

# Alaska Board of Game

## Meeting Workbook

RC1

Statewide Regulations  
March 21-28, 2025  
Anchorage, Alaska





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**ALASKA BOARD OF GAME**  
**Statewide Regulations Meeting**  
Anchorage, AK | March 21 – 28, 2025

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**ALASKA BOARD OF GAME**  
**Statewide Regulations Meeting**  
**Egan Civic and Convention Center**  
**March 21-28, 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, March 21, 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

POTENTIAL EXECUTIVE SESSION

**THE DEADLINE TO SIGN UP TO TESTIFY will be 10:00 a.m. Saturday, March 22.** 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, March 22, 8:30 a.m.**

PUBLIC AND ADVISORY COMMITTEE ORAL TESTIMONY continued

**Sunday, March 23, 10:30 a.m.**

PUBLIC AND ADVISORY COMMITTEE ORAL TESTIMONY continued/concluded

BOARD DELIBERATIONS upon conclusion of public testimony

**Monday, March 24 through Thursday, March 27, 8:30 a.m.**

BOARD DELIBERATIONS continued

**Friday, March 28, 8:30 a.m.**

BOARD DELIBERATIONS continued/concludep

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

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**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  
Statewide Regulations Meeting  
March 21 - 28, 2025 | Anchorage, AK  
Egan Center, Anchorage, Alaska**

**List of Oral Reports**

**Friday, March 21, 2025** (following opening business)

1. Agency Updates/Reports
2. Lower Tanana Wood Bison Management Plan Report – Tom Seaton, ADF&G
3. Unit 19C Sheep Working Group Report – Alistair Bathe, Facilitator, and Designated Working Group Members



## **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

Prepared by:

/S/

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**Alaska Board of Game**  
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**March 21 - 28, 2025 | Anchorage, AK**  
**Egan Center, Anchorage, Alaska**

Tentative Roadmap

**Migratory Bird Hunting (3 Proposals)**

- \_\_\_\_\_ **Proposal 85:** Change the definition for migratory bird hunting guide services to include transporter services.
- \_\_\_\_\_ **Proposal 86:** Require mandatory harvest reporting of sea ducks.
- \_\_\_\_\_ **Proposal 87:** Restrict the use of boats for hunting waterfowl.

**Hunter Education Requirements (3 Proposals)**

- \_\_\_\_\_ **Proposal 89:** Require nonresident moose hunters to attend a hunter orientation course and be accompanied by a registered guide or resident family member within the second degree of kindred.
- \_\_\_\_\_ **Proposal 90:** Require all goat hunters to pass an online mountain goat quiz prior to hunting.
- \_\_\_\_\_ **Proposal 91:** Require all goat hunters to pass an online mountain goat quiz prior to hunting.

**Sheep Hunting (10 Proposals)**

- \_\_\_\_\_ **Proposal 92:** Require sheep hunters to complete an online education course.
- \_\_\_\_\_ **Proposal 93:** Change the sealing requirement for Dall sheep horns from permanent to nonpermanent.
- \_\_\_\_\_ **Proposal 94:** Change the definition for “full-curl” ram.
- \_\_\_\_\_ **Proposal 95:** Repeal the age criteria for the definition of full-curl horn ram.
- \_\_\_\_\_ **Proposal 96:** Repeal the age criteria for the definition of full-curl horn ram.
- \_\_\_\_\_ **Proposal 97:** Lengthen the time period hunters are restricted from using aircraft for hunting sheep.
- \_\_\_\_\_ **Proposal 98:** Lengthen the time period hunters are restricted from using aircraft for hunting sheep.
- \_\_\_\_\_ **Proposal 99:** Shorten the time period hunters are restricted from using aircraft for hunting sheep and modify the use of aircraft restrictions.
- \_\_\_\_\_ **Proposal 100:** Limit nonresident sheep hunting opportunity statewide so that nonresidents do not harvest more than 35 percent of total sheep harvest from any game management subunit.
- \_\_\_\_\_ **Proposal 101:** Add sheep to the list of species identified as important for providing high levels of human consumptive use.

### **Unit 19C Sheep Hunting (19 Proposals)**

- \_\_\_\_\_ **Proposal 190:** Modify the resident and nonresident hunt structure for sheep in Unit 19C and establish a guide concession pilot program.
- \_\_\_\_\_ **Proposal 192:** Modify the resident and nonresident hunt structure for sheep in Unit 19C.
- \_\_\_\_\_ **Proposal 102:** Reopen all Unit 19C sheep hunts.
- \_\_\_\_\_ **Proposal 103:** Reopen Unit 19C to sheep hunting.
- \_\_\_\_\_ **Proposal 104:** Reauthorize nonresident Dall sheep hunting in Unit 19C.
- \_\_\_\_\_ **Proposal 105:** Reopen Unit 19C to nonresident sheep hunters.
- \_\_\_\_\_ **Proposal 106:** Reopen sheep hunting in Unit 19C to nonresidents.
- \_\_\_\_\_ **Proposal 107:** Reestablish seasons and bag limits for sheep hunting in Unit 19C.
- \_\_\_\_\_ **Proposal 108:** Change nonresident sheep hunting in Unit 19C.
- \_\_\_\_\_ **Proposal 109:** Reopen sheep hunting in Unit 19C to nonresidents, by bow and arrow only.
- \_\_\_\_\_ **Proposal 110:** Change the sheep bag limit in Unit 19C for resident hunters to one ram with full- curl horn or larger every two regulatory years.
- \_\_\_\_\_ **Proposal 111:** Set the sheep bag limit in Unit 19C for resident hunters based on the age of the ram harvested, for six- to eight-year-old rams.
- \_\_\_\_\_ **Proposal 112:** Set the sheep bag limit in Unit 19C for resident hunters based on the age of the ram harvested, for six- to ten-year-old rams.
- \_\_\_\_\_ **Proposal 113:** Shorten the sheep hunting season in Unit 19C for residents and open a season for nonresidents in Unit 19C.
- \_\_\_\_\_ **Proposal 114:** Change all sheep hunting in Unit 19C to archery only, and require future nonresident sheep hunting in Unit 19C to be by bow and arrow only.
- \_\_\_\_\_ **Proposal 115:** Reopen the subsistence winter sheep hunts in Unit 19C.
- \_\_\_\_\_ **Proposal 116:** Reopen the late season resident only subsistence sheep registration hunt RS380 in Unit 19C.
- \_\_\_\_\_ **Proposal 117:** Modify sheep hunting opportunity in Unit 19C or other subunits in the western Alaska Range by implementing a sheep management plan.
- \_\_\_\_\_ **Proposal 118:** Close all nonresident sheep hunting in Unit 19.

### **Game Management Unit and Controlled Use Area Boundaries (4 Proposals)**

- \_\_\_\_\_ **Proposal 119:** Change the boundary between Units 21E and 21D.
- \_\_\_\_\_ **Proposal 120:** Change the boundary between Unit 25C and 25D.
- \_\_\_\_\_ **Proposal 121:** Divide Unit 15C into two subunits.
- \_\_\_\_\_ **Proposal 191:** Define the beginning and terminus of the Nine Mile trail in the Ladue River Controlled Use Area.

### **Proxy Hunting (2 Proposals)**

- \_\_\_\_\_ **Proposal 122:** Allow proxy hunting for plains bison statewide.
- \_\_\_\_\_ **Proposal 123:** Allow remuneration to be provided to proxy hunters

### **Cultural Permits (1 Proposal)**

- \_\_\_\_\_ **Proposal 88:** Add wood bison to the list of game species allowed to be taken for cultural purposes under a permit issued by the Department of Fish and Game.

### **Permits for Bear Baiting (2 Proposals)**

- \_\_\_\_\_ **Proposal 124:** Define the term “permanent dwelling” to “permanent domicile” for the purpose of bear baiting.
- \_\_\_\_\_ **Proposal 125:** Define "developed recreation facility" and "permanent dwelling" for bear baiting in Units 15 and 7.

### **Unlawful Methods & Means (9 Proposals)**

- \_\_\_\_\_ **Proposal 126:** Allow the use of electronically enhanced night vision and forward-looking infrared devices for taking furbearers statewide
- \_\_\_\_\_ **Proposal 127:** Allow the use of electronically enhanced night vision and forward-looking infrared devices for taking furbearers statewide.
- \_\_\_\_\_ **Proposal 128:** Allow the use of night vision and thermal optics for taking furbearers Statewide.
- \_\_\_\_\_ **Proposal 187:** Allow the use of night vision, thermal scopes, and artificial light to be used only for hunting predators.
- \_\_\_\_\_ **Proposal 129:** Establish a minimum standard of centerfire rifle cartridges for taking big Game.
- \_\_\_\_\_ **Proposal 130:** Establish a minimum standard of centerfire rifle cartridges for taking moose.
- \_\_\_\_\_ **Proposal 131:** Require identification tags be attached to traps and snares.
- \_\_\_\_\_ **Proposal 132:** Prohibit nonresidents from using snowmachines to approach and pursue the take of wolves and wolverine.
- \_\_\_\_\_ **Proposal 133:** Prohibit trappers from using snowmachines to approach and pursue the take of wolverine.

### **Hunting & Other Permits (7 Proposals)**

- \_\_\_\_\_ **Proposal 134:** Allocate 90% of all moose drawing permits to residents.
- \_\_\_\_\_ **Proposal 135:** Allocate 10% of the big game drawing permits to nonresidents.
- \_\_\_\_\_ **Proposal 136:** Limit bison and musk ox drawing permit hunts to once in a lifetime and allow applicants to apply once per hunt.
- \_\_\_\_\_ **Proposal 137:** Change the drawing hunt permit process.



\_\_\_\_\_ **Proposal 138:** Remove the requirement for a locking tag in subsistence hunts for musk ox.

\_\_\_\_\_ **Proposal 188:** Award DI403 and DI404 permit recipients whose tags were cancelled on July 24, 2024, the same hunting permits for an upcoming season, and develop a plan with ADF&G to ensure late season changes do not impact hunters.

\_\_\_\_\_ **Proposal 189:** Allow a permittee who had their Unit 20D bison permit revoked for regulatory year 2024, to have the permit transferred to regulatory year 2026 upon request or remove the lifetime and ten-year loss of eligibility for those hunters to apply.

#### **Salvage, Sealing & Sale of Game (6 Proposals)**

\_\_\_\_\_ **Proposal 139:** Change the evidence of sex requirements for horned big game animals.

\_\_\_\_\_ **Proposal 140:** Eliminate the evidence of sex requirement for big game having bag limit restricted to one sex.

\_\_\_\_\_ **Proposal 141:** Allow the transfer of possession of game meat and game parts to be captured in a digital video format or on paper form.

\_\_\_\_\_ **Proposal 142:** Allow for the sale of legally harvested big game trophies without a permit.

\_\_\_\_\_ **Proposal 143:** Allow for the sale of legally harvested big game trophies without a permit.

\_\_\_\_\_ **Proposal 144:** Shorten the time period from six months to 60 days for taxidermist to obtain a permit to sell unclaimed furs, skins, and trophies.

#### **Permits for Possessing Live Game (Clean List) (3 Proposals)**

\_\_\_\_\_ **Proposal 145:** Add Eurasian Eagle Owl to the list of animals allowed to be possessed in Alaska without a permit.

\_\_\_\_\_ **Proposal 146:** Exempt sterilized cats from the list of species prohibited from being released into the wild.

\_\_\_\_\_ **Proposal 147:** Delegate authority from the Board of Game to the Commissioner of the Department of Fish and Game.

#### **Intensive Management (1 Proposal)**

\_\_\_\_\_ **Proposal 148:** Impose certain conditions on the commissioner's ability to implement an intensive management plan following its adoption by the Board of Game.

#### **Advisory Committee Jurisdiction for Antlerless Moose Hunts (1 Proposal)**

\_\_\_\_\_ **Proposal 149:** Add the Nushagak and Togiak ACs to the applicable subunits for authorizing antlerless moose hunts and move the Stony/Holitsna AC from the Western Region to the Interior Region.

#### **Reauthorizations for Antlerless Moose Hunts and Brown Bear Tag Fee Exemptions (16 Proposals)**

\_\_\_\_\_ **Proposal 150:** Reauthorize resident grizzly/brown bear tag fee exemptions throughout Interior and Northeast Alaska.

\_\_\_\_\_ **Proposal 151:** Reauthorize the current resident tag fee exemptions for brown bear in Units 18,

22, 23 and 26A.

\_\_\_\_\_ **Proposal 152:** Reauthorize the antlerless moose season in Unit 6(C).

\_\_\_\_\_ **Proposal 153:** Reauthorize the antlerless moose season in the Twenty mile/Portage/Placer hunt area in Units 7 and 14(C).

\_\_\_\_\_ **Proposal 154:** Reauthorize the antlerless moose seasons in Unit 14(C).

\_\_\_\_\_ **Proposal 155:** Reauthorize the antlerless moose season on Kalgin Island in Unit 15B.

\_\_\_\_\_ **Proposal 156:** Reauthorize the antlerless moose seasons in Unit 15C.

\_\_\_\_\_ **Proposal 157:** Reauthorize the resident antlerless moose season in Unit 18.

\_\_\_\_\_ **Proposal 158:** Reauthorize a fall antlerless hunt during September and a winter any-moose season during February in a portion of Unit 19D.

\_\_\_\_\_ **Proposal 159:** Reauthorize the antlerless moose seasons in Unit 20A.

\_\_\_\_\_ **Proposal 160:** Reauthorize the antlerless moose seasons in Unit 20B.

\_\_\_\_\_ **Proposal 161:** Reauthorize the antlerless moose hunting seasons in Unit 20D.

\_\_\_\_\_ **Proposal 162:** Reauthorize the antlerless moose seasons in Unit 20E.

\_\_\_\_\_ **Proposal 163:** Reauthorize a winter any-moose season during March in a portion of Unit 21D.

\_\_\_\_\_ **Proposal 164:** Reauthorize a winter any-moose season during part of February and March in Unit 21E.

\_\_\_\_\_ **Proposal 165:** Reauthorize the resident antlerless moose season in Unit 26.

### **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 166:** Add an exception for shooting from, on or across a highway where a highway is seasonally closed to normal traffic.

\_\_\_\_\_ **Proposal 169:** Exempt a resident in possession of tribal cards from the regulation requiring a hunting license.

\_\_\_\_\_ **Proposal 170:** Allow the transfer of a hunting permit from mother to child, when unable to hunt due to a pregnancy.

\_\_\_\_\_ **Proposal 172:** Remove the prohibition of nonresident aliens to hunt as second degree of kindred.

\_\_\_\_\_ **Proposal 173:** Require Alaska big game hunting guides to be Alaska residents.

\_\_\_\_\_ **Proposal 174:** Modify the process for the intensive management of bears.

\_\_\_\_\_ **Proposal 175:** Modify the regulations for taking big game for certain religious ceremonies.

\_\_\_\_\_ **Proposal 176:** Modify the regulations for taking big game for Alaska Native Memorial Potlatch ceremonies.

\_\_\_\_\_ **Proposal 177:** Implement a state guide concession area.

- \_\_\_ **Proposal 178:** Modify the provisions for taking game by proxy.
- \_\_\_ **Proposal 179:** Modify the provisions for taking game by proxy.
- \_\_\_ **Proposal 180:** Modify the provisions for taking game by proxy.
- \_\_\_ **Proposal 181:** Modify the provisions for taking game by proxy.
- \_\_\_ **Proposal 182:** Modify the provisions for taking game by proxy.
- \_\_\_ **Proposal 183:** Modify the provisions for taking game by proxy.
- \_\_\_ **Proposal 185:** Modify the Tier II subsistence hunting permit point system.
- \_\_\_ **Proposal 186:** Modify the definition for certain sea ducks to include bufflehead, and Barrow's and common goldeneyes.





## 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 Members

<u>NAME AND ADDRESS</u>	<u>TERM EXPIRES</u>
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[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)

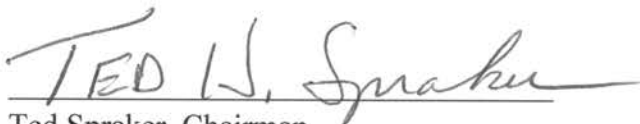
Authority: AS 16.05.251, AS 16.05.255, AS 16.05.258

**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.

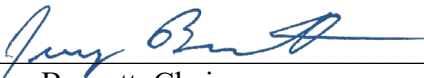
#### Terminating Wolf Control

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.

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

  
\_\_\_\_\_  
Jerry Burnett, Chairman  
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, reading "TED N. Spraker". The signature is written in a cursive style with a horizontal line underneath the name.

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.

**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 fo 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 Ludkins, Chairman  
Alaska Board of Game

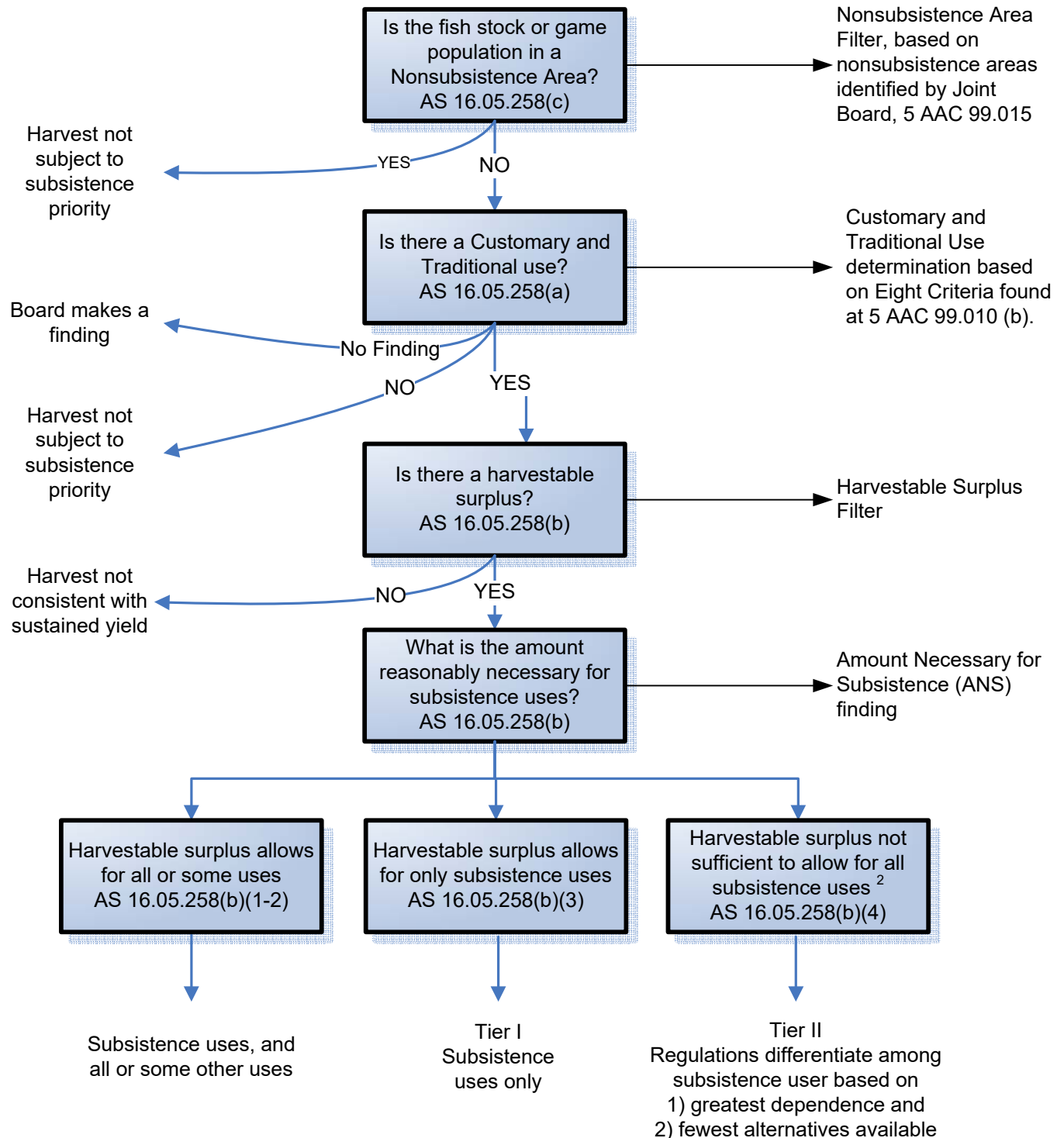
Vote: 7-0  
March 12, 2007  
Anchorage, Alaska

## **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**

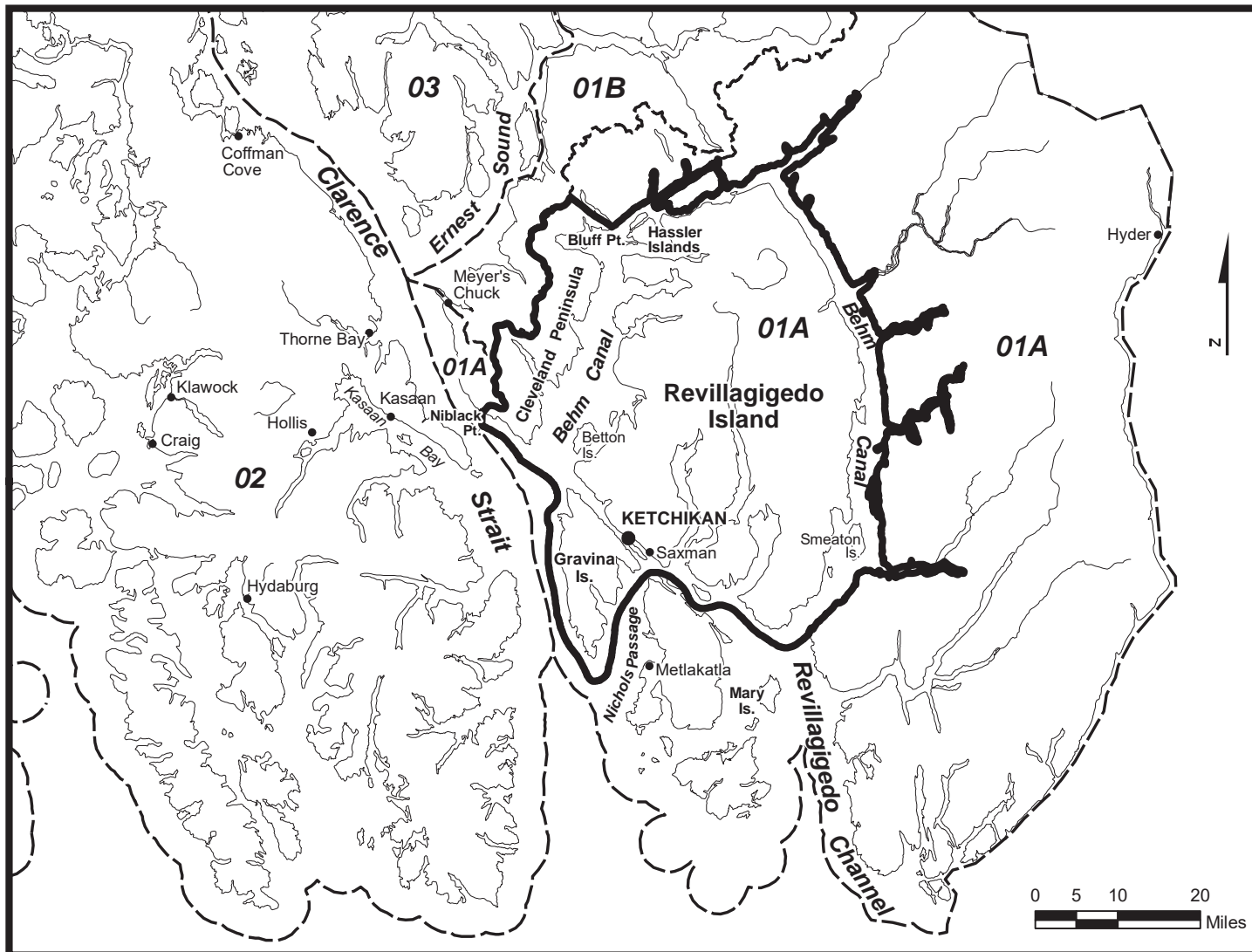
In addition to the definitions in [AS 16.05.940](#) , in this chapter,

- (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.



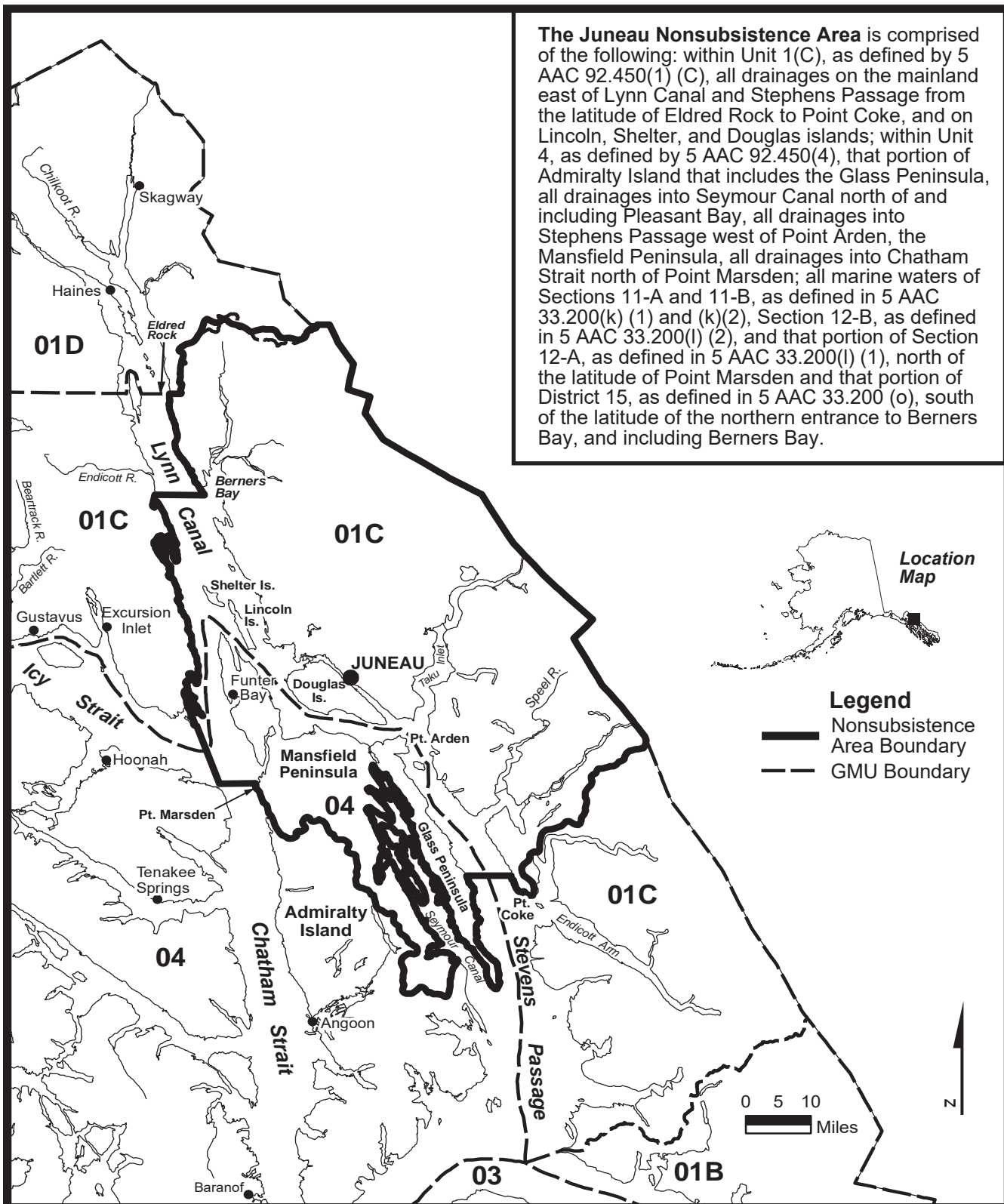
## Legend

- Nonsubsistence Area Boundary
- GMU Boundary





# Juneau Nonsubsistence Area

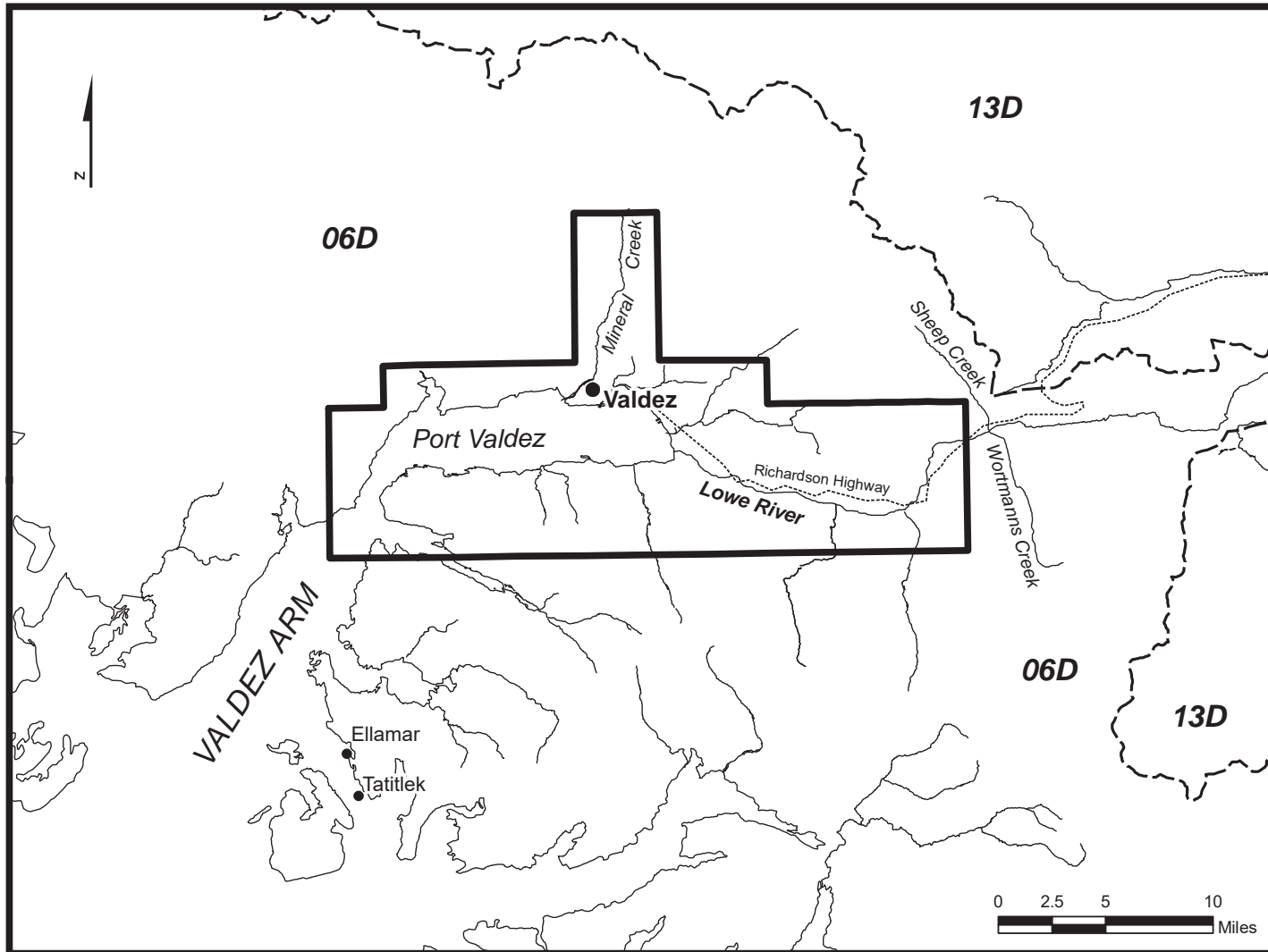


Alaska Department of Fish and Game  
Division of Subsistence and Boards

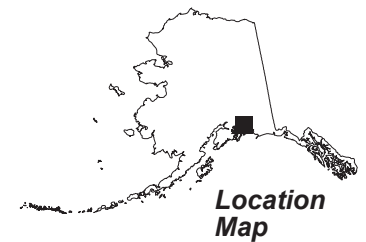
September 2007



# 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.



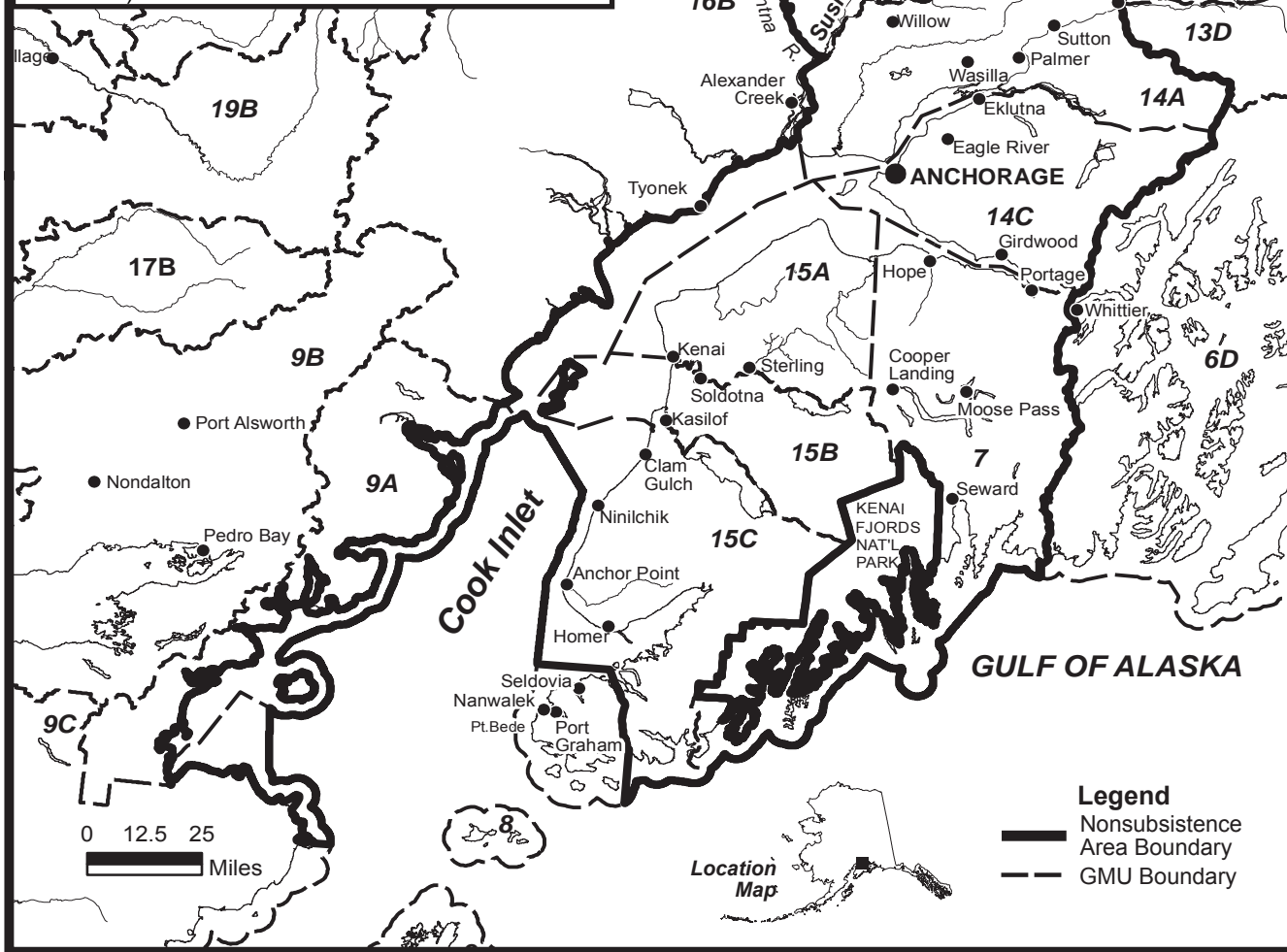
## Legend

- Nonsubsistence Area Boundary
- GMU Boundary
- Roads



# Anchorage Nonsubsistence Area

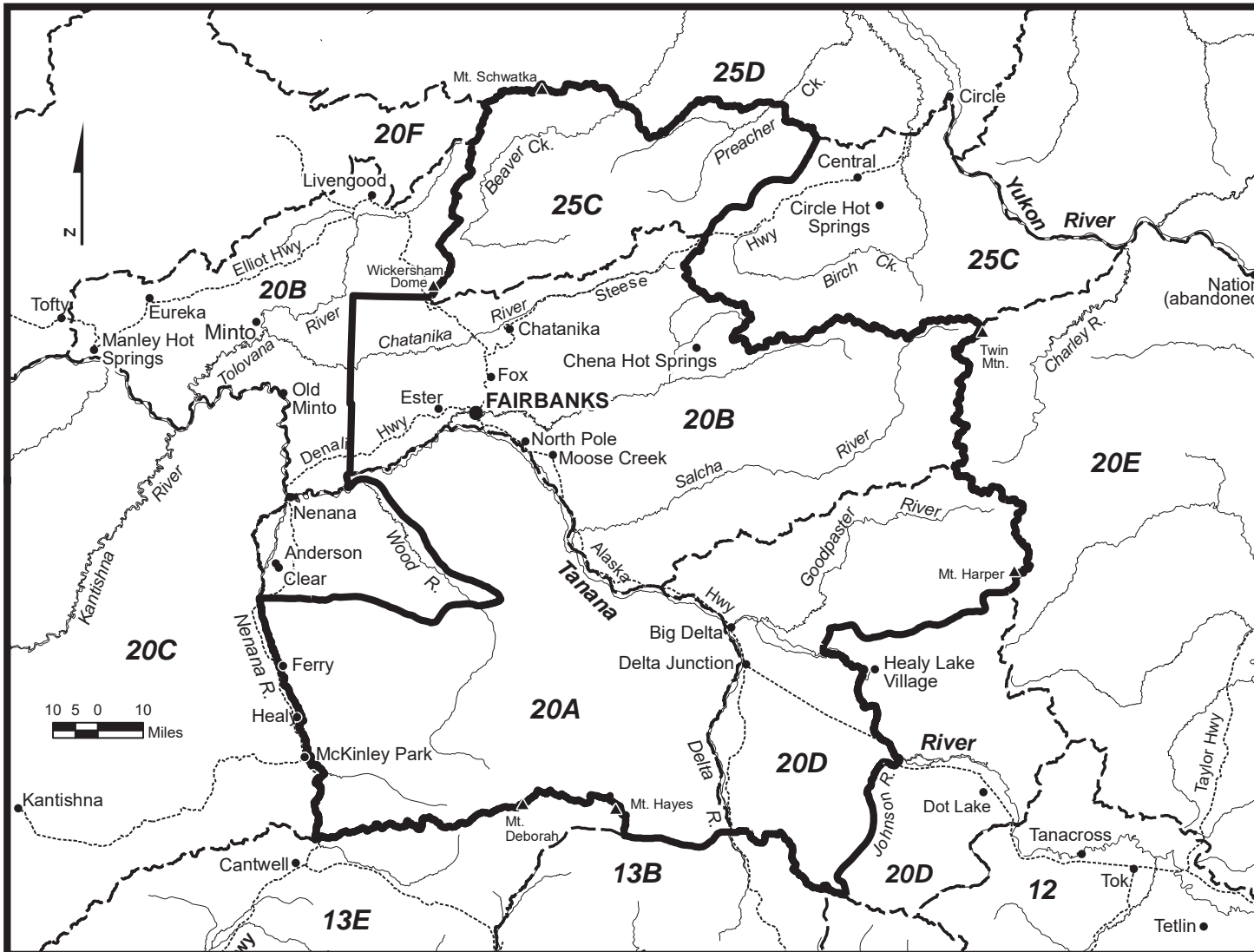
The **Anchorage-Matsu-Kenai Nonsubsistence Area** is comprised of the following: Units 7, as defined by 5 AAC 92.450(7) (except the Kenai Fjords National Park lands); 14, as defined by 5 AAC 92.450(14); 15, as defined by 5 AAC 92.450(15) (except Kalgin Island and that portion south and west of a line 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: March 19, 2025

FILE NO:

FROM: Cheryl Rawls Brooking *CB*  
Senior Assistant Attorney General  
Kimberly Del Frate *AD*  
Assistant Attorney General  
Natural Resources Section  
Department of Law

TEL. NO: 269-5232

SUBJECT: March 2025  
Statewide  
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 87** would amend 5 AAC 92.100(a)(3), that allows a boat to be used to retrieve a dead or injured bird, “to eliminate driving, herding, or chasing migratory birds into hunters on land, or on other boats.” The Board should consider the existing unlawful method of taking game at 5 AAC 92.080(a)(5): “except as otherwise specified, with the use of a motorized vehicle to harass game or for the purpose of driving, herding, or molesting game.”

**Proposal 100** would amend 5 AAC 92.057, which regulates sheep and goat drawing permits, to allocate nonR sheep *harvest* to 35% of harvest in each subunit and make all nonR sheep hunts drawing permits. Sample language is for 5 AAC 85, which is outside the scope of this meeting.

**Proposal 107** would reopen youth and nonR sheep hunts in U19C that were temporarily closed, reversing P204 from 2023. The suggestion that board generated proposals may not be legal is incorrect.

**Proposals 111 and 112** would amend 85.055 to allow residents to harvest any ram in Unit 19C, with limitations on future sheep hunting based on the age of the ram. The Board should address whether the future hunting restrictions would apply statewide or just in Unit 19C.

**Proposals 115 and 116** would amend 85.055 to reopen subsistence winter sheep hunt in Unit 19C for residents. This hunt remains open so there is no action to be taken by the Board.

**Proposal 118** would amend 85.055 to close nonresident sheep hunting in U19C. The Board closed nonresident sheep hunting in 2003 for five years.

**Proposal 125** would amend 5 AAC 92.044 to define “developed recreation facility” and “permanent dwelling” in Unit 15 and Unit 7. This proposal was deferred from March 2023 but was not amended to be statewide.

**Proposal 136** would amend 5 AAC 92.050 to limit bison and musk ox drawing permit hunt to once in a lifetime and only allow applicants to apply once per hunt. The proposal also suggests increasing the application fee to \$50. To the extent the proposal seeks a change in the application fee, that portion of the proposal is outside of the Board’s authority. Application fees for bison and musk ox hunts are set by the legislature in AS 16.05.346.



**Proposal 137** would amend 5 AAC 92.050 to change permit hunt applications. The proposal includes a variety of options. The Board would need to clarify which options are being adopted. A point system may violate the Constitution's Equal Access and Common Use clauses.

**Proposal 148** would amend 5 AAC 92.110(e) that currently authorizes the Commissioner to determine whether to implement a predator control plan (such authority is also found in AS 16.05.783), and authorizes the Commissioner to adopt, by regulation, additional restrictions beyond those adopted by the Board.

Conducting management activities and exercising administrative authority to implement intensive management plans are legislatively authorized powers of the Commissioner and are not regulations subject to the Administrative Procedure Act.

**Proposal 190** would amend 5 AAC 85.055 for sheep in U19C and create a guide concession pilot program area. SB 189, which established the authority to create guide concession areas under AS 16.05.262, is currently being challenged in court. The statute is still effective during the challenge, so the Board could create a pilot area subject to the outcome of the lawsuit.



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. Jake Fletcher  
Chairman – Alaska Board of Game

February 21, 2025

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 Statewide 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. AWT generally is opposed to changes which are viewed as having a negative impact on the divisions ability to enforce existing or future regulations.

**Proposal 87:** This proposal seeks to add language to 5AAC 92.100 – Unlawful Methods Waterfowl, Snipe and Cranes to prohibit a motorized vessel from moving under any means while within 100 yards of anyone hunting waterfowl.

AWT opposes this change due to several enforcement concerns. First, the liability is not specified and the language used could lead to unavoidable violations outside the control of a waterfowl hunter. As written, a family traveling by riverboat to moose camp who passed by an unseen waterfowl hunter on shore within 100 yards would technically cause a violation to have occurred. In this example the hunter had no control over the fact that a boat operated by another person was in the vicinity. A person cannot be held liable for a violation that they had no part or control in. It would be nearly impossible for enforcement to prove the necessary culpable mental state in such situations to enforce this regulation. Further, the proposed language does not allow for natural movement of a motorized vessel due to wind or water currents. As written, a power boat that was being blown slightly across a lake by the wind would no longer be “stationary” and thus anyone hunting from such a platform would be in violation.

It is already a violation of hunting regulations to take waterfowl from a watercraft that is under power or in motion as a result of being under power.

**Proposal 89** – Seeks to change hunter education and orientation requirements to require non-resident moose hunters to have completed a hunter orientation course AND be accompanied by a registered guide or resident family member within the second degree of kindred.

This proposal asks the board to modify the list of big-game species for which a non-resident must be accompanied by a registered guide to harvest, beyond what is already listed in AS 16.05.407.

AWT is neutral as to adding statewide requirements for non-resident hunters to attend an approved hunter orientation course. The added effect of this proposal however is to require all non-resident moose hunters to hire and be accompanied by a registered big game guide and to still successfully complete a department approved species identification, judgment, and meat care course. AWT is also neutral to this addition if that is the intent of the board, however it is our believe that if adopted, this change may prove confusing to many non-resident hunters and cause financial disruptions to numerous businesses that cater to non-resident moose hunters, including licensed big game transporters and air taxi operators.

**Proposals 97/98**– Both seek to modify 5AAC 92.085(8) concerning use of aircraft to locate or scout for Dall Sheep. Proposal 97 changes the dates to Aug 1 – Sept 20<sup>th</sup> and Proposal 98 changes the dates to Aug 1 – Oct 15<sup>th</sup> respectively.

AWT is neutral on both proposals as they merely seek to change effective dates of a regulation that already exists. AWT will comment that since the board first passed the restriction on use of aircraft to scout for Dall Sheep, only one prosecutable case has been brought just this past (2024) season.

**Proposal 99** – This proposal seeks to modify the language in 5AAC 92.085(8) to shorten the time period when aircraft may not be used to locate Dall Sheep from August 10<sup>th</sup> – September 20<sup>th</sup> to August 10<sup>th</sup> – August 20<sup>th</sup>, after which “August 21<sup>st</sup> through September 20<sup>th</sup> aircraft cannot intentionally approach any closer than 1500 feet or 500 yards from any sheep for the purpose of hunting them.”

AWT is neutral regarding modifying dates that use of an aircraft to locate game is prohibited. AWT is opposed to the suggested additional prohibitions suggested regarding distances that aircraft may approach due to them being virtually unenforceable. The new prohibitions suggested would prove even more difficult to enforce than the total prohibition that currently exists. First, the suggested language uses the term “intentionally”. Intent is the most difficult culpable mental state to prove in any prosecution and is a higher level than “knowingly”, “recklessly”, or “negligently”. It would be virtually impossible to prove that an aircraft was closer than the established distance from an animal and neither a pilot, enforcement, or a potential witness, would have a definitive way to know if they were 1495 or 1505 feet away from an animal. Then to have to prove that a pilot was “intentionally” closer than the established distance, not just that they were “negligently” within that distance, is a burden of proof that would be essentially unobtainable.

**Proposal 123** – This proposal seeks to remove the prohibition on remuneration (payment) in regard to obtaining, granting, or influencing the granting of proxy authorizations under 5AAC 92.011(i).

AWT is opposed to this proposal. Allowing remuneration under this regulation may result in “bidding wars” for an eligible person’s proxy, thereby commercializing the program. The proxy system was developed to allow disabled, elderly, or otherwise physically incapable Alaskan’s to still obtain permits and wild meat by creating a legal means for another hunter to harvest fish or game for the person, without

taking away opportunity from the person doing the harvesting. Allowing remuneration, even for known expenses such as fuel costs, would open the door for either party to demand payments from the other party. A qualified resident who obtains a highly sought after tag could essentially put the opportunity to be their proxy out to bid.

If changes must be made to incentivize helping harvest game for segments of the population who are unable to do so themselves, AWT would suggest something very narrow in scope that would merely cover documented expenses such as fuel costs.

**Proposal 124** – Seeks to change language within 5AAC 92.044 for the purposes of bear baiting, removing the term “permanent dwelling” and inserting in its place “permanent domicile”. Current regulatory language states that a person may not establish a bait station within 1 mile of a house, school, business, developed recreational facility, campground, or other permanent dwelling including a seasonally occupied cabin.

AWT is opposed to this change in language. The use of “dwelling” instead of “domicile” in this regulation was intentional. “Domicile” refers to a person’s primary place of residence. In the context of this regulation, the intent is to reduce the likelihood of bear bait sites attracting bears near where people live (homes), congregate (school, business), recreate (developed recreational facility, campground) or otherwise spent significant amounts of time in a fixed location (other permanent dwelling). If this change were to occur and dwelling was changed to domicile, a bear bait station would be allowed to be established within 1 mile of a church because a church is not a house, a school, a business, or a campground. A bait site could also be established near a government office such as a State Trooper post or a meeting location of a Civil Air Patrol squadron. Neither of these entities exist at a location that would clearly fall within the definition of a house, a school, a business, or a campground.

AWT is unaware of “multiple hunters have been charged for baiting within a mile of abandoned camps, outhouses, squatter cabins or other structures that may not fit the intended definition.” These violations are uncommon and nearly always involve a hunter establishing a bait site that is plainly too close to an occupied residence or an established and recognized recreational facility such as a state campground. An abandoned camp consisting of tents or other non-permanent structures would not fall under any current definition as used in this regulation. A cabin, even one erected without permission on state land, would indeed fall within the current definition and this is where Troopers may exercise discretion if a hunter had no reasonable means to know that such a structure existed.

AWT does agree that the term “dwelling” is not currently defined within 5AAC and would support work to develop a definition.

**Proposal 125** – This proposal seeks to define the terms “developed recreation facility” and “permanent dwelling” as used in 5AAC 92.044 for purposes of bear baiting.

AWT is opposed to the proposed definition of “developed recreation facility”. The proposed language would only include state-maintained facilities/areas and exclude federal, borough, and city owned locations. Further, the language is too narrow to only include locations that provide services for “shooting, launching of watercraft, or camping.”

AWT supports a definition of “permanent dwelling” but is opposed to the definition suggested. Who would bear the responsibility to determine if a structure is “legally owned”, the hunter or enforcement? While AWT may have means to discover the ownership status, the general hunting public may not. Many

commercial fishing lodges are owned by an LLC or company, would they be excluded as they are not owned by “the public or a private individual”? Finally, AWT would have almost no means to determine how many days a structure, cabin, or home was occupied per year. These factors would therefore make enforcement exceedingly difficult and render large parts of the intent of these prohibited baiting areas as moot.

AWT requests the board consider defining the word “dwelling” as: “a structure or part of a structure that is used as a home, residence, place of regular gathering, or sleeping unit.”

**Proposal 129** – Seeks to establish a minimum standard or caliber of centerfire rifle for the taking of big game animals by changing 5AAC 92.085 to add that a rifle must have a barrel bore of at least .25 inches and be chambered to fire a centerfire cartridge of not less than two inches in overall length, including the bullet.

AWT is neutral regarding an establishment of minimum caliber requirements for big game species. AWT would recommend that in deliberations, the board clarify the following regarding intent.

1. Is the intent to preclude any use of a weapon designated by state or federal law as a “pistol”, regardless of caliber, from being legal to take a big game animal?
2. Is the cartridge length language, if adopted, intended to preclude use of lower powered handgun rounds, or is it intended to provide for a minimum ballistic energy level? Due to the tremendous variety of current and future centerfire rifle cartridges of varying sizes and lengths, even if pistols remained legal to use, there likely is or will be centerfire rifle cartridges that are greater than .25 caliber but with an overall cartridge length of under 2 inches.

AWT will note that if this proposal were adopted, it would remain legal for a person to be in the field during a big game hunting season with a rifle that did not conform to this requirement. It would not be until a person used a smaller caliber rifle to take big game that a violation will have actually, fully occurred.

**Proposal 130** – Seeks to establish a minimum caliber of centerfire rifle for taking moose statewide under 5AAC 92.085.

AWT is neutral regarding establishing a minimum caliber requirement for a particular species of big game. This proposal was previously offered at the western Alaska board meeting and AWT was opposed due to the proposal only covering some GMU’s while other, neighboring units had no minimum caliber requirement. If this proposal were adopted statewide, AWT would better be able to effectively enforce it per the intent of the board. AWT will note similar comments from the previous proposal including seeking intent from the board if pistols of any caliber are to become unlawful to use to harvest moose? As noted for the previous proposal, it would remain legal for a person to be in the field during moose season with a rifle/pistol that did not conform to this minimum caliber requirement. It would not be until a person used such a weapon to harvest a moose that a violation will have fully occurred.

**Proposal 131** – Seeks to amend 5AAC 92.095 to require statewide trap and snare ID tags and for ADF&G to issue a personal identification number (PIN) to trappers if they do not wish to place their name on the tag. It would also require the department to make trapper identities available to law enforcement and to the parent of a child caught in a trap or snare, or a pet owner whose pet has been caught in a trap or snare.

AWT is in Support of this proposal with modifications. AWT supports a statewide trap/snare ID requirement as a means to readily identify a suspect when we locate illegal trapping activities. AWT supports consistent statewide regulatory language and if the board considers requiring trap ID in some parts of the state, it would be preferable that it be a statewide requirement. AWT is opposed to requirements to release trapper identities to members of the public. A public release of a trappers' identity could interfere with ongoing investigations by law enforcement. Upon charge or conviction, there are means already in place for the public to obtain information when a trapping violation occurs. If AWT takes legal enforcement action, a press release is completed, and charges are filed in the local court. Charge and conviction information is considered public and can be obtained from the court or from DPS with a public information request. Often pets are unfortunately caught in legally established traps and snares. Having a requirement that the name of an individual whose legally set trap/snare inadvertently caught a pet would put ADF&G in a very serious legal position and could be considered a constitutional right to due process issue.

AWT would recommend that rather than an ADF&G issued PIN, the required trapper ID number be set in regulation as the trapper's Alaska Public Safety Information Network (APSIN) ID number. This is a unique number issued to every person who obtains an Alaska ID or driver's license and to any person who is created in the system by means of any contact with or at the request of a law enforcement agency. This number is private but available to law enforcement, including AWT, at a moments notice. As the vast majority of trappers are Alaska residents, this number already exists.

Use of a trapping license number would also be acceptable; however, this number would change annually whereas an APSIN ID number remains with a person for life, allowing a trapper to consistently use the same ID tags year after year.

Past comments on this issue have raised concerns regarding Troopers disturbing sets in order to try to view the ID tag affixed to a trap. This method of enforcement is not taught to wildlife troopers and is not encouraged during normal patrol operations, due to the disturbance caused to legally set traps and snares. A provision for posting the ID of the trapper at the entrance to the set in a conspicuous location in addition to being placed physically on the trap would greatly aid enforcement in determining ownership without having to approach carefully constructed sets.

**Proposal 132** – This proposal seeks to prohibit non-resident hunters from using a snowmachine to assist in the pursuit and take of a wolverine or wolf under 5AAC 92.080, a practice currently allowed under this section for both residents and non-residents.

AWT typically remains neutral regarding methods and means except when there are concerns about the ability to effectively enforce the proposed change. We have concerns with this proposal because it would allow for residents to take game by a method that non-residents cannot partake in, which can be difficult to enforce. It is always the desire of AWT to have consistent regulations whenever possible and currently methods and means rules apply unilaterally to both residents and non-residents alike.

**Proposal 140** – Seeks to eliminate the requirement for evidence of sex in big game hunts statewide under 5AAC 92.150. The proposal seeks to instead suggest that DNA testing would suffice in instances where there was suspicion of an illegal harvest. The proposal states that “for <\$100, a sample of muscle can be submitted to a lab and the sex determined easily and relatively quickly.”

AWT is Opposed to this change in regulation. DNA testing is not a realistic solution for a Trooper in the field to quickly ascertain if an animal is indeed the wrong sex. The author claims that DNA testing is “much more versatile for troopers in the field...”. This is incorrect. A trooper in the field can visually identify sex organs (or the lack thereof) during a field check in mere minutes. Verifying sex through DNA would require hours of work to collect, package, track, and ship samples, then weeks or months of waiting for results that may or may not be to a standard acceptable to a court of law. AWT and the state would be forced to pay for representatives of any outside lab or company used to travel to Alaska to attend court if any prosecution involving DNA testing was to occur. Visually checking sex is free. Even at \$100 a test, which no such price has been found, wildlife troopers check thousands of big game animals annually. DPS does not have a budget to cover \$100,000+ worth of DNA tests annually, nor we suspect would ADF&G. If a DNA sample came back that the animal was the incorrect sex, it is highly probable that the animal will have already been consumed, given away, or in some other manner have disappeared. A trooper still would have to spend a great deal of time locating the hunter and obtaining search warrants to locate and seize any remaining meat after the fact, whereas none of this would be necessary if discovered at the time, in the field, when the vast majority of these violations are discovered. If this proposal is passed, AWT would effectively have no means to enforce regulations limiting harvest to a single sex. There is a myriad of ways a person could use subterfuge to claim an animal was of legal size and sex, but naturally attached evidence of sex cannot be faked effectively. The result of this change could very easily lead to a substantial increase in illegal harvest, and it would have significant negative impacts upon the enforcement mission of the Alaska Wildlife Troopers.

**Proposal 141** – Seeks to allow the use of digital video as a means to declare legal transfer of possession under 5AAC 92.135(a), in situations or circumstances where a signed paper form was not available or viable.

AWT Supports this proposal. Use of available technology as a means to comply with the intent of regulatory language is viewed as reasonable by law enforcement. This change would be consistent with many other areas of state law that allow for electronic versions of paper documents to serve as proof. This includes hunting/fishing licenses, some permits, vehicle insurance, and even a drivers license in some instances.

**Proposals 142/143** –

142 - Seeks to repeal 5 AAC 92.031(h). Permit for selling skins, skulls, and trophies.

143 – Seeks to repeal 5AAC 92.031(h) and modify applicable portions of 5AAC 92.200 to allow nearly all sale/barter of big game trophies without a permit or any restrictions.

AWT is Opposed to these changes in regulation. The regulations as currently written allows the public a means to legally sell a prepared big game trophy via means of a free permit from ADF&G. The illegal and illicit trade in wildlife, worldwide, is estimated at between \$7 billion and \$23 billion annually. Wildlife crime is considered one of the world’s most lucrative illegal businesses. Requiring a person to obtain a free permit in order to sell an Alaskan big game trophy is the only means the state has to curtail potential illicit trade in Alaskan trophies within the state. AWT receives tips every year regarding

potential illegal sale of game and trophies, which are often quickly closed out after contacting ADF&G and determining a valid permit was issued.

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 black ink that reads "Brent Johnson". The signature is written in a cursive, flowing style.

Brent Johnson

Captain – Alaska Wildlife Troopers – AWT BOG Liaison



*The following proposal was submitted by the proposal deadline but was inadvertently excluded from the proposal book. It will be considered by the Board of Game at the Statewide Regulations meeting scheduled for March 2025.*

## **PROPOSAL 187**

### **5 AAC 92.080. Unlawful methods of taking game; exceptions.**

Allow the use of night vision, thermal scopes, and artificial light to be used only for hunting predators as follows:

Using a laser sight, electronical-enhanced, night vision, thermal any forward looking infrared device is authorized for use for the taking of predators only.

**What is the issue you would like the board to address and why?** Allow the use of night vision/thermal scopes/artificial light to be used only for the taking of predators as follows. There is standing for this in 44 of 50 states! You can also find the information at [www.pointoptics.com](http://www.pointoptics.com) (scroll down and click on the state you'd like to research). We have a significant predator problem and several, IF NOT ALL of our caribou herds are in decline all over the state. Some of this is due to human competition for the resource but the overwhelming fact remains that predators take out as much as 80% of newborn calves to include the moose calves and if we don't keep the predators in check the numbers will continue to decline. This is a win win; if approved you will be able to bring back the caribou and moose numbers you desire and offer more hunting opportunities. I know some of you are concerned about people violating non predatory animals with a thermal scope and other devices but honestly a thermal scope is somewhere in the neighborhood of \$3500-\$7000 depending on model/type so please ask yourself WHO is going to spend that kind of coin to break the law. Again 44 other states allow this type of predator hunting for a reason.

**Did you develop your proposal in coordination with others, or with your local fish and game advisory committee?**

**PROPOSED BY:** Scott Vanderlooven

(EG-F24-086)

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*Note: Proposal 188 was accepted by the Board of Game as an Agenda Change Request for consideration at the Statewide Regulations meeting scheduled for March 2025.*

## **PROPOSAL 188**

### **5 AAC 92.050. Required permit hunt conditions and procedures.**

Award DI403 and DI404 permit recipients whose tags were cancelled on July 24, 2024 the same hunting permits for an upcoming season, and develop a plan with ADF&G to ensure late season changes do not impact hunters as follows

The preference would be awarding these cancelled tags during an upcoming hunting season. I would also encourage the Board of Game to work with ADF&G to develop a plan to ensure late season changes do not leave hunters who were expecting and planning to hunt a particular unit or species hanging. Successful hunting in Alaska requires extensive planning, especially for those who do not have access to motorized means of transportation.

**What is the issue you would like the board to address and why?** The Board of Game should consider addressing the cancelled DI403 and DI404 permits that were cancelled on July 24, 2024. This cancellation happened after impacted hunters were contacted by ADF&G to congratulate hunters and encourage hunters to begin their planning process. Some hunters were given the opportunity to hunt this season while approximately half of hunters were not given this opportunity.

Every year both resident and nonresident hunters enter the draw application period with the hope of drawing a tag. In 2024, tags for DI403 and DI404 were awarded in February. In April, ADF&G emailed tag winners congratulating them and encouraging them to plan their hunt. In late July of 2024 they again contacted winners and announced that roughly half the tags were being cancelled. The timing of this is problematic because hunting in Alaska, especially for those who do not own airplanes and boats requires significant planning, additionally, me and other hunters who were planning this once in a lifetime hunt had already made significant financial investment in this hunt with the purchase of new gear, ensuring rifles met the hunt requirements, etc. Addressing how this situation will be rectified will give hunters better information and the ability to plan. Unfortunately, I and other cancelled permit holders will not have this information prior to the draw application period.

This seeks to address how tags were cancelled after they were awarded during the November 2023 draw application period for the 2024 hunting season.

If this problem is not solved prior to the regular meeting cycle, hunters who had their tags cancelled will not be eligible to bison hunt.

**PROPOSED BY:** Lang Van Dommelen (HQ-F24-ACR2)  
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*Note: Proposal 189 was accepted by the Board of Game as an Agenda Change Request for consideration at the Statewide Regulations meeting scheduled for March 2025.*

## **PROPOSAL 189**

### **5 AAC 92.050. Required permit hunt conditions and procedures.**

Allow a permittee who had their Unit 20D bison permit revoked for regulatory year 2024, to have the permit transferred to regulatory year 2026 upon request, or remove the lifetime and ten-year loss of eligibility for those hunters to apply as follows:

After conducting post-calving surveys in the summer of 2024, the department recognized the need to reduce the overall number of permits, and to change the bag limit to bulls only. Chances of

winning a Delta bison permit are extremely low, existing regulations allow residents to be eligible for a permit only once every ten years, and existing regulations allow nonresidents to be eligible for a permit once per lifetime. Given these restrictions, the department would like the board to consider transferring any DI403 and DI404 permits awarded for the 2024 regulatory year that were subsequently taken away, to be transferred to regulatory year 2026. This would allow those who had been announced as winners for regulatory year 2024 to hunt in regulatory year 2026.

Absent the transfer of permits across regulatory years, the department would like the board to consider lifting the lifetime and 10-year loss of eligibility for those hunters that were awarded permits that were subsequently revoked, allowing those hunters to begin applying again.

5 AAC 92.050(a)(6) would therefore read:

(E) a permittee who had their Unit 20(D) bison permit revoked for regulatory year 2024 may, upon request, have the permit transferred to regulatory year 2026.

Also offered for consideration, adding a new sub-subparagraph to 5 AAC 92.050(a)(4)(H):

5 AAC 92.050(a)(4)

(H) a resident who is a successful applicant for a bison drawing permit hunt is ineligible to apply for another bison drawing permit for 10 years; a nonresident who is a successful applicant for a bison drawing permit hunt is ineligible to apply for another bison drawing permit;

**(i) however, a resident who had their Unit 20(D) bison permit revoked for regulatory year 2024 is eligible to apply for another bison drawing permit for regulatory year 2026; and a nonresident who had their Unit 20(D) bison permit revoked for regulatory year 2024 is eligible to apply for another bison drawing permit.**

**What is the issue you would like the board to address and why?** The department manages the Delta Bison Herd within a narrow range of abundance in an attempt to avoid conflicts with agriculture and maintain a viable and sustainable population. The department adjusts permits and bag limits annually in an attempt to keep the population at approximately 360 adults, post hunt. The department assumes that natural mortality is going to be very low in this population, and when natural mortality events occur, as in the historic winter of 2021/2022, permit numbers or hunt conditions must be significantly changed. The department is often unaware of the degree of mortality until after permits have been awarded. A mortality event in the spring of 2024 also led to a situation where too many permits were awarded, running a risk of unsustainable harvest.

This regulation covers the vast majority of permit issuance scenarios, however due to the timing of bison surveys, the department's attempts to manage within a narrow window of abundance for this population, and the early notification of permit winners, there are occasionally scenarios where the department must retract permits or eliminate a hunt entirely. Applicants are warned that hunts could be eliminated, and that application fees may not be refunded. The Delta bison hunt is unique in that it is highly sought after, and bison hunts in general have a lifetime or 10-year moratorium

(depending upon residency) on re-applying after winning, further emphasizing how unique it is to win such a permit, and how unusual it is to win and then lose such a permit.

By reducing the overall number of permitted hunters, the department has addressed the conservation concern.

Although this change does address allocation of permits, it is not associated with particular user groups, other than current and future winners. This is a novel circumstance, that requires timely action, if permits are to be deferred to a later regulatory year.

If the problem is not solved, permit winners that have had their permits retracted will be unable to hunt, and may not have the chance again, even if they are allowed to reapply. Previous attempts to adjust hunt conditions to allow all winners to hunt have resulted in low success rates, and short hunt windows. Many hunters expressed a preference to simply hunt in a different year, rather than have the hunt conditions drastically altered. Although it does not address the loss of opportunity in 2024, the department is considering advertising a more conservative number of permits in the drawing supplement, which may mitigate this issue moving forward.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F24-ACR3)  
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*Note: Proposal 190 was accepted by the Board of Game as an Agenda Change Request for consideration at the Statewide Regulations meeting scheduled for March 2025. The proposal refers to a letter from the Unit 19C Dall Sheep Working Group and a meeting summary which can be found online at: <https://www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo&date=10-17-2024&meeting=webconference>*

## **PROPOSAL 190**

### **5 AAC 85.055. Hunting seasons and bag limits for Dall sheep.**

Modify the resident and nonresident hunt structure for sheep in Unit 19C, and establish a guide concession pilot program as follows:

The Unit 19C Sheep Working Group requests a closure for 2025 to all general season hunts except the RS380 subsistence hunt.

In 2026/27 there will be a temporary draw hunt with a sunset clause after two years where 80% permits are allocated to residents and 20% to nonresidents, with a 5% cap for second degree kindred (2DK) nonresident hunters, coming out of the nonresident allocation. The 2DK hunt sponsor shall also notch harvest ticket for bag limit.

We request Unit 19C be used as the pilot program for the guide concession program, implemented by 2028.

In 2028, if the guide concession program for Unit 19C is in place, then residents and nonresidents will go to harvest ticket hunts.

**What is the issue you would like the board to address and why?** Declining sheep populations in Unit 19C.

We remain concerned primarily about the health of the sheep population in Unit 19C. Please refer to the charge statement of the working group, the results of the working group meeting in October 2024, and the letter submitted with the agenda change request.

This approach prioritizes the well-being of the species over the distribution of hunting opportunities. The primary goal is to balance the interests of conservation, local communities, and economic factors.

These adjustments are about managing the resource sustainably rather than just allocating hunting rights.

If the problem is not solved prior to the regular meeting cycle, the Unit 19C Sheep Working Group will not achieve our mandate. The board deferred all proposals for sheep hunting in Unit 19C out of cycle to allow the sheep working group to submit a proposal which is timely with the other proposals.

The closure was a temporary measure put in place, and we are now in a position to create future hunting opportunities for multiple users. The Unit 19C Sheep Working Group will not achieve our mandate. In this time of uncertainty, we are trying to ensure the healthy sheep populations in Unit 19C.

**PROPOSED BY:** Unit 19C Sheep Working Group (HQ-F24-ACR5)  
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*Note: Proposal 191 was accepted by the Board of Game as an Agenda Change Request for consideration at the Statewide Regulations meeting scheduled for March 2025.*

## **PROPOSAL 191**

### **5 AAC 92.540(3)(I)(ii). Controlled Use Areas:**

Define the beginning and terminus of the Nine Mile trail in the Ladue River Controlled Use Area as follows:

5AAC 92.540(3)(I)(iii). The Nine Mile Trail as referenced in this regulation refers to the single primary ATV trail beginning along the Taylor Highway at coordinates (1) N63 24.233 x W142 28.422, entering the western portion of the defined controlled use area at coordinates (2) N62 23.879 x W142 9.073, and terminating at coordinates (3) N62 32.420 x W141 27.995. Only the single primary trail including connected bypasses no more than 20 feet.

**What is the issue you would like the board to address and why?** This controlled use area allows exceptions for use of motorized vehicles on the Nine Mile and Liberty Creek trails. Neither of these trails are defined in regulation as to their official start, terminus, or scope.

Recent development of a large mine in the area of the Nine Mile trail has caused a dramatic increase in vehicle traffic and new branches of trails have begun to appear making it impossible to know which trail(s) are the original Nine Mile trail and which are continuations or offshoots.

The Alaska Wildlife Troopers (AWT) has received numerous complaints annually about moose hunters straying beyond the original Nine Mile trail however enforcement has proved challenging without a clear delineation and definition of where the trail exists and/or ends.

This change will better define the beginning and terminus of the Nine Mile trail and uses the same GPS coordinates where Tok ADF&G has established markers designating the beginning and terminus of the trail. It additionally spells out that side trails and extensions are not considered part of the trail and thus motorized vehicles are not allowed in those areas.

When the exclusion for the Nine Mile trail was put in there was little ATV traffic on this trail and due to the remoteness of the area, there was little traffic to keep the trail established against overgrowth. The re-establishment of a large gold mining operation near the terminus of the Nine Mile trail has introduced additional traffic that has caused the trails system to be expanded well beyond the original trail. A defined beginning and end to the excluded trail within the CUA is needed for enforcement to be able to properly charge violations by users taking motorized vehicles deeper into the CUA beyond the original established trail.

The Alaska Wildlife Troopers are the primary enforcement agency for Alaska's Fish and Wildlife laws and regulations. AWT occasionally faces situations where the intent of the board or wildlife managers cannot be enforced due to incorrect, confusing or missing definitions that are required for a successful legal action against a violator. AWT has had concerns with this particular situation within the Ladue CUA for more than a decade however until recently, very few people accessed the area via motorized vehicles and the trail system therefore was shrinking by overgrowth, not growing in size and scope.

This does not affect allocation of the resource as it merely defines a trail already listed as an exclusion to motorized access within a controlled use area. Further the points listed are the same used by Tok ADF&G to advise users where the trail system starts and ends and are also the locations where notices are posted. This ACR simply adds those GPS points into the regulation for enforceability by AWT.

If the problem is not solved prior to the regular meeting cycle, there will continue to be more motorized vehicle impact within the Ladue Controlled Use Area branching further and further off of the original established Nine Mile Trail. AWT will be unable to enforce many of these violations without a clearly defined beginning and end of this trail.

**PROPOSED BY:** Alaska Wildlife Troopers

(HQ-F24-ACR6)

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*Note: Proposal 192 was accepted by the Board of Game as an Agenda Change Request for consideration at the Statewide Regulations meeting scheduled for March 2025.*

## **PROPOSAL 192**

### **5 AAC 85.055. Hunting seasons and bag limits for Dall sheep.**

Modify the resident and nonresident hunt structure for sheep in Unit 19C as follows.

**Resident sheep hunting opportunity in Unit 19C remains open under a general season.** Continued general resident sheep hunting opportunity August 10 – September 20 does not pose a conservation concern for sheep in Unit 19C at this time.

**Nonresident sheep hunting in Unit 19C remains closed until such a time that a draw permit system is in place to limit nonresident sheep hunters.** The season then remains the same, August 10 – September 20. The board should set a conservative “up-to” number of permits and give the Department the authority to determine the number of permits allocated, with the intention that nonresident sheep hunters and their guides don’t overwhelm the area and continue to cause conflicts in the field.

Alternatively, **if a Unit 19C Guide Concession Program to limit the number of guides and their sheep-hunting clients in the unit is implemented, nonresident sheep hunting can again be allowed, but it should also be under a draw permit system with a limited allocation** (*any nonresident draw permits would essentially go to the guided hunter booking with the guide with an exclusive concession*).

Should there come a time when the sheep population in Unit 19C further declines and it is determined that resident sheep hunters need to be limited under a draw permit system along with nonresidents, **the allocation of permits shall be a 90/10 split as in other areas where both resident and nonresident sheep hunters are on a draw permit system: 90 percent to residents, and 10 percent to nonresidents.** Nonresident second-degree-of-kindred (2DK) permits shall be placed in the nonresident pool of tags.

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

### **Unit 19C Sheep Conservation Concerns**

#### **Continued Unit 19C Resident General Sheep Hunting Opportunity**

#### **Unit 19C Nonresident Sheep Hunting Opportunity after the Closure Period**

*(Note: we apologize for the length of this section below, but it is important that newer board members have the facts as to past board actions that led to the point we are at now)*

At the November 10, 2022, Agenda Change Request (ACR) meeting, the board took up ACR 12 submitted by Resident Hunters of Alaska (RHAK) that asked to consider limiting nonresident sheep hunters in Unit 19C out of cycle based on sheep conservation concerns.

The board voted unanimously to **not** accept RHAK ACR 12, saying it ***did not meet the criteria for acceptance because there were no conservation concerns for Dall sheep in Unit 19C.***

Minutes later, at the very same meeting, the board voted 6-1 to create a board-generated proposal that would close Unit 19C to all sheep hunting for five years, stating that ***there were valid conservation concerns for the sheep population.*** That proposal would become Proposal 204 to be heard out of cycle at the 2023 Southcentral meeting in Soldotna.

This overt manipulation of the public process – the board on one hand telling RHAK that our ACR did not meet the criteria for acceptance because there were no sheep conservation concerns, while on the other generating their own proposal based on sheep conservation concerns – should not have been allowed to happen and was carried out so that there would only be one out-of-cycle 19C sheep proposal (the board's) before the board at the 2023 Southcentral meeting.

Board-generated Proposal 204 was deliberated at the 2023 Southcentral meeting. The board amended the proposal to exempt resident sheep hunters from the 19C closure. A resident closure or any new limits on resident sheep hunters was deemed not necessary. The proposal then passed to close Unit 19C to nonresident sheep hunters for five years.

There were a lot of questions and backlash after the board closed Unit 19C to nonresident sheep hunting. The board decided to create a new Sheep Working Group (SWG) that would focus solely on Unit 19C sheep management concerns and provide recommendations to the board at a future date.

The Unit 19C SWG was formed in late 2023, with six public members and three board members. A facilitator was hired, and the group was to hold meetings in 2024.

2024 was also the year for the in-cycle Interior Region III board meeting, which includes Unit 19C. There were several public proposals before the board regarding Unit 19C sheep hunting, to include reversing the nonresident closure, as well as Proposal 82, from RHAK, asking to reopen Unit 19C sheep hunting for nonresidents, but limit nonresident sheep hunters in 19C to draw-only permits with a limited allocation.

All the Unit 19C sheep proposals before the board at the 2024 Region III meeting were submitted on time by the May 1, 2023, deadline, nearly a year before the board would hear them. But the board deferred all the in-cycle 19C sheep proposals another year out to the 2025 Statewide meeting, stating that they did not want to make any decisions on Unit 19C sheep until after the SWG recommendations were submitted. They would take all the deferred proposals up along with the SWG recommendations at the same time.

That action amounted to more circumvention of the public process and smacks of favoritism to the 19C SWG recommendations that can only come before the board via an ACR from the group, due by the November 1, 2024, deadline.

The Unit 19C SWG met in mid-October 2024 to finalize recommendations to the board. Six members of the nine-member group supported an ACR asking the board to include resident sheep hunters in the 19C sheep hunting closure during the 2025 season, make all sheep hunting in Unit



19C during the 2026 and 2027 seasons draw-only hunts (with 80 percent of the permits going to residents and 20 percent to nonresidents), and if the Guide Concession Program to limit guides in 19C was not in place by 2028, then the SWG would meet again to discuss other recommendations.

Based on the information coming out of the 19C SWG, that they will submit an ACR that is in effect a new Unit 19C sheep management allocation plan, and the board's seeming willingness to accept it and hear it out-of-cycle at the 2025 Statewide meeting with all the deferred public proposals, RHAK is submitting this ACR to the board (that includes new data) for the same type of management allocation plan consideration.

The board has identified a conservation concern for Dall sheep in Unit 19C if continued unlimited nonresident sheep hunting is allowed and used that as justification for closing nonresident sheep hunting for five years (2023-2027).

In the ADF&G chart below, you can see that 19C sheep harvests started to drop dramatically in 2019, which correlated with the observed sheep population decline from the Department's aerial trend count surveys:



Nonresident sheep hunters have always taken the majority of the sheep harvest in Unit 19C, but as the ADF&G chart below shows, the percentage of nonresident sheep harvests increased dramatically as the sheep population declined:

## Contemporary Trends (2013-2022)

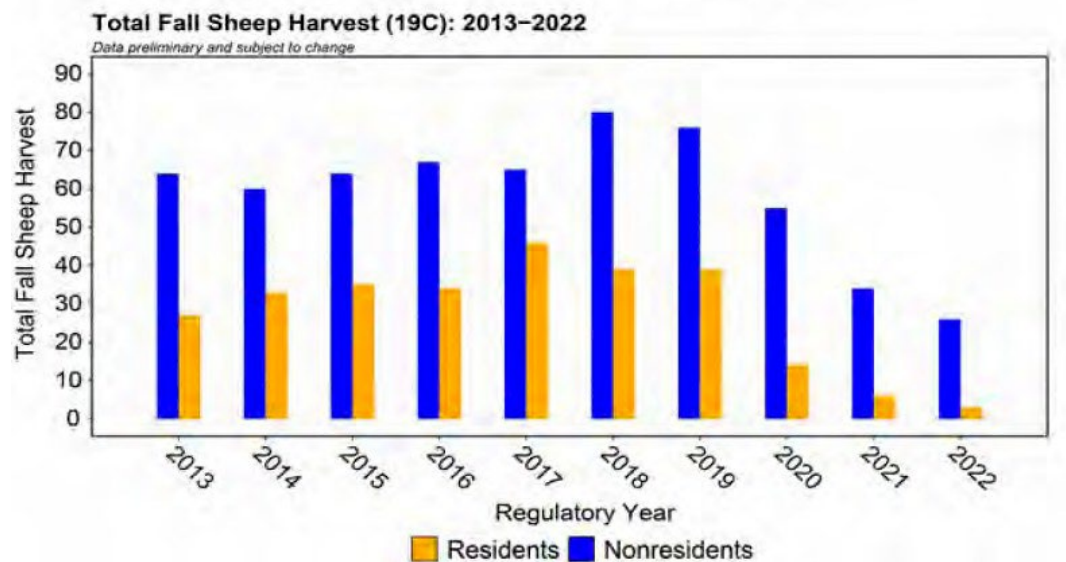


Figure 3. Total annual sheep harvested during the fall general season (GS000) from RY13 to RY22. Color indicates total fall resident (orange) and nonresident (blue) sheep harvested each year.

In 2022, the last year nonresident sheep hunting was allowed, nonresident sheep hunters took 26 sheep (90% of the harvest), while residents took three sheep.

The board decision to exempt resident sheep hunters from their own closure request at the 2023 Southcentral meeting was based on the rationale that resident sheep hunters were not a part of the problem. Clearly there was a harvestable surplus of rams in the unit for a general resident sheep season, while also maintaining the resident winter subsistence sheep hunt.

In the subsequent two seasons where only resident sheep hunting was allowed in Unit 19C, the resident participation and harvest was:

Year	Unit	Resident Hunters	Sheep Harvested
2023	19C	49	5
2024	19C	~40	10 ( <i>preliminary ADF&amp;G data</i> )

It is not expected that the number of resident hunters, or resident sheep harvests, will dramatically increase while the area is closed to nonresidents.

The 2024 aerial trend count survey below showed a bit of good news, with a higher number of total sheep from the previous year and higher lamb recruitment, but of course we don't know what

mother nature will bring this winter, and we won't know until next year how many of those lambs made it through their first year.

## ADF&G Chart

Table 1. Cumulative 19C Aerial Survey Data

	2010	2013	2014	2015	2016	2017	2019	2023	2024
Approx. Area (mi2)	453	453	453	453	453	453	453	453	453
Total Rams	348	268	374	301	255	343	202	98	101
Legal Rams	56	60	55	46	53	60	33	13	16
Sublegal Rams	292	208	319	255	202	283	169	85	89
"Ewes"	864	490	639	499	593	697	390	242	247
Lambs	287	94	168	167	195	266	178	73	120
Lambs:100 "Ewes"	33	19	26	33	33	38	46	30	49
Rams:100 "Ewes"	40	55	59	60	43	49	52	40	41
Legal Rams:100 "Ewes"	6	12	9	9	9	9	8	5	7
Sublegal Rams:100 "Ewes"	34	42	50	51	34	41	43	35	36
% Lambs	19	11	14	17	19	20	23	18	25
% Rams	23	31	32	31	24	26	26	24	21
% Legal Rams	4	7	5	5	5	5	4	3	3
% Sublegal Rams	19	24	27	26	19	22	22	21	19
Total Sheep	1499	852	1181	967	1043	1306	770	413	473

There is currently a harvestable surplus of sheep in Unit 19C for resident sheep hunters under a general season opportunity. But the board may be considering eliminating, or limiting, resident sheep hunting opportunity in Unit 19C out of cycle in 2025. There are currently no deferred Unit 19C proposals before the board that ask to eliminate resident sheep hunting opportunity.

If the problem is not solved prior to the regular meeting cycle: The "Regular Cycle" public process has been circumvented by the board. On top of that, the newer 3-year cycle just makes this all worse in terms of making any needed changes between regional meetings.

The board has chosen to form a 19C Sheep Working group, decide the makeup of that group, and then take recommendations from that group regarding 19C sheep management and allocations via an ACR. Based on that, and even though resident sheep hunting in Unit 19C is currently allowed, we believe that resident sheep hunting opportunity may be limited or shut down altogether before the next Region III cycle.

This request is indeed allocative, in the sense that it wants to ensure resident sheep hunters in Unit 19C don't lose opportunity and asks to limit nonresident sheep hunters to draw-only permits. RHAK has conservation concerns for the 19C sheep population if unlimited nonresident sheep

hunting is again allowed. But we don't believe continued resident general sheep hunting opportunity poses a sheep conservation concern. Resident sheep hunters do not need to be denied opportunity, nor do they need to go on a draw permit system. We would like the board to consider our ACR in the same vein as they do the ACR from the 19C SWG, which is also allocative.

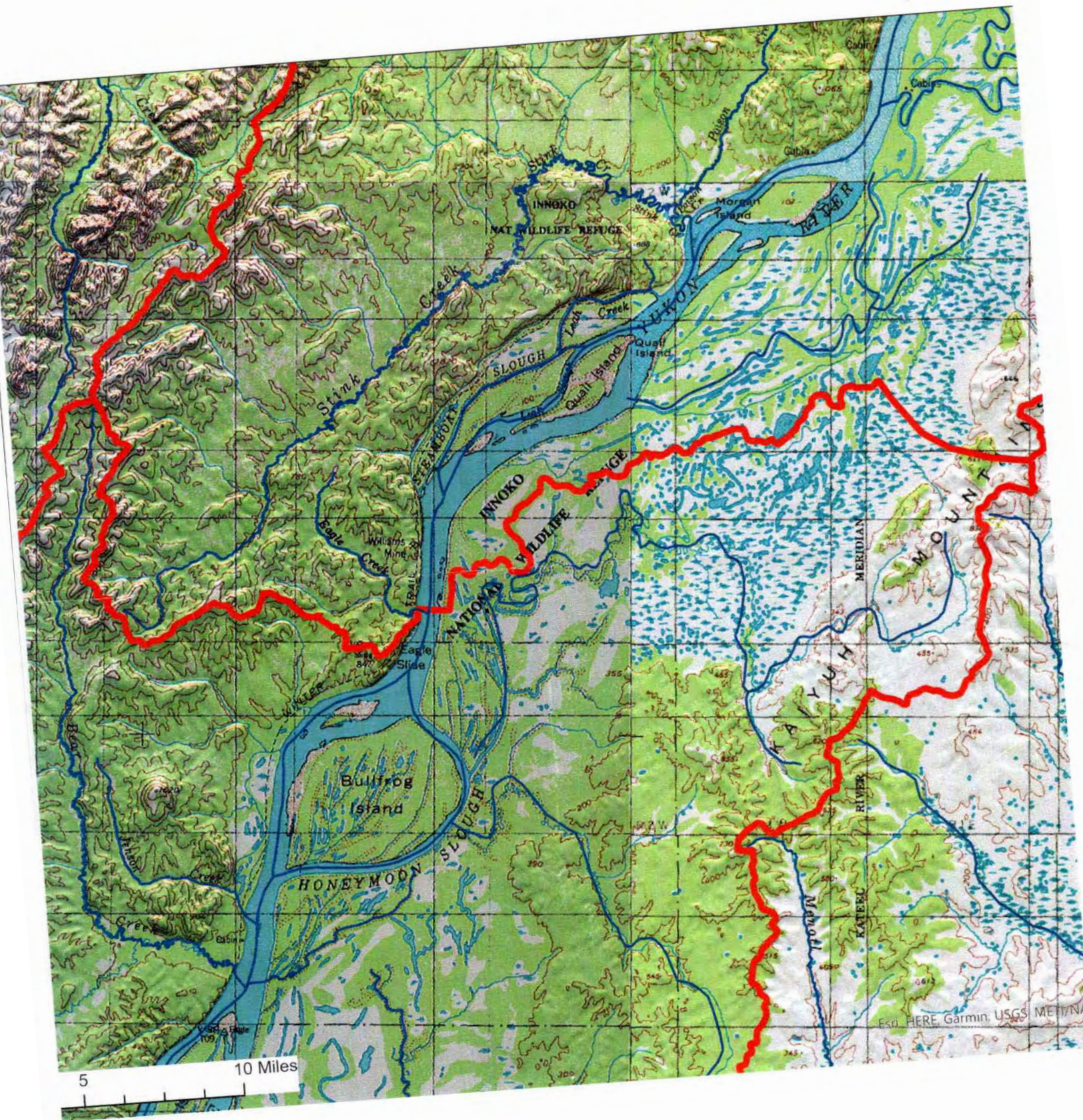
**PROPOSED BY:** Resident Hunters of Alaska (RHAK)

(HQ-F24-ACR9)

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Proposal 119 - Maps and Additional Information  
Submitted by Grayling, Anvik, Shageluk, and Holy Cross (GASH) AC





# Proposal 119 - Maps and Additional Information Submitted by Grayling, Anvik, Shageluk, and Holy Cross (GASH) AC

## Proposal Narrative, Maps, and Data

### Existing GMU Boundary Descriptions:

Unit 21(D) consists of that portion of Unit 21 in the Yukon River drainage from and including the Blackburn Creek drainage upstream to Ruby, including the area west of the Ruby-Poorman Road, excluding the Koyukuk River drainage upstream from the Dulbi River drainage, and excluding the Dulbi River drainage upstream from Cottonwood Creek

### GMU 21E

Unit 21(E) consists of that portion of Unit 21 in the Yukon River and Arhymot Lake drainages upstream from a line starting at the downriver boundary of Paimiut on the north bank of the Yukon River, then south across the Yukon River, then south along the Portage to its intersection with Arhymot Lake, then along the northern and western bank of Arhymot Lake to the outlet at Crooked Creek (locally known as Johnson River) drainage, then to, but not including, the Blackburn Creek drainage, and the Innoko River drainage downstream from the Iditarod River drainage.

### Proposed Changes

Exisiting GMU	Sq. miles
21D	12,113
21E	7,998
Total	20,111
Proposed GMU	Sq. miles
21D	11,037
21E	9,074
Total	20,111

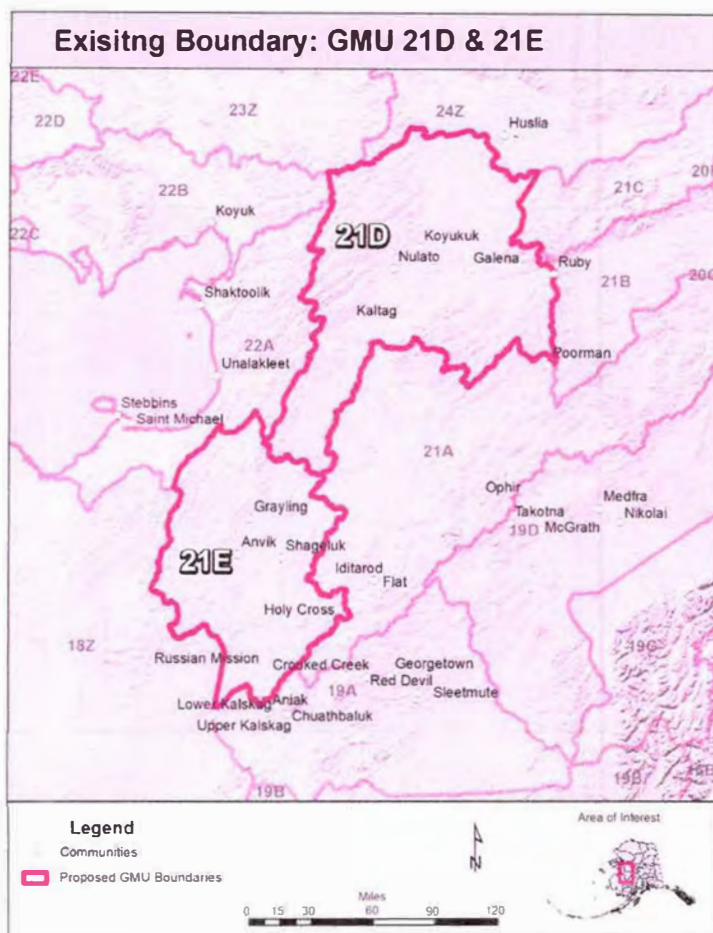
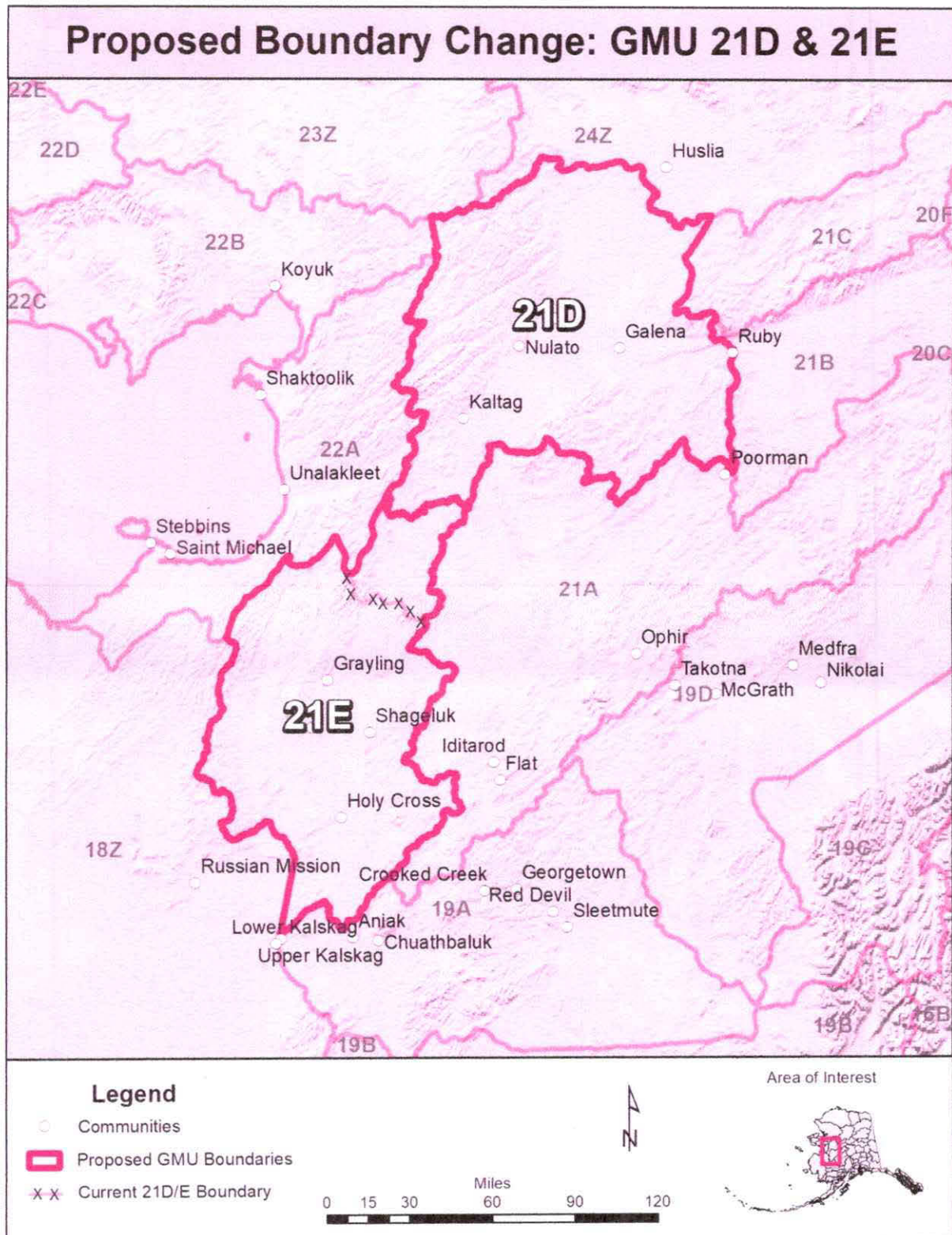


Figure 1. Existing GMU boundaries between GMU 21D and 21 E are shown in Red. Local communities are shown as white points.

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