

RC009/ Testimony by Carol Damberg March 23, 2025

- My name is Carol Damberg, I am speaking on behalf of myself. I worked 30 years as a biologist and refuge manager for the USFWS. I am a hunter and a fisher. I'm a camper, kayaker, hiker, skier, birder. I like to eat game meat and I love to observe all wildlife. I am here because I care about the long-term sustainable management of all wildlife species. I am one of many of the diverse constituents that sits in this room today to provide comments.
- Today instead of testifying about legally submitted proposals I will instead testify about the last-minute addition of RC009. I am here to ask the BOG to reject RC009 because there is no emergency and the last-minute addition of this action by the State to this meeting agenda is a direct attempt to violate the public's right to due process of law, by failing to provide the public with adequate notice or a meaningful opportunity to be heard about a regulatory action as required by the constitution. The State just got sued on this same issue and lost in Court on March 14 and yet they are doing it once again but in a different way! The State is making this an emergency petition because they know that pre-adoption notices and public comment procedures do not apply when the Board promulgates an emergency regulation. (AS44.62.250)
 - The state added this action last minute to this BOG meeting giving only those in the room notice of this action on day 1 of the meeting. Nothing appeared on the website until it was announced Friday morning (March 21). For most of the public, they would have never known about this proposed action unless they were sitting here Friday morning. This is Déjà vu all over again and a deliberate attempt by the State to circumvent a court order requiring a meaningful public process on a topic they know is controversial.
- The State has submitted an emergency petition that "is asking the board to **find an emergency** and make emergency regulations to aid in achieving the IM objectives and to provide a harvestable surplus." An Emergency as defined by statute is necessary for the immediate preservation of the public peace, health, safety, or general welfare. Please explain to me how aerial gunning bears in the spring of 2025 is needed to preserve the public peace, health, safety or general welfare?
- This is not emergency situation. There has been no extraordinary unforeseen event that has happened. The court case between the State and AWA has been ongoing now for over a year and the State knew they could win or lose the case. The State lost the court case and now they are claiming they have emergency on their hands. It does not fit the definition! If the State does not aerial gun bears in the spring of 2025 how can that cause immediate harm to the public peace, health, safety, or general welfare. I would describe the halt to aerial gunning bears as an inconvenience to the Department but not

an emergency. The same inconvenience could happen if weather prohibited the proposed aerial gunning operation to be implemented in 2025, which is always a real possibility.

- The Mulchatna herd has been declining for years and opening up a season for harvest is not justifiable because they have not met their population objective of 30,000. Aerial gunning bears in 2025 would not miraculously create a situation to open the herd to harvest. The entire rationale that this is an emergency does not fit by definition and thus the petition should not be supported.
- Another omission by the State in this “emergency request” is that it contains no information about the status of bear populations. There is no data in the emergency request but instead a promise to have that presented at the end of the meeting prior to voting on this emergency order. WHY? Why is that information not in the petition so the public can read it and comment on it? **I have no way to comment on something that does not exist.** That is like asking me to comment on a proposal to increase the moose harvest in a GMU without having data to look at to see if that is a good decision. **Why can’t you provide such data in a meaningful and timely way so the public has a meaningful way to comment.** One of the board members asked yesterday what kind of data should be presented? Data required to assess the health and status of any population should include: current population data and long-term trends, term harvest information; information on sex ratios and reproduction factors; information on the age structure of the population; these are simple population dynamic type parameters that are regularly assessed for most ungulate populations in the state. They should also be assessed for bears and wolves because they are also required to be sustainably managed as per the constitution.
- I have 2 alternative remedies I would like to offer instead of the RC009. 1) Submit the proposal through a regular BOG meeting so it provides for a meaningful public process and ensures that biological data is reviewed relative to bear populations, as required by the Courts. 2) A second option is to revisit Proposal 29 submitted by Pat Walsh which asked the BOG to re-assess the Mulchatna Herd population objectives. If the BOG determined the current carrying capacity for caribou you could set obtainable objectives. The objective that exists now is 20 years old. Habitat has changed a lot of the past 20 years due to climate change. Perhaps the population objective should be adjusted down. If the population was adjusted down then it might allow for some potential harvest sooner than waiting for a population to reach a level that might not be attainable. I am therefore requesting the board to re-visit Proposal 29 in the near future.