

**IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL COURT AT KENAI**

KENNETH MANNING)	
)	
Plaintiff,)	
v.)	
)	
STATE OF ALASKA, DEPARTMENT OF)	3KN-09-178CI
FISH AND GAME)	
)	
Defendant.)	

STATE OF ALASKA)	
)ss.	
THIRD JUDICIAL DISTRICT)	

AFFIDAVIT OF BRUCE DALE

STATE OF ALASKA)	
)ss.	
THIRD JUDICIAL DISTRICT)		

Bruce Dale, under oath, states as follows:

1. I am the Regional Supervisor for Region 4 of the Alaska Department of Fish and Game's Division of Wildlife Conservation, the region that includes Unit 13. This means that, in essence I am the supervising wildlife biologist on all wildlife-related activities in this region, including management activities relating to Unit 13. I have personal knowledge of all the facts set forth herein, and opinions and estimates are based on my personal experience and ADF&G's institutional knowledge.

2. For the 2010-2011 hunting season, 850 Tier I Nelchina caribou permits have already been awarded and mailed to hunters. It will not be possible in the time remaining before the hunting season begins to get the word out to all these hunters, some

of whom live in very remote locations and infrequently check mail, that their permits are null and void. This will subject many hunters to the potential for committing game violations, and the Nelchina caribou herd to potential overharvest.

3. Also, it is extremely unlikely that the Department will reach all interested hunters to let them know about the changes; so many hunters will lose opportunity if they miss an unexpected, abbreviated, out of cycle application period. An average of 7,455 hunters applied annually for Nelchina Tier II permits between 2006 and 2008. During mid- to late summer, many of these applicants are at remote fish camps, commercial fishing, or engaged in other subsistence or occupational activities and will probably not even learn of the changes until too late.

4. When hunters were awarded Tier I caribou permits, under the rules they and all their household members (nearly 1,700 hunters) were systematically denied any and all other moose and caribou drawing permits. Those permits have now been issued to other applicants. Thus, many hunters awarded Tier I caribou permits and members of their households have lost opportunity that cannot be restored this year. Elimination of the opportunity to harvest Nelchina caribou will exacerbate these losses.

5. Based on the Department's records, it seems likely that the majority of hunters that were planning to participate in the Ahtna Community Hunt this season never applied for any other moose or caribou permit hunts, as the community hunt provided them with the best opportunity to harvest moose and caribou. These opportunities will also be lost.

6. Hunters planning to participate in the Ahtna Community Hunt expected the moose and caribou hunts to open 10 August. While some may have a limited opportunity to hunt caribou in this area if new emergency regulations are adopted, elimination of the community harvest permit will significantly reduce their moose hunting opportunities as the general moose season does not begin until September 1.

7. Attempting to expedite a Tier II hunt at this late date could only be accomplished through emergency regulations, and even then will require a minimum of 57 days before scoring and permit distribution could even be done. (Emergency Board of Game meeting application, scoring, permit distribution, etc.) The public would have no opportunity to comment on emergency regulations adopting such an expedited Tier II hunt, the most controversial hunt in the State of Alaska.

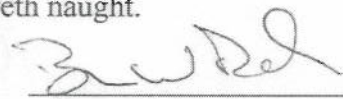
8. My understanding is that the July 9, 2010 decision enjoins the Tier I caribou hunt for the 2010-2011 regulatory year, as well as the Community Hunt, which both begin on August 10, 2010. The Department is currently attempting to move as expeditiously as possible to implement these mandates and provide some kind of a hunt for the 2010-2011 regulatory year. However, because of the steps which must be taken to do so and the timing described above and in the Second Affidavit of Kurt Kamletz, filed along with this affidavit, the Department and Board cannot complete the regulatory and administrative processes necessary to do so, even under emergency authorities, until well into September, 2010. Thus, if the Decision is not stayed, the Department's only option for obeying the mandate enjoining these hunts is to close at least the August and September portions of the Unit 13 caribou hunt, which will result in a loss of all late

summer and autumn hunting opportunity for all users who hunt under state regulations for this herd.

9. An expedited application process will also likely cause unforeseen challenges and a tremendous dedication of staff resources in regional and area ADF&G offices. Any unforeseen complications and delay will further result in loss of hunting opportunity. These losses of, at least, the autumn hunting seasons will especially affect those who want to hunt with school age children and those who traditionally hunt on the autumn ranges of the herd. Nelchina caribou are migratory and the herd's wintering areas are often 200 miles from traditional autumn ranges.

10. By mid-summer, most Alaskan hunters have already made hunting plans for their autumn hunting seasons, including the use of moose or caribou drawing permits they may have received. Hunt plans that involve substantial logistics, transporter fees, and/or leave from work often cannot be amended this late, resulting in a further loss of financial and subsistence resources.

Further, affiant sayeth naught.

 7-19-2010

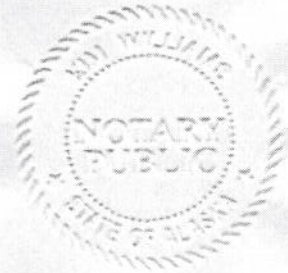
Bruce Dale Dated

SUBSCRIBED AND SWORN TO before me this 19 day of July, 2010.

[Handwritten Signature]

Notary Public, State of Alaska

My commission expires "with office"



Affidavit of Bruce Dale
Manning v. State

EXHIBIT 3
Page 5 of 5
3KN-09-178CI