sea otters are or have been taken customarily and traditionally for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, then skins of sea otters could be used for making handicrafts, even if the meat were not eaten. If sea otters were not customarily and traditionally taken for food, shelter, fuel, clothing, tools, or transportation, it would arguably not be permissible to harvest the animals only for handicraft purposes under subsistence regulations. Mar. 14, 1988 Op. Att’y Gen.

A member of the military who claims Alaska residency, and who is transferred to another state, may be allowed to obtain a “resident” rather than a “nonresident” hunting or fishing license in that state, based upon the service member’s military status. Alaska statutes allow for such a limited availability of resident licenses for military personnel who are stationed in Alaska but claim residency elsewhere. Determination of each service member’s status must be made on a case by case basis, but where the licensing and

residency laws of other jurisdictions mirror Alaska's, a service member may obtain a "resident" license in the other jurisdiction without forfeiting Alaska residency. 2003 Op. Att'y Gen. 14.

## NOTES TO DECISIONS

Rural residency requirement unconstitutional. — The requirement contained in the 1986 subsistence statute (ch. 52, SLA 1986), that one must reside in a rural area in order to participate in subsistence hunting and fishing, violates Alaska Const., art. VIII, §§ 3, 15, and 17. *McDowell v. State*, 785 P.2d 1 (Alaska 1989).

Intent. — 5 AAC 99.010(b) is consistent with AS 16.05.940 because AS 16.05.940 is not intended to grant subsistence rights to any long-term users of an area, and it was proper to consider the cultural, social, and economic context in which a harvest takes place; even if personal use fisheries met the subsistence statute's consistency and duration requirements, they might not have carried the cultural, social, spiritual, and nutritional importance that the subsistence statute protects. *Alaska Fish & Wildlife Conservation Fund v. State, Dep't of Fish & Game*, 289 P.3d 903 (Alaska 2012).

"Customary and traditional." — In evaluating a subsistence fishery proposal, the Board of Fisheries erroneously required users of salmon in an area to have a familial relationship with prior generations of subsistence users in the area; such interpretation of 5 AAC 99.010(b) was inconsistent with AS 16.05.258(a) and the definition of "customary and traditional" in this section. *Payton v. State*, 938 P.2d 1036 (Alaska 1997).

Since manageability is the key element in the classification of a category of fish as a "stock," it was not unreasonable for the fisheries board to group salmon stocks together where it determined that subsistence users themselves "customarily and traditionally" took the species interchangeably. *Native Village of Elim v. State*, 990 P.2d 1 (Alaska 1999).

Movement of bison. — In an appeal that challenged the efforts of the Board of Game to control, by regulation, the movement of bison that strayed outside the boundaries of two game ranches on Kodiak Island, the Board's failure to consider AS 16.05.940(10) fell short of what was required under the Supreme Court's standard, which examines whether the regulation conflicts with other statutes. *Ellingson v. Lloyd*, 342 P.3d 825 (Alaska 2014).

Single and multiple fisheries distinguished. — Alaska fisheries board erred in finding that the differences in equipment the board authorized for open and cooperative fishers did not create two distinct fisheries under the definition of "fishery" in this section; the fishery at issue was a single fishery within the statutory definition, and the board did not alter that fact by making detail changes to the type of equipment used by the cooperative fishers. *Alaska Bd. of Fisheries v. Grunert*, 139 P.3d 1226 (Alaska 2006).

Regulation held invalid because inconsistent with statutory law. — See *Madison v. Alaska Dep't of Fish & Game*, 696 P.2d 168 (Alaska 1985).

Quoted in *United States v. Skinna*, 915 F.2d 1250 (9th Cir. 1990); *Peninsula Mktg. Ass'n v. State*, 817 P.2d 917 (Alaska 1991); *Kodiak Seafood Processors Ass'n v. State*, 900 P.2d 1191 (Alaska 1995); *Koyukuk River Basin Moose Co-Management v. Bd. of Game*, 76 P.3d 383 (Alaska 2003). Stated in *State v. Carlson*, 65 P.3d 851 (Alaska 2003).

Cited in *Starry v. Horace Mann Ins. Co.*, 649 P.2d 937 (Alaska 1982); *State v. Eluska*, 698 P.2d 174 (Alaska Ct. App. 1985); *Arkanakyak v. State, Com. Fisheries Entry Comm'n*, 759 P.2d 513 (Alaska 1988); *Jurco v. State*, 816 P.2d 913 (Alaska Ct. App. 1991); *West v. State*, 248 P.3d 689 (Alaska 2010).

## **5 AAC 99.010. Boards of fisheries and game subsistence procedures**

(a) In applying a subsistence law, the Board of Fisheries and the Board of Game will provide for conservation and development of Alaska's fish and game resources according to sustained yield principles.

(b) Each board will identify fish stocks or game populations, or portions of stocks or populations, that are customarily and traditionally taken or used by Alaska residents for subsistence uses by considering the following criteria:

(1) a long-term consistent pattern of noncommercial taking, use, and reliance on the fish stock or game population that has been established over a reasonable period of time of not less than one generation, excluding interruption by circumstances beyond the user's control, such as unavailability of the fish or game caused by migratory patterns;

(2) a pattern of taking or use recurring in specific seasons of each year;

(3) a pattern of taking or use consisting of methods and means of harvest that are characterized by efficiency and economy of effort and cost;

(4) the area in which the noncommercial, long-term, and consistent pattern of taking, use, and reliance upon the fish stock or game population has been established;

(5) a means of handling, preparing, preserving, and storing fish or game that has been traditionally used by past generations, but not excluding recent technological advances where appropriate;

(6) a pattern of taking or use that includes the handing down of knowledge of fishing or hunting skills, values, and lore from generation to generation;

(7) a pattern of taking, use, and reliance where the harvest effort or products of that harvest are distributed or shared, including customary trade, barter, and gift-giving; and

(8) a pattern that includes taking, use, and reliance for subsistence purposes upon a wide diversity of fish and game resources and that provides substantial economic, cultural, social, and nutritional elements of the subsistence way of life.

(c) When circumstances such as increased numbers of users, weather, predation, or loss of habitat may jeopardize the sustained yield of a fish stock or game population, each board will exercise all practical options for restricting nonsubsistence harvest of the stock or population and may address other limiting factors before subsistence uses are restricted below the level the board has determined to provide a reasonable opportunity. If all available restrictions for nonsubsistence harvests have been implemented and further restrictions are needed, the board will eliminate nonsubsistence consumptive uses, and reduce the take for subsistence uses in a series of graduated steps under [AS 16.05.258 \(b\)\(4\)\(B\)](#) - the "Tier II" distinction - by distinguishing among subsistence users through limitations based on

(1) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood; and

(2) repealed 2/23/2014;

(3) the ability of the subsistence user to obtain food if subsistence use of the stock or population is restricted or eliminated.

**History:** Eff. 5/30/82, Register 82; am 1/17/91, Register 117; am 5/15/93, Register 126; am 2/23/2014, Register 209

**Authority:** [AS 16.05.251](#)

[AS 16.05.255](#)

[AS 16.05.258](#)

### **5 AAC 99.015. Joint Board nonsubsistence areas**

(a) The following areas are found by the Joint Board of Fisheries and Game to be nonsubsistence use areas:

(1) The Ketchikan Nonsubsistence Area is comprised of the following: within Unit 1(A), as defined in 5 AAC [92.450\(1\)](#) (A), all drainages of the Cleveland Peninsula between Niblack Point and Bluff Point, Revillagigedo, Gravina, Pennock, Smeaton, Bold, Betton, and Hassler Islands; all marine waters of Sections 1-C, as defined by 5 AAC [33.200\(a\)](#) (3), 1-D, as defined by 5 AAC [33.200\(a\)](#) (4), 1-E, as defined by 5 AAC [33.200\(a\)](#) (5), that portion of Section 1-F, as defined by 5 AAC [33.200\(a\)](#) (6), north of the latitude of the southernmost tip of Mary Island and within one mile of the mainland and the Gravina and Revillagigedo Island shorelines; and that portion of District 2, as defined by 5 AAC [33.200\(b\)](#) , within one mile of the Cleveland Peninsula shoreline and east of the longitude of Niblack Point.

(2) The Juneau Nonsubsistence Area is comprised of the following: within Unit 1(C), as defined by 5 AAC [92.450\(1\)](#) (C), all drainages on the mainland east of Lynn Canal and Stephens Passage from the latitude of Eldred Rock to Point Coke, and on Lincoln, Shelter, and Douglas islands; within Unit 4, as defined by 5 AAC [92.450\(4\)](#) , that portion of Admiralty Island that includes the Glass Peninsula, all drainages into Seymour Canal north of and including Pleasant Bay, all drainages into Stephens Passage west of Point Arden, the Mansfield Peninsula, all drainages into Chatham Strait north of Point Marsden; all marine waters of Sections 11-A and 11-B, as defined in 5 AAC [33.200\(k\)](#) (1) and (k)(2), Section 12-B, as defined in 5 AAC [33.200\(l\)](#) (2), and that portion of Section 12-A, as defined in 5 AAC [33.200\(l\)](#) (1), north of the latitude of Point Marsden and that portion of District 15, as defined in 5 AAC [33.200\(o\)](#) , south of the latitude of the northern entrance to Berners Bay, and including Berners Bay.

(3) The Anchorage-Matsu-Kenai Nonsubsistence Area is comprised of the following: Units 7, as defined by 5 AAC [92.450\(7\)](#) (except the Kenai Fjords National Park lands), 14, as defined by 5 AAC [92.450\(14\)](#) , 15, as defined by 5 AAC [92.450\(15\)](#) (except Kalgin Island and that portion south and west of a line beginning at the mouth of Rocky River up the Rocky and Windy Rivers across the Windy River/Jakolof Creek divide and down Jakolof Creek to its mouth, including the islands between the eastern most point of Jakolof Bay and the eastern most point of Rocky Bay), 16(A), as defined by 5 AAC [92.450\(16\)](#) (A); all waters of Alaska in the Cook Inlet Area, as defined by 5 AAC [21.100](#) (except those waters north of Point Bede which are west of a line from the eastern most point of Jakolof Bay north to the western most point of Hesketh Island including

Jakolof Bay and south of a line west from Hesketh Island; the waters south of Point Bede which are west of the eastern most point of Rocky Bay; and those waters described in 5 AAC [01.555\(b\)](#), known as the Tyonek subdistrict).

(4) The Fairbanks Nonsubsistence Area is comprised of the following: within Unit 20(A), as defined by 5 AAC [92.450\(20\)](#) (A), east of the Wood River drainage and south of the Rex Trail but including the upper Wood River drainage south of its confluence with Chicken Creek; within Unit 20(B), as defined by 5 AAC [92.450\(20\)](#) (B), the North Star Borough and that portion of the Washington Creek drainage east of the Elliot Highway; within Unit 20(D) as defined by 5 AAC [92.450\(20\)](#) (D), west of the Tanana River between its confluence with the Johnson and Delta Rivers, west of the east bank of the Johnson River, and north and west of the Volkmar drainage, including the Goodpaster River drainage; and within Unit 25(C), as defined by 5 AAC [92.450\(25\)](#) (C), the Preacher and Beaver Creek drainages.

(5) The Valdez Nonsubsistence Area is comprised of the following: within Unit 6(D), as defined by 5 AAC [92.450\(6\)](#) (D), and all waters of Alaska in the Prince William Sound Area as defined by 5 AAC [24.100](#), within the March 1993 Valdez City limits.

(b) Repealed 2/23/2014.

**History:** Eff. 5/15/93, Register 126; am 4/28/94, Register 130; am 2/23/2014, Register 209; am 7/1/2016, Register 218

**Authority:** [AS 16.05.251](#)

[AS 16.05.255](#)

[AS 16.05.258](#)

#### **5 AAC 99.016. Activities permitted in a nonsubsistence area**

(a) A nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area of community. In a nonsubsistence area, the following activities will be permitted if so provided by the appropriate board by regulation:

(1) general hunting, including drawing and registration permit hunts;

(2) personal use, sport, guided sport, commercial fishing, and other fishing authorized by permit.

(b) Subsistence hunting and subsistence fishing regulations will not be adopted by a board for a nonsubsistence area and the subsistence priority does not apply in a nonsubsistence area.

**History:** Eff. 5/15/93, Register 126; am 2/23/2014, Register 209

**Authority:** [AS 16.05.251](#)

[AS 16.05.255](#)

[AS 16.05.258](#)



## **5 AAC 99.021. Definitions**

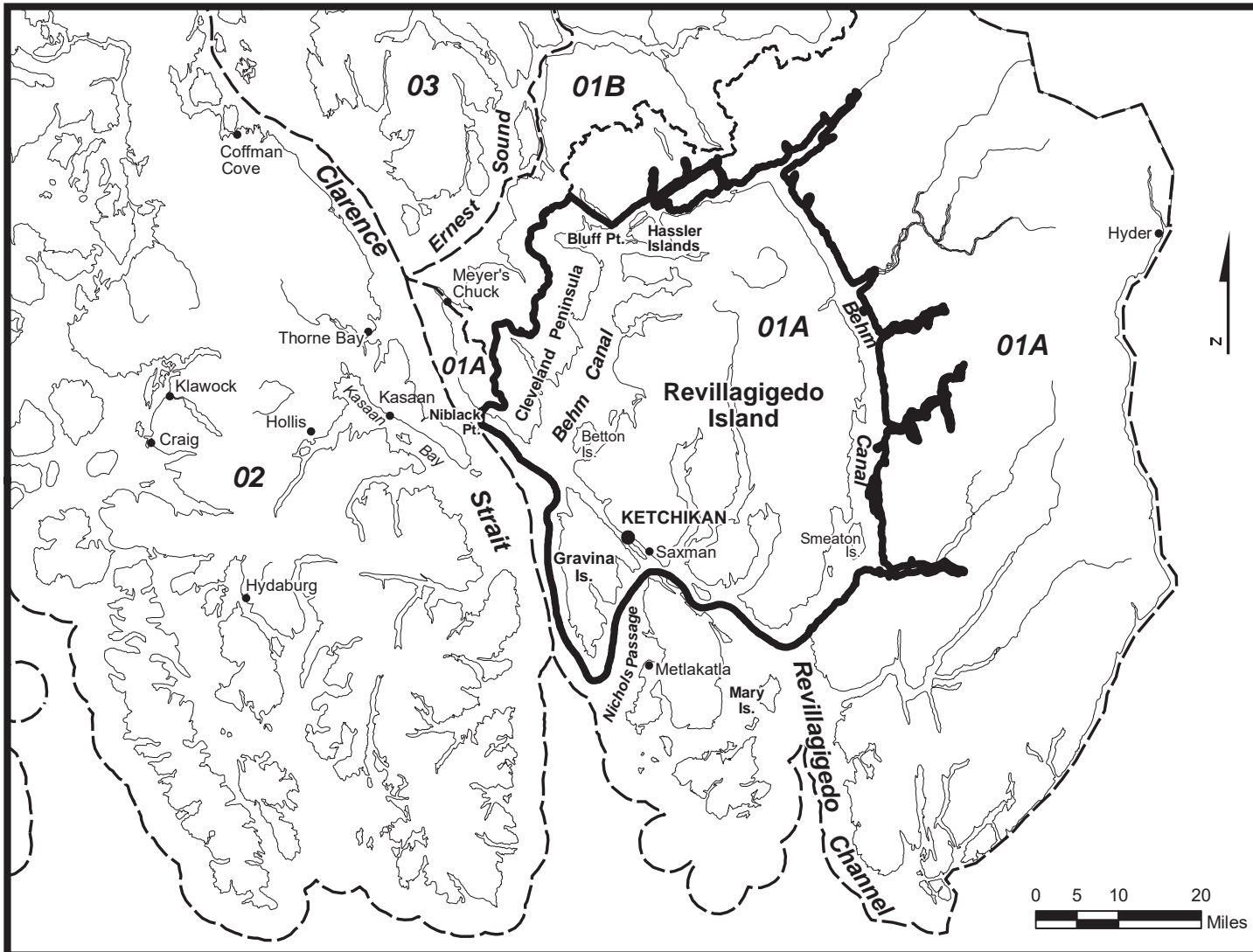
In addition to the definitions in [AS 16.05.940](#) , in this chapter,

- (1) "road-connected area" means the location of domiciles that are normally accessed by motorized highway vehicles operating on constructed roads that connect to the main highway system in the relevant area, including roads that can be negotiated during all portions of the year; in this paragraph, "normally accessed" means that it is reasonably feasible to transport persons, food, and other supplies to domiciles by motorized highway vehicles;
- (2) "subsistence fishing" means the taking of, fishing for, or possession of fish, shellfish, or other fisheries resources by a resident of the state for subsistence uses with a gillnet, seine, fish wheel, longline, or other means defined by the Board of Fisheries;
- (3) "subsistence hunting" means the taking of, hunting for, or possession of game by a resident of the state for subsistence uses by means defined by the Board of Game;
- (4) "subsistence uses" means the noncommercial, customary and traditional uses of wild, renewable resources by a resident of the state for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, for the making and selling of handicraft articles out of nonedible by-products of fish and wildlife resources taken for personal or family consumption, and for the customary trade, barter, or sharing for personal or family consumption; in this paragraph, "family" means persons related by blood, marriage, or adoption, and a person living in the household on a permanent basis.

**History:** Eff. 7/31/87, Register 103; am 2/23/2014, Register 209

**Authority:** [AS 16.05.258](#)

# Ketchikan Nonsubsistence Area



**The Ketchikan Nonsubsistence Area** is comprised of the following: within Unit 1(A), as defined in 5 AAC 92.450(1) (A), all drainages of the Cleveland Peninsula between Niblack Point and Bluff Point, Revillagigedo, Gravina, Pennock, Smeaton, Bold, Betton, and Hassler Islands; all marine waters of Sections 1-C, as defined by 5 AAC 33.200(a) (3), 1-D, as defined by 5 AAC 33.200(a) (4), 1-E, as defined by 5 AAC 33.200(a) (5), that portion of Section 1-F, as defined by 5 AAC 33.200(a) (6), north of the latitude of the southernmost tip of Mary Island and within one mile of the mainland and the Gravina and Revillagigedo Island shorelines; and that portion of District 2, as defined by 5 AAC 33.200(b), within one mile of the Cleveland Peninsula shoreline and east of the longitude of Niblack Point.

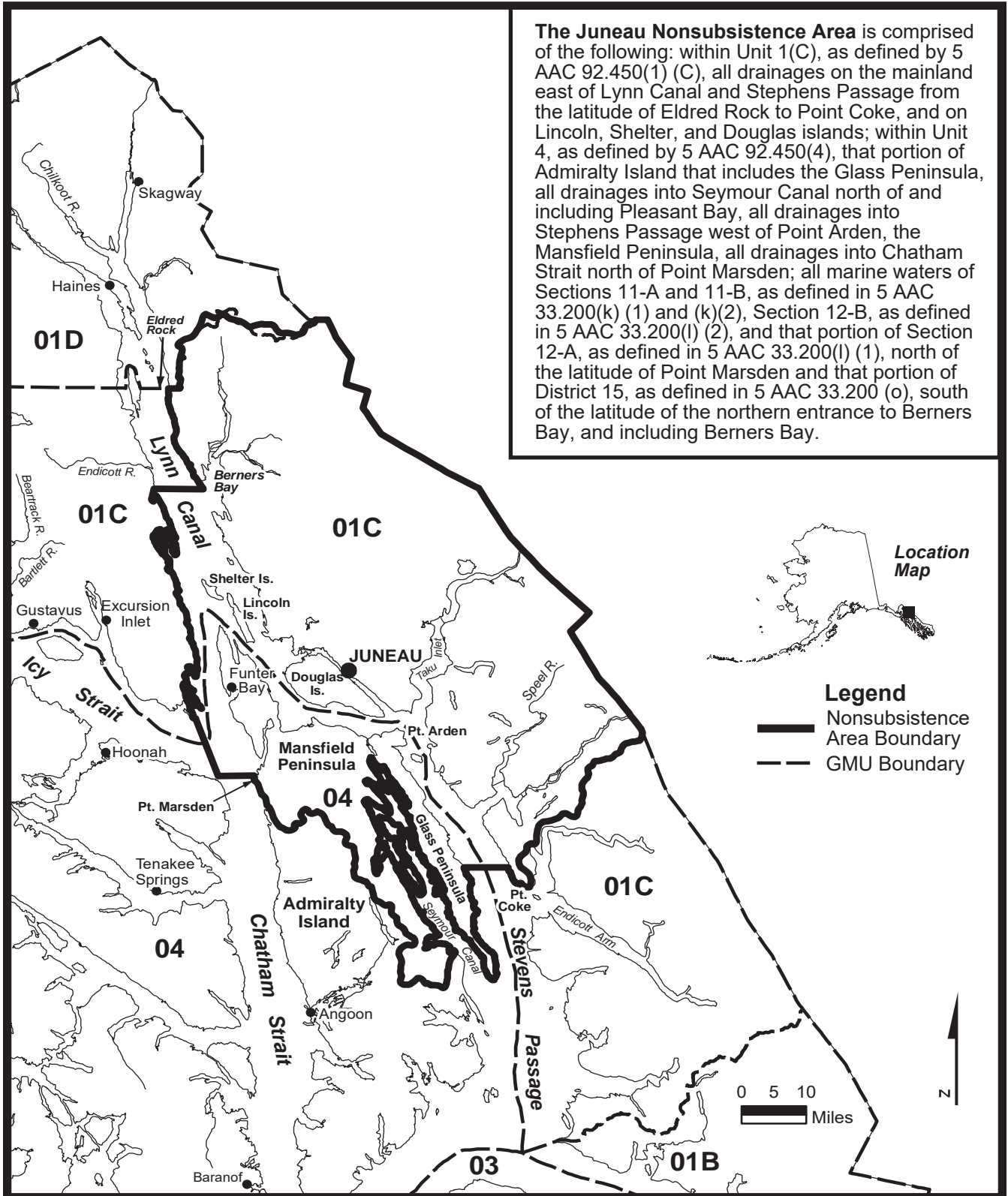


## Legend

- Nonsubsistence Area Boundary
- GMU Boundary



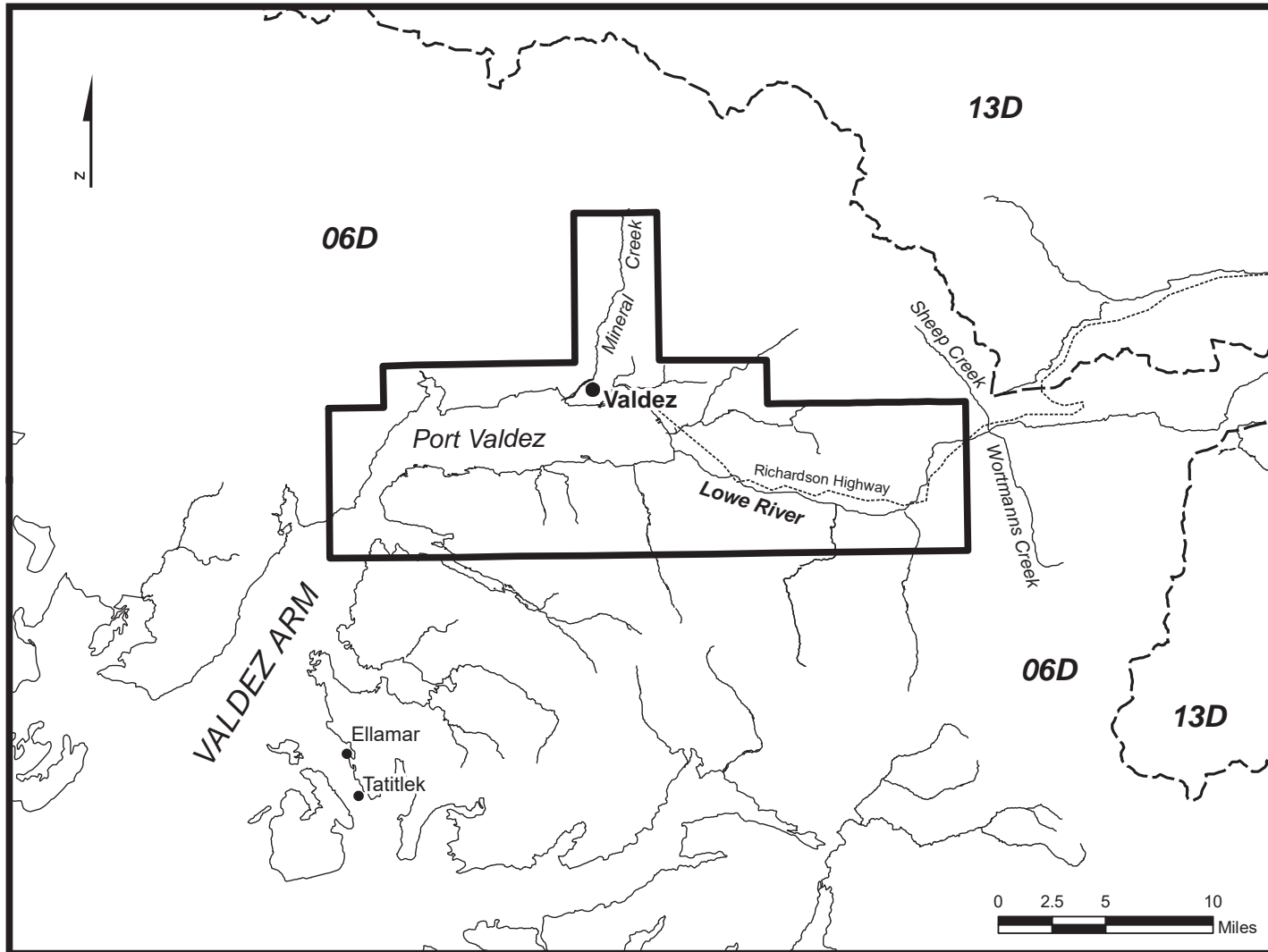
# Juneau Nonsubsistence Area



Alaska Department of Fish and Game  
Division of Subsistence and Boards

September 2007

# Valdez Nonsubsistence Area



**The Valdez Nonsubsistence Area** is comprised of the following: within Unit 6(D), as defined by 5 AAC 92.450(6) (D), and all waters of Alaska in the Prince William Sound Area as defined by 5 AAC 24.100, within the March 1993 Valdez City limits.



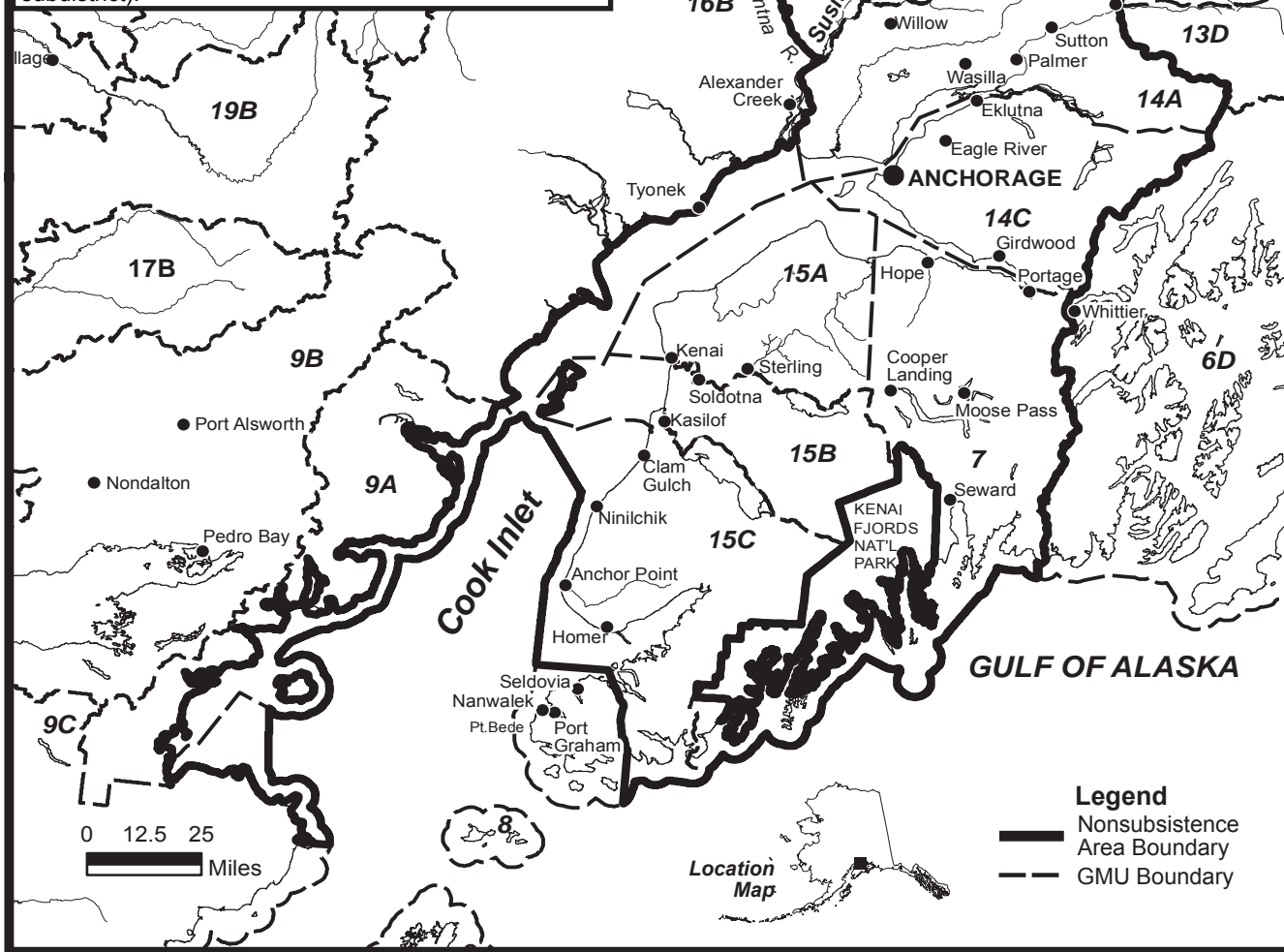
## Legend

- Nonsubsistence Area Boundary
- GMU Boundary
- Roads



# Anchorage Nonsubsistence Area

The **Anchorage-Matsu-Kenai Nonsubsistence Area** is comprised of the following: Units 7, as defined by 5 AAC 92.450(7) (except the Kenai Fjords National Park lands); 14, as defined by 5 AAC 92.450(14); 15, as defined by 5 AAC 92.450(15) (except Kalgin Island and that portion south and west of a line beginning at the mouth of Rocky River up the Rocky and Windy rivers across the Windy River/Jakolof Creek divide and down Jakolof Creek to its mouth, including the islands between the easternmost point of Jakolof Bay and the easternmost point of Rocky Bay); 16(A), as defined by 5 AAC 92.450(16) (A); all waters of Alaska in the Cook Inlet Area, as defined by 5 AAC 21.100 (except those waters north of Point Bede which are west of a line from the easternmost point of Jakolof Bay north to the westernmost point of Hesketh Island, including Jakolof Bay and south of a line west from Hesketh Island; the waters south of Point Bede which are west of the easternmost point of Rocky Bay; and those waters described in 5 AAC 01.555(b), known as the Tyonek subdistrict).

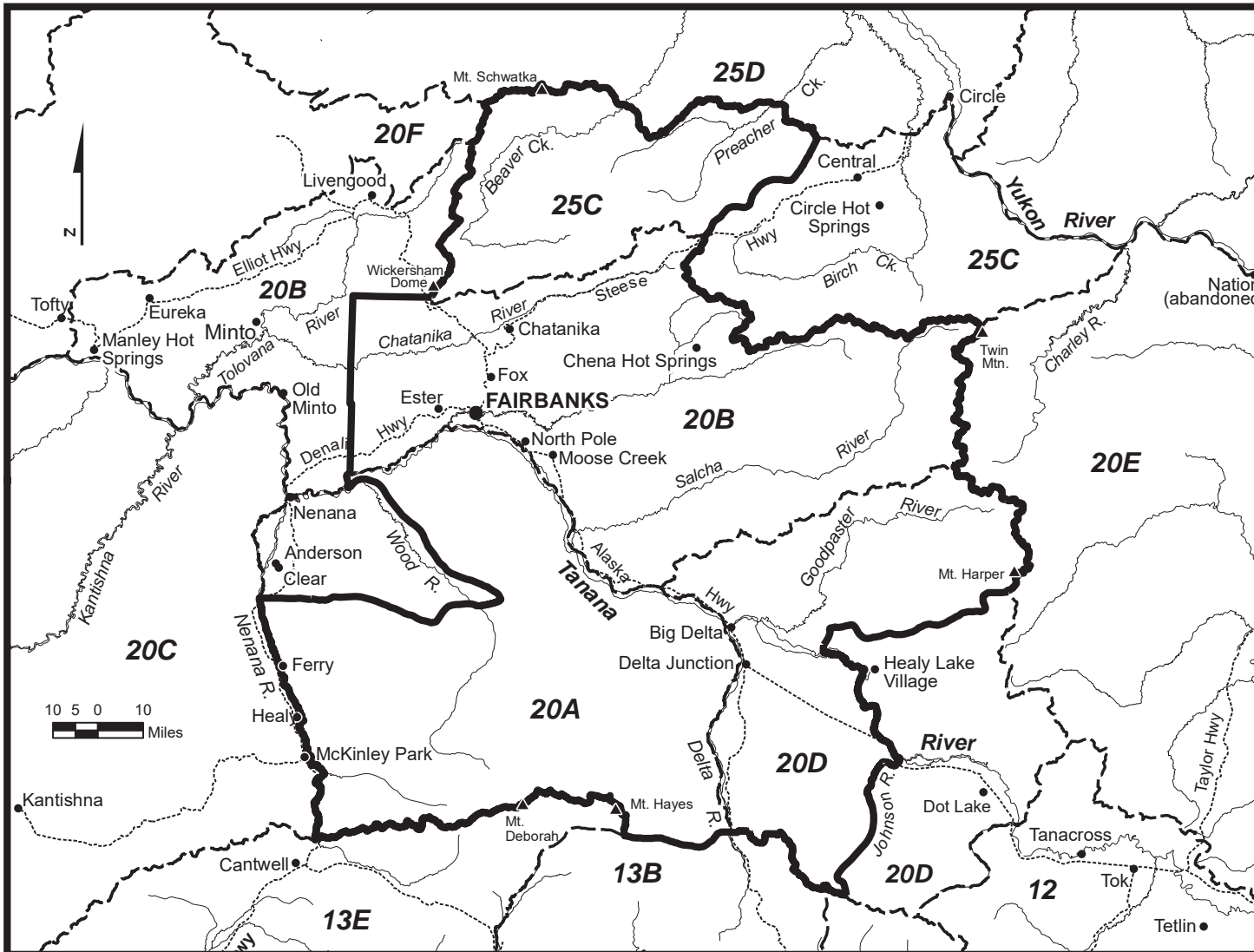


Alaska Department of Fish and Game  
Division of Subsistence and Boards

December 2016



# Fairbanks Nonsubsistence Area



**The Fairbanks Nonsubsistence Area** is comprised of the following:

- within Unit 20(A), as defined by 5 AAC 92.450(20) (A), east of the Wood River drainage and south of the Rex Trail but including the upper Wood River drainage south of its confluence with Chicken Creek;
- within Unit 20(B), as defined by 5 AAC 92.450(20) (B), the North Star Borough and that portion of the Washington Creek drainage east of the Elliot Highway;
- within Unit 20(D) as defined by 5 AAC 92.450(20) (D), west of the Tanana River between its confluence with the Johnson and Delta Rivers, west of the east bank of the Johnson River, and north and west of the Volkmar drainage, including the Goodpastor River drainage;
- and within Unit 25(C), as defined by 5 AAC 92.450(25) (C), the Preacher and Beaver Creek drainages.



## Legend

- Nonsubsistence Area Boundary
- GMU Boundary
- Roads



# MEMORANDUM

## State of Alaska Department of Law

TO: Kristy Tibbles  
Executive Director  
Alaska Board of Game

DATE: January 7, 2025

TEL. NO.: 907-269-5232

FROM: Cheryl Rawls Brooking  
Senior Assistant Attorney General  
Natural Resources Section  
Department of Law

SUBJECT: January 2025  
Central Southwest Region  
Board of Game meeting

### GENERAL COMMENTS

**In general, ethics disclosures:** Before staff reports begin on any new agenda item, or, if preferred, at the very beginning of the meeting, Ethics Act disclosures and determinations must be made under AS 39.52.

**In general, record-making:** It is very important that Board members carefully explain and clearly summarize on the record the reasons for their actions and the grounds upon which the actions are based. The Alaska Supreme Court has stressed the importance of a clear record to facilitate the courts in determining that the Board's actions are within its authority and are reasonable. A clear record also assists the public in understanding the Board's rationale. If Board members summarize the reasons for their actions before they vote, it will help establish the necessary record.

In considering each proposal, and the specific requirements that apply in some cases, such as with the subsistence law, it is important that the Board thoroughly discuss and summarize on the record the basis and reasons for its actions. Consistency with past approaches is another important point for discussion. If a particular action does not appear to be consistent, Board members should discuss their reasons for a different approach.

The Alaska Administrative Procedure Act requires that State agencies, including the Board of Game, "[w]hen considering the factual, substantive, and other relevant matter, ... pay special attention to the cost to private persons of the proposed regulatory action." AS 44.62.210(a). This requirement to pay special attention to costs means, at a minimum, that the Board should address any information presented about costs, or explicitly state that no such information was presented, during deliberation of any proposal likely to be adopted. In our view, this requirement does not go so far as to mandate that the Board conduct an independent investigation of potential costs, nor does it require that cost factor

into the Board's decision more than, for example, conservation concerns might. However, it does require the Board to address and "pay special attention to" costs relevant to each regulation adopted.

**In general, written findings:** If any issue is already in court, or is controversial enough that you believe it might result in litigation, or if it is complex enough that findings may be useful to the public, the Department, or the Board in the future, it is important that the Board draft and adopt written findings explaining its decisions. From time to time, the Department of Law will recommend that written findings be adopted, in order to better defend the Board's action. Such recommendations should be carefully considered, as a refusal to adopt findings, in these circumstances, could mean that the Board gets subjected to judicial oversight and second-guessing which might have been avoided. The Alaska Supreme Court has stressed the importance of an adequate decisional document, or written finding, to a determination that the Board has acted within its authority and rationally in adopting regulations, and has deferred to such findings in the past.

**In general, subsistence:** For each proposal the Board should consider whether it involves or affects identified subsistence uses of the game population or sub-population in question. If action on a proposal would affect a subsistence use, the Board must be sure that the regulations provide a reasonable opportunity for the subsistence uses, unless sustained yield would be jeopardized. If the Board has not previously done so, it should first determine whether the game population is subject to customary and traditional uses for subsistence and what amount of the harvestable portion, if any, is reasonably necessary for those uses. *See* 5 AAC 99.025 for current findings on customary and traditional uses and amounts reasonably necessary for subsistence uses. The current law requires that the Board have considered at least four issues in implementing the preference:

- (1) Identify game populations or portions of populations customarily and traditionally taken or used for subsistence; *see* 8 criteria at 5 AAC 99.010(b);
- (2) determine whether a portion of the game population may be harvested consistent with sustained yield;
- (3) determine the amount of the harvestable portion reasonably necessary for subsistence uses; and
- (4) adopt regulations to provide a reasonable opportunity for subsistence uses.

Reasonable opportunity is defined to mean "an opportunity, as determined by the appropriate board, that allows a subsistence user to participate in a subsistence hunt or fishery that provides a normally diligent participant with a reasonable expectation of success of taking of fish or game." AS 16.05.258(f). It is not to be construed as a guarantee of success.



The amount of the harvestable portion of the game population that is reasonably necessary for subsistence uses will depend largely on the amount of the game population used for subsistence historically and the number of subsistence users expected to participate. This may require the Board to determine which users have been taking game for subsistence purposes, and which ones have not. Once the Board has determined the amount reasonably necessary for subsistence uses, the Board should by regulation provide an opportunity that allows the predicted number of normally diligent participants a reasonable expectation of success in taking the subject game. The Board may base its determination of reasonable opportunity on all relevant information including past subsistence harvest levels of the game population in the specific area and the bag limits, seasons, access provisions, and means and methods necessary to achieve those harvests, or on comparable information from similar areas.

If the harvestable portion of the game population is not sufficient to provide for subsistence uses and any other consumptive uses, the Board is required to eliminate non-subsistence uses in order to provide a reasonable opportunity for subsistence uses. If the harvestable portion of the game population is still not sufficient to provide a reasonable opportunity for all subsistence uses, the Board is required to eliminate non-subsistence consumptive uses and distinguish among the subsistence users based on the following Tier II criteria:

- (1) The customary and direct dependence on the game population by the subsistence user for human consumption as a mainstay of livelihood; and
- (2) the ability of the subsistence user to obtain food if subsistence use is restricted or eliminated. AS 16.05.258.

**In general, intensive management:** Under AS 16.05.255 (e), (f) and (g), the Board should assure itself that the steps outlined below have been followed when acting on proposals dealing with ungulate populations.

**First** - Determine whether the **ungulate** population is **important for high levels of human consumptive use**. The Board has already made many of these determinations. See 5 AAC 92.108. However, these past findings do not preclude new findings, especially if based on new information.

– If so, then subsequent intensive management analysis may be required.

– If not, then no further intensive management analysis is required.

**Second** - Is the ungulate population **depleted** or will the Board be **significantly reducing the taking** of the population? See 5AAC 92.106(5) for the Board's current definition of "significant" as it relates to intensive management.

The Board must determine whether depletion or reduction of productivity, or Board action, is likely to cause a significant reduction in harvest.

- If either is true, then subsequent intensive management analysis is required.
- If not, then further intensive management analysis is not required.

***Third*** - Is intensive management appropriate?

(a) If the population is depleted, has the Board found that consumptive use of the population is a preferred use? Note that the Legislature has already found that “providing for high levels of harvest for human consumption in accordance with the sustained yield principle is the highest and best use of identified big game prey populations in most areas of the State ...” In the rare cases where consumptive use is not a preferred use, then the Board need not adopt intensive management regulations.

(b) If consumptive uses are preferred, and the population is depleted or reduced in productivity so that the result may be a significant reduction in harvest, the Board must consider whether enhancement of abundance or productivity is feasibly achievable using recognized and prudent active management techniques. At this point, the Board will need information from the Department about available recognized management techniques, including feasibility. If enhancement is feasibly achievable, then the Board must adopt intensive management regulations.

(c) If the Board will be significantly reducing the taking of the population, then it must adopt, or schedule for adoption at its next meeting, regulations that provide for intensive management *unless*:

1. Intensive management would be:
  - A. Ineffective based on scientific information;
  - B. Inappropriate due to land ownership patterns; or
  - C. Against the best interests of subsistence users;

*Or*

2. The Board declares that a biological emergency exists and takes immediate action to protect and maintain the population and also schedules for adoption those regulations necessary to restore the population.

## Comments on Individual Proposals

**Proposal 2** would amend 5 AAC 85.044 and 052 to establish bear baiting seasons statewide where baiting is allowed. This could be done at this meeting for Units 9, 11, 13, 14A, 14B, 16, and 17, or the Board could move this to the March statewide meeting.

**Proposal 8** would either recognize that the take of feral reindeer on Umnak Island is currently allowed or would amend 5 AAC 92.990(a)(21) to add feral reindeer on Umnak Island to the definition of deleterious exotic wildlife. If feral, the Board could establish seasons and bag limits. If defined as deleterious exotic wildlife, there would be no closed season and no bag limits.

**Proposal 33** would amend 5 AAC 92.085 to allow same-day-airborne (SDA) take of brown bear and wolves in Unit 17. This is a statewide regulation that prohibits taking big game until after 3:00 am following the day flying occurred, except for taking deer, travel on a commercial flight, or for taking bears in specified circumstances. SDA take of wolves is limited by statute; AS 16.05.783 allows the department to issue permits (authorized by the Board under and 5 AAC 92.039) for SDA take of wolves and wolverine in active IM areas. There is currently an active IM program in Unit 17 for Mulchatna caribou so permits can currently be issued for SDA take of wolves in Unit 17. Essentially this proposal would allow brown bears in Unit 17 to be taken SDA as an exception to the statewide regulation.

**Proposal 35** would amend 5 AAC 84.270 to shorten trapping season for wolverine in Units 9, 17, and 18 to end the last day of February. Unit 18 is not in the region so this proposal, if passed, would need to be amended to exclude Unit 18.

**Proposal 49** would amend 5 AAC 85.025 to close Nelchina caribou harvest for 6 years or until the herd reaches a population of 37,500, in Units 11, 12, 13, 14B and 20E. Units 12 and 20 are included in the proposal but are outside of the region so the proposal would need to be amended to exclude Units 12 and 20.

**Proposal 51** seeks to amend 5 AAC 85.055 to open a resident sheep hunt in the Chitina River drainage in Unit 11 (North of the Chitina River, west of Canyon Creek, and south of Young Creek (MacColl ridge)). Currently there are sheep seasons and bag limits established for residents and nonresidents in Unit 11. If adopted, the board will need to amend the proposal to clarify changes in the hunt structure.

**Proposal 78** would amend 5 AAC 92.122 to allow SDA take of wolves in an active Unit 16 IM Plan so anyone holding a license can hunt SDA if at least 300 feet from the airplane. Under AS 16.05.783 and current regulations (including 5 AAC 92.039), a hunter must obtain a permit from the department to take a wolf SDA as part of an active IM program.



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Public  
Safety

DIVISION OF ALASKA WILDLIFE TROOPERS  
Office of the Director

5700 East Tudor Road  
Anchorage, Alaska 99507-1225  
Main: 907.269.5509

Mr. Stosh (Stanley) Hoffman  
Chair – Alaska Board of Game

December 20, 2024

Mr. Chair and members of the board. Please see the attached comments from the Department of Public Safety, Division of Alaska Wildlife Troopers (AWT) concerning proposals before the board during the upcoming Central & Southwest Region Board of Game meeting. AWT recognizes that regulations are developed by the Alaska Boards of Fish and Game through the public process to support management plans. Management plans rely upon compliance with regulations to achieve success and enforcement is a crucial element to ensure long-term compliance with regulations by the public. The Alaska Wildlife Troopers request the board recognize that the division has limited resources and manpower, and any new regulation scheme or area restrictions may place an additional burden on AWT and directly impact enforcement efforts in other areas of concern. AWT generally is neutral in position on proposals having to do with allocation or biological concerns and will not have a written comment except when concerns exist in proposed language that may cause unintended enforcement challenges.

**Proposal 3:** Seeks to allow the use of cellular cameras for the taking of black and brown bear over bait in GMU's 9, 11, 13, 14B, 16, and 17.

AWT is neutral on this proposal. 5AAC 92.080(7)(H) currently prohibits the use of any camera or other sensory device that can send messages through wireless communication. Whenever possible AWT prefers consistency in regulations; particularly for methods and means. Consistency reduces incidents of mistakes by the public and reduces regulatory confusion for all users. AWT would caution the board that if adopted, this proposal may result in Troopers having a difficult time proving what species a cellular camera was being used to target thus rendering the remaining prohibitions for use in targeting other species within the same GMU's essentially unenforceable.

**Proposal 20:** Seeks to establish a separate non-resident trapping season and bag limit structure for Arctic Fox in GMU 10.

AWT is neutral as to the allocative nature of this proposal but is opposed to having separate seasons and bag limits for resident vs. non-resident trapping due to the inconsistencies this would create. Trapping regulations are not specific to residency and the nature of trapping is not conducive to a residency restriction. Such a delineation would prove difficult to enforce because one person can establish the trapline and another can check it.

**Proposal 34:** Seeks to allow same day airborne take of brown bears for resident hunters in GMU 17 from August 20 – May 31.

AWT is opposed to this proposal. Alaska has long maintained a prohibition on the taking of big game same-day airborne to comply with long established fair chase principles. Limited exceptions have been approved by the board, normally associated with directed and permitted predator control programs and more recently, for species typically harvested over a stationary bait site (black bear) during time periods separate from the general fall hunting seasons. Allowing same-day airborne harvest of brown bears, particularly during fall general hunting seasons, will make enforcement of all other same-day airborne prohibitions much more difficult than it already is. With fewer than 90 Wildlife Troopers across the entire state, AWT relies on others in the field to note and report suspicious activity such as observing hunters arrive via aircraft and observing game harvested immediately thereafter. Allowing same day airborne harvest of a single species that shares open seasons with other big-game will result in extreme challenges to AWT being able to effectively enforce the prohibition concerning same day airborne take of other big-game.

**Proposal 46:** Seeks to change the current community harvest hunt in GMU 13 to a registration hunt with associated permit hunt conditions prohibiting the use of motorized vehicles.

AWT is neutral to this proposal related to its allocative nature. 5AAC92.051(8) allows for the prohibition of motorized vehicles as a condition of a permit hunt under the discretionary authority of ADF&G managers.

AWT does note enforcement concerns with the proposal as written. AWT would have no way to recognize from a distance if a hunter in the field was hunting moose under this proposed registration permit or another open species which would allow use of a motorized vehicle. For example, if the Nelchina caribou hunt were to re-open, there would be caribou hunters in the field using motorized vehicles in the same areas, and at the same time that this hunt is occurring. AWT also has concerns that the language for the area closed to motorized vehicle use is unclear. It is assumed the author means motorized vehicles would be allowed on state-maintained roadways including the Parks, Denali, Richardson and Glenn Highways? As written it indicates any area accessible from these roadways within GMU 13 would still be open to the use of motorized vehicles.

**Proposal 61:** Seeks to delay the start date of ptarmigan season in GMU 13B from August 10<sup>th</sup> to August 20<sup>th</sup>.

AWT is neutral to this proposal but for consistency would ask the board to align the opening date to be consistent across the entire game management unit as it currently is.

Wildlife Troopers are already required to know and understand complex regulations and during a typical patrol day may conduct enforcement patrols in several different Game Management Units and sub-units. Having different season dates for the same species within the same GMU is complex for enforcement as well as the public and makes enforcement quite challenging. If there is a biological need to open ptarmigan season later in subunit 13B, AWT would ask the board to maintain season consistency across the entire unit and consider having the opening date align with other traditional opening days such as September 1<sup>st</sup>.

**Proposal 76:** Seeks to allow the take of brown bear in Unit 16 the same day airborne from October 1 – August 9<sup>th</sup> provided a hunter is at least 300 feet from the aircraft.

AWT is opposed to this proposal. Same day airborne harvest is already permitted for both black and brown bears in GMU 16 at a registered bait site. Hunting of brown bears during the dates in this proposal, outside of registered bait sites almost entirely occurs in the spring when bears are leaving the den. Allowing SDA harvest of brown bears would undoubtedly lead to dozens if not hundreds of Anchorage and Mat-Su area pilots stalking brown bears from the air during the months of April and early May west of the Susitna River when bears are leaving their dens. Without a snowmachine already staged in the area, the only effective means to harvest a bear under this proposal is landing very near a bear and shooting the animal before it departs the area. This could cause significant unintended aviation safety concerns both regarding potential mid-air collisions as well as landing mishaps and accidents. As AWT is also primarily responsible for Search and Rescue response in many areas of the state including the South Central Alaska area, this could easily cause an uptick in search and rescue events due to pilot mishaps. Same Day Airborne as part of Intensive Management typically includes a process for vetting pilots and their abilities prior to being permitted. This proposal would remove that safety filter and allow anyone with a plane and license to try their hand at land and shoot bear hunting.

**Proposal 79:** Seeks to extend the wolf trapping season in Unit 14A by one month to close April 30<sup>th</sup>.

AWT is neutral towards this proposal. AWT has concerns that a large portion of GMU 14A is mostly urban/residential and large areas of the subunit are mostly snow free by early April. This proposal could lead to a higher volume of conflicts between trappers and other outdoor users who begin to go further afield once the snow melts. AWT additionally has concerns for a higher likelihood of fur loss due to warmer temperatures and trappers being unable to access trap locations due to breakup conditions in 14A.

**Proposal 81:** Seeks to add to the prohibitions contained in 5AAC92.095 by requiring traps and snares set within 2 miles of publicly maintained roads in Unit 14A be checked at least every 36 hours.

AWT is neutral towards this proposal with regards to mandatory check timeframes. AWT wishes to note that without trap identification requirements or expensive and specialized equipment, enforcement of this would be extremely challenging for Wildlife Troopers. Urban and highly populated areas such as GMU 14A draw a wide variety of individuals and often several trappers will operate in close proximity with no established trapline “belonging” to an individual. This is even more likely in areas near publicly maintained roads and highways. Without trap identification requirements a trap found in violation would require a Trooper to monitor that trap nearly constantly until a person returned and claimed ownership. Unfortunately, many would likely eat the cost of a trap vs. claiming ownership and receiving a citation. Furthermore if a friend were checking traps for the owner they could be inadvertently be held liable even though they were not the person who set the trap.

**Proposal 82:** Seeks to add to the areas closed to trapping contained in 5AAC92.550 by prohibiting trapping less than three (3) feet above the hard ground, and/or above the water, or not set within an enclosure within 50 yards of several listed trails within the Matanuska Susitna Borough.

AWT is neutral on this proposal regarding setbacks on popular recreation trails. AWT has concerns that the proposal as currently written could be extremely challenging to enforce for numerous reasons. First, without trap identification requirements, enforcement of this would be all but impossible for Wildlife Troopers. Urban and highly populated areas such as the Matanuska Susitna Borough draw a wide variety of individuals and often several trappers will operate in close proximity with no established trapline

“belonging” to an individual. Without trap identification requirements a trap found in violation would require a Trooper to monitor that trap nearly constantly until a person returned and claimed ownership. Second the board will need to specify what source would be used to define the limits of the listed trails covered in this proposal. The maps linked in the proposal come from several sources and were created at various times over the past number of years. The board would need to define which maps would be valid and specify if a trail map was updated in the future with new trails, if that new trail would automatically fall under this regulation or not. Third – some trails vary over time due to various natural events such as erosion, landslides, and even snow cover. The location of the Gold Mint Trail in Hatcher's Pass in summer is not the exact location that the snowmachine and ski traveled Gold Mint Trail exists in the winter. Finally, the definition of “enclosed” would need to be established for purposes of this regulation as currently the term is not defined in 5AAC92.

Thank you for the opportunity to offer comments to the board. A representative from AWT will be available throughout the board meetings and deliberations to answer questions from board members.

Sincerely,

A handwritten signature in cursive script that reads "Brent Johnson".

Brent Johnson

Captain – Alaska Wildlife Troopers – AWT BOG Liaison

Proposal 49 - Maps and Additional Information  
Submitted by: Ahtna Intertribal Resource Commission

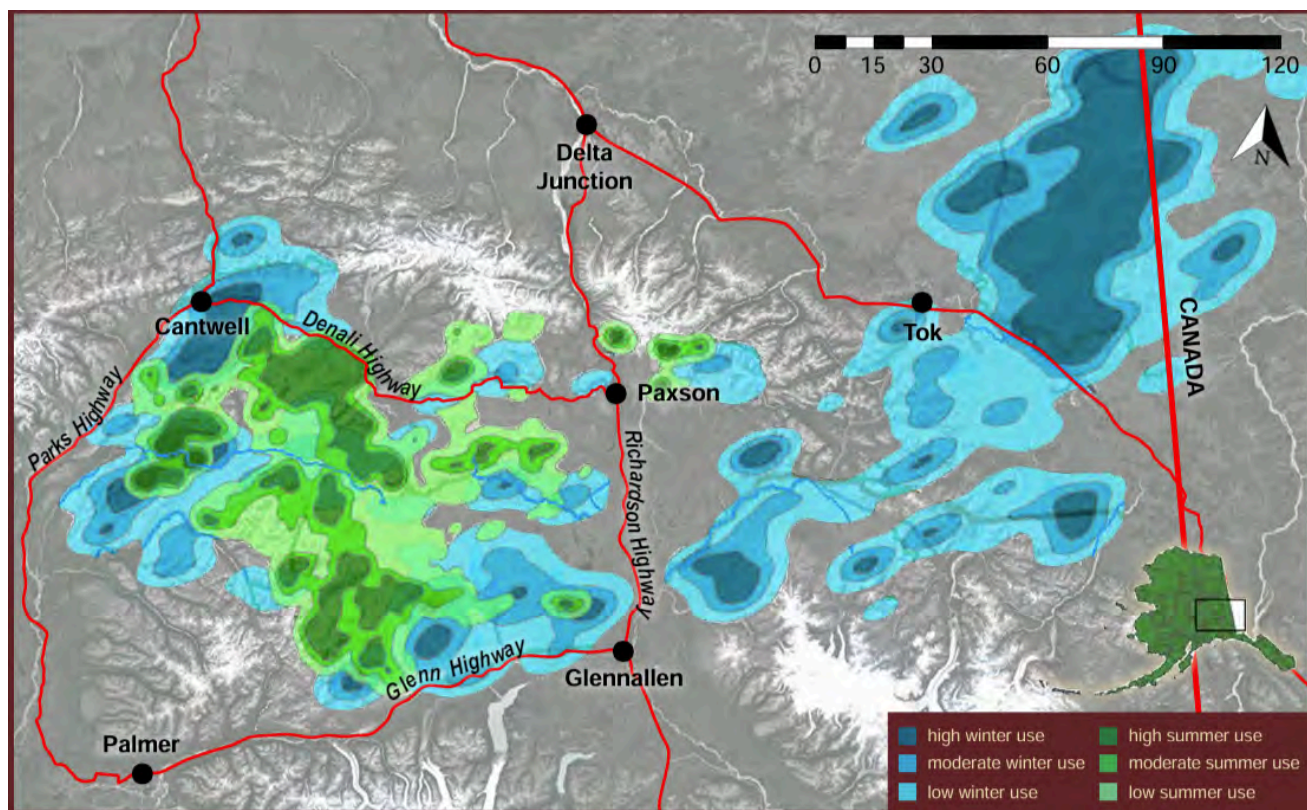


Figure 1. Data presented by ADFG in the Nelchina Caribou News 2017: Nelchina caribou herd winter (blue) and summer (green) range from 2012 to 2015. The darker colors represent areas of greater use.



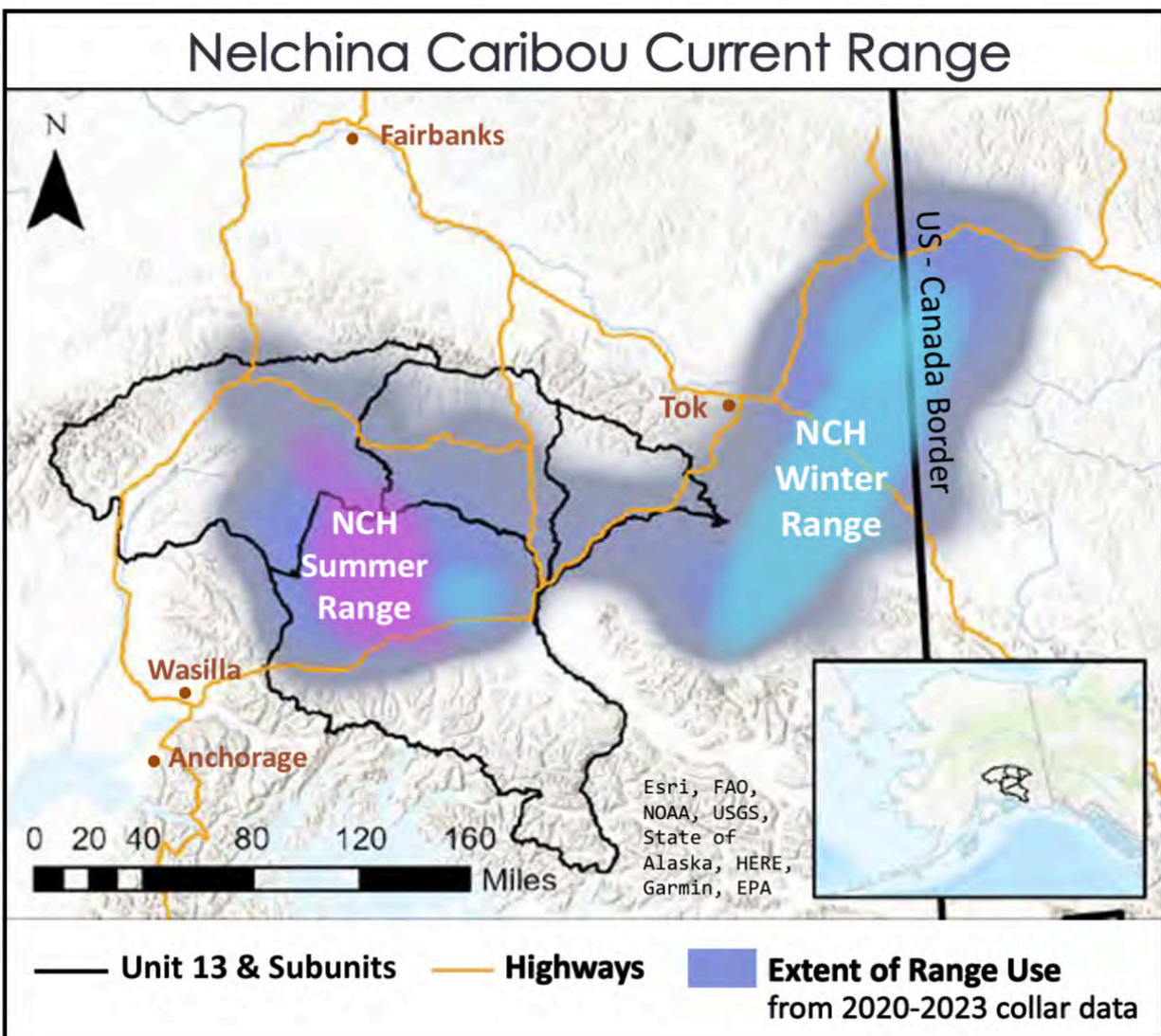


Figure 2. Data presented by ADFG in the Nelchina Caribou News 2023: GPS collar data of Nelchina Caribou from 2020-2023. The range of the herd encompasses GMU 11, 12, 13, 14, and 20.

# Proposal 49 - Maps and Additional Information

## Submitted by: Ahtna Intertribal Resource Commission

Attachment A



GMU 13 Caribou Moratorium

RC081

### Ahtna Intertribal Resource Commission

PO Box 613 — Glennallen, Alaska 99588  
Phone: (907) 822-4466 Fax: (907) 822-4406  
[www.ahtnatribe.org](http://www.ahtnatribe.org)  
[connect@ahtnatribe.org](mailto:connect@ahtnatribe.org)

March 20, 2023

Alaska Board of Game  
Southcentral Region Meeting March 17-22, 2023  
Soldotna, Alaska

The Ahtna Intertribal Resource Commission (AITRC) Fish & Wildlife Committee met to discuss Proposal 207 to re-establish Nelchina caribou Tier II hunt management options for the ADF&G. Discussions focused on current Nelchina caribou population status, the continuing boom and bust management regime, and what it would take to get the population back into management objectives. Discussions were heavily influenced by the historical legacy of Tier II management in Unit 13, where young people were disenfranchised from participation and the prohibition of proxy hunting failed to recognize community patterns of use. The Committee concluded that Proposal 207 should be amended to include a moratorium on all hunting until the 2027-2028 regulatory cycle, or until population management objectives and demographic metrics (i.e. bull:cow ratios, calf:cow ratios) are achieved so as to rebuild the herd for all uses rather than go into Tier II.

The AITRC Fish and Wildlife Committee consists of six representatives from the AITRC member Tribes knowledgeable in traditional, state, and federal regulation. Their decision was difficult to make because of the sacrifice a caribou hunting moratorium would represent for subsistence-dependent families and communities. In addition to a caribou harvest decline below the lower limit of the ANS range, regionwide moose harvest is down. Federal subsistence caribou harvest is half of normal. A moratorium on caribou hunting will mean even more dependence on Copper River salmon, where the uppermost reach of the Glennallen Subdistrict ANS is rarely achieved.

However, the legacy of Tier II management and the necessity of retaining the community hunt structure compelled the AITRC Fish and Wildlife Committee to prioritize future subsistence hunting opportunities rather than continue harvesting Nelchina caribou under Tier II management when there is not a harvestable surplus or cows or bulls as outlined below:

Population		Bull:Cow Ratio		Calf:Cow Ratio	
Objective	Estimate	Objective	Estimate	Objective	Estimate
35,000 - 40,000	17,433 ± ??	40:100	26:100	40:100	16:100

The Ahtna Intertribal Resource Commission (AITRC) has closely monitored the Nelchina Caribou Herd over the years and has observed a consistent decline in population since 2019 (see Figure 1). The population objective for the herd is currently set at 35,000-40,000 animals, but the most recent population estimate in 2022 was only around 17,433 animals. It is highly

Tain'aan

problematic that ADF&G fails to provide confidence intervals associated with such point estimates to allow the public to fully evaluate the uncertainty associated with these estimates. However, what AITRC's scientists can discern is that the current point estimate represents a 67% decline in a three-year period.

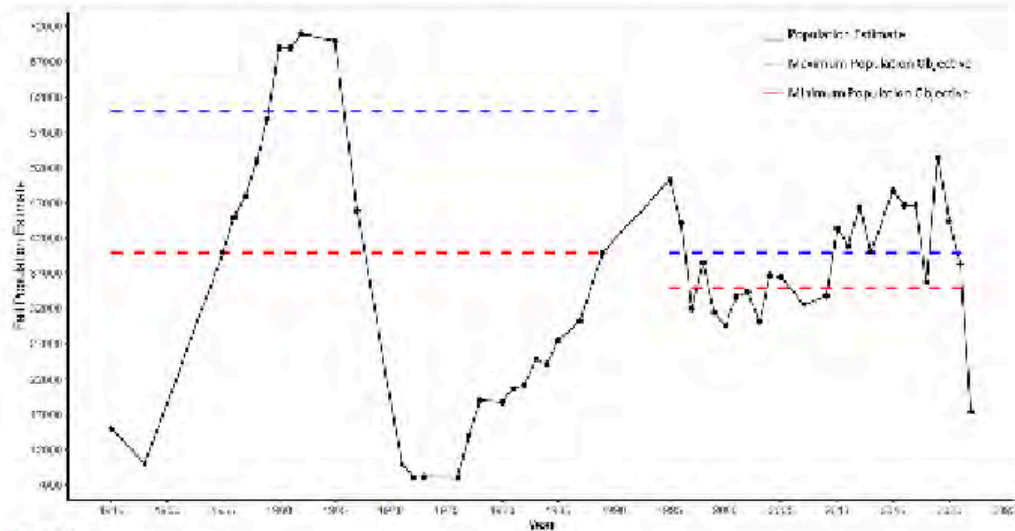


Figure 1

The Nelchina Caribou Herd is an important cultural and subsistence resource for the Ahtna people and other local communities, and we have a responsibility to ensure its long-term survival. We understand that hunting is an important part of Alaska's culture and economy, but we believe that a moratorium on the hunting of the Nelchina Caribou Herd is necessary to allow the population to recover to sustainable levels. This will also ensure that future generations of Alaskans will have access to this important resource.

We urge the Board to take immediate action to implement a moratorium on the hunting of the Nelchina Caribou Herd and to work with local communities, including AITRC, to develop a long-term management plan that ensures the sustainable use of this important resource. Should the caribou reach the mid-point of the population management objective of 35,000-40,000 before the 5 years Tier I and CSH can be implemented. The non-subsistence and draw hunts should only be restored when the population is above the management objective and demographic metrics.

AITRC was established by its eight federally recognized Tribes and two ANCSA corporation landowners who have sustainably stewarded the Nelchina caribou herd for over 10,000 years. AITRC and its member organizations are guided by the longstanding indigenous principle that if we (all of us) take care of the animals, they will in turn take care of us. It is time to take care of them by this moratorium. This action will allow the herd to recover more quickly.