

# Alaska Board of Game

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## Meeting Workbook



## Interior Region

March 2- 11, 2012

**ALASKA BOARD OF GAME**  
**Interior Region**  
**March 2 - 11, 2012**  
**Wedgewood Resort**  
**Fairbanks, Alaska**

**~TENTATIVE AGENDA~**

**NOTE: This Tentative Agenda is subject to change throughout the course of the meeting.**

This Tentative Agenda 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. Persons wishing to testify must sign-up by the deadline. Public testimony will continue until those present at the meeting are heard; the board will continue working through its agenda immediately upon conclusion of public testimony. The following time blocks are only an estimate.

**Friday, March 2, 8:30 AM**

**OPENING BUSINESS**

Call to Order

Introductions of Board Members and Staff

Board Member Ethics Disclosures

Purpose of Meeting (overview)

**STAFF AND OTHER REPORTS**

**PUBLIC AND ADVISORY COMMITTEE TESTIMONY (upon conclusion of staff reports)**

**THE DEADLINE FOR SIGN-UP TO TESTIFY will be 1:00 pm Saturday, March 3<sup>rd</sup>.** Public testimony will continue until persons who have signed up before the deadline and who are present when called by the Chairman to testify, are heard.

**Saturday, March 3, 8:30 AM**

**PUBLIC AND ADVISORY COMMITTEE TESTIMONY Continued**

**Sunday, March 4, 8:30 AM**

**PUBLIC AND ADVISORY COMMITTEE TESTIMONY Continued**

**BOARD DELIBERATIONS (Upon conclusion of public testimony)**

**Monday, March 5 – Sunday, March 11, 8:30 AM**

**BOARD DELIBERATIONS Continued**

**MISCELLANEOUS BUSINESS, including petitions, findings and policies, letters, and other business (Upon conclusion of deliberations)**

**ADJOURN**

**Special Notes**

- A. This agenda is TENTATIVE and subject to change during the meeting. A list of staff reports and a roadmap will be available at the meeting. Scheduled updates will be available on the Board of Game website.
- B. Meeting materials are available through the website at: [www.boardofgame.adfg.alaska.gov](http://www.boardofgame.adfg.alaska.gov) or by contacting the ADF&G Boards Support Office in Juneau at 465-4110.
- C. A live audio stream for the meeting is intended to be available at:  
[www.boardofgame.adfg.alaska.gov](http://www.boardofgame.adfg.alaska.gov)
- D. 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 February 17, 2012 to make any necessary arrangements.

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

The Alaska Board of Game proposes to adopt regulation changes in Title 5 of the Alaska Administrative Code, dealing with the use and taking of game. Regulations subject to board action are in 5 AAC 84, 85, 92, 98 and 99. The subject matter areas to be addressed concern Game Management Units 12, 19, 20, 21, 24, 25, 26B and 26C; and statewide reauthorization of antlerless moose hunts and brown bear tag fee exemptions. The board will also address additional topics for other Game Management Units and statewide provisions as described below:

- A. TRAPPING SEASONS AND BAG LIMITS in Units 12, 19, 20, 21, 24, 25, 26B and 26C, including but not limited to: beaver, coyote, mink, marten, otter, muskrat, squirrel, marmot, fox, weasel, lynx, black bear, and wolves. In addition, the definition of bucket foot snare.
- B. HUNTING SEASONS AND BAG LIMITS in Units 12, 19, 20, 21, 24, 25, 26B and 26C for all species including, but not limited to: bison, muskox, moose, caribou, black bear, Dall sheep, brown bear, wolves, wolverine, lynx, fur animals, small game, unclassified game, and deleterious exotic wildlife. In addition, the potential for Tier I or Tier II subsistence hunting for each population and the reauthorization of antlerless moose hunts in all Units.
- C. LICENSES, HARVEST TICKETS, HARVEST REPORTS, TAGS, FEES, AND PERMITS in Units 12, 19, 20, 21, 24, 25, 26B and 26C, including, but not limited to: discretionary and required permit hunt conditions and procedures including requirements for antler locking tags and same day airborne assistance for taking bison; taking of game by proxy; permits for hunting black bear and brown bear with the use of bait or scent lures; special provisions for moose and Dall sheep hunts; guide requirements for nonresidents; maintaining bait stations by guides and assistant guides; special hunts for youth and disabled individuals; hunter education requirements; community subsistence harvest hunts, areas and conditions; and reauthorization of brown bear tag fee exemptions. In addition, discretionary trapping permit conditions and procedures including black bear trapping requirements for age, residency, salvage, sealing, evidence of sex and identity, identification and checking bear bait and snare stations; and taking bear with snares and with the use of artificial light.
- D. HUNTING AND TRAPPING METHODS AND MEANS in Units 12, 19, 20, 21, 24, 25, 26B and 26C including, but not limited to: lawful methods of taking game, big game, and furbearers, including taking bear at bait stations the same day airborne; allowing the use of helicopters to access to trapping; and requirements for checking traps.
- E. POSSESSION, TRANSPORTATION, AND USE OF GAME in Units 12, 19, 20, 21, 24, 25, 26B and 26C including, but not limited to: sealing of bear skins and skulls; salvage of game meat, furs, and hides; taking cub bears and female bears with cubs; and purchase and sale of game.
- F. RESTRICTED AREAS AND GAME MANAGEMENT UNITS in Units 12, 19, 20, 21, 24, 25, 26B and 26C including, but not limited to: areas closed to hunting and trapping; closures and restrictions in state game refuges; management areas including Minto Flats and Fairbanks Management Areas; controlled use areas including Yanert, Koyukuk, Kanuti, Wood River, Ladue, and new Controlled Use Areas in Unit 20. In addition, restrictions for use of motorized vehicles; allowing the use of crossbows; and taking of small game by falconry in the Dalton Highway Corridor Management Area.

- G. INTENSIVE / PREDATOR MANAGEMENT in Units 12, 19, 20, 21, 24, 25, 26B and 26C for all prey populations and populations having a positive finding as identified big game prey populations. In addition, predation control areas implementation plans for Units 20, 24, 9, 17 and 19, including habitat manipulation, population and harvest objections, and related findings.
- H. CUSTOMARY AND TRADITIONAL USES OF GAME POPULATIONS for Units 12, 9, 17, 19, 20, 21, 24, 25, 26B and 26C including but not limited to: amounts reasonably necessary for subsistence uses for game including wolves.
- I. STATEWIDE AND OTHER PROVISIONS: Seasons and bag limits for bear and moose in Units 9B and 9C; the sale of big game trophies; moose hunting in Unit 11; discretionary permit conditions for methods and means for recipients of Governor's tags; sealing and salvage requirements for black bear; bait station seasons for taking black bear; taking cub bears and female bears with cubs; and statewide seasons and bag limits for black bear; and permits for falconry.

You may comment on the proposed regulations, including the potential costs to private persons of complying with the proposed changes by submitting written comments to the Alaska Board of Game, Boards Support Section at P.O. Box 115526, Juneau, AK 99811-5526. Comments may also be submitted by fax to (907) 465-6094.

Written comments may be submitted to the Board of Game at any time before the proposal is taken up by the board in deliberations, but as a practical matter, written comments should be submitted to the Boards Support Section office at the above address or fax number by **5:00 p.m. Friday, February 17, 2012** to ensure inclusion in the board workbooks.

Written comment over 100 single sided or 50 double sided pages in length from any one individual or group relating to proposals will not be accepted. Written comments submitted after February 17, 2012 will be limited to 10 single sided or 5 double sided pages in length from any one individual or group. Written comments that are submitted are public record and are subject to public inspection.

The public hearing portion of the meeting will begin immediately after staff reports and 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 may elect to provide testimony at a later portion of the meeting. The deadline to sign up to testify will be announced at the meeting. The board will take oral testimony only from those who register before the cut-off time. The length of oral statements may be limited to three to five minutes, or less.

Additional public hearings may be held throughout the meeting just before consideration and adoption of proposed changes in the regulations. A live audio stream of the board meeting is intended to be available and can be accessed on the Board of Game website at: [www.boardofgame.adfg.alaska.gov](http://www.boardofgame.adfg.alaska.gov) .

**TENTATIVE MEETING SCHEDULE**  
**Interior Region Meeting**  
**Wedgewood Resort**  
**212 Wedgewood Drive, Fairbanks, Alaska 99701**  
**March 2 – 11, 2012**

An agenda will be posted daily during the meeting. Any changes to meeting locations, dates or times, or rescheduling of topics or subject matter will be announced by news release. Please watch for these announcements in the news media or call (907) 465-4110.

If you are a person with a disability who may need special accommodations in order to participate in this process, please contact Scott Crass at (907) 465-4110 no later than February 17, 2012 to ensure that any necessary accommodations can be provided.

The proposed regulation changes are available on the Board of Game website [www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo](http://www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo) or through the ADF&G Boards Support Section Office at (907) 465-4110.

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 STAFF.** 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. 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 use.

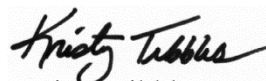
After the public hearing, the Board of Game may adopt these or other provisions dealing with the same subject, without further notice, or amend, reject, supplement, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. You should comment during the time allowed if your interest could be affected.

**Statutory Authority:** AS 16.05.255; AS 16.05.258; AS 16.05.270

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

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

DATE: January 27, 2012



Kristy Tibbles, Executive Director  
Alaska Board of Game

**ADDITIONAL REGULATIONS NOTICE INFORMATION**  
**(AS 44.62.190(d))**

1. Adopting agency: Alaska Board of Game
2. General subject of regulation: Interior Region
3. Citation of regulations: 5 AAC 84, 85, 92, 98, and 99
4. Reason for the proposed action:
  - compliance with federal law
  - compliance with new or changed state statute
  - compliance with court order
  - development of program standards
  - other: Regularly scheduled topics for the Interior Region, 2012 Board of Game meeting and other miscellaneous provisions. Implement, interpret, or make specific the provisions of AS 16.05– AS 16.30
5. Program category and RDU: Natural Resources and all RDUs
6. Cost of implementation to the state agency and available funding: It is not possible to estimate cost. However, this action is not expected to require an increased appropriation.
7. 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) 465-4110

8. The origin of the proposed action:
  - staff of state agency
  - federal government
  - general public
  - petition for regulation change
  - other (please list)

9. Date: January 27, 2012

Prepared by:   
Kristy Tibbles  
Executive Director, Board of Game  
907-465-4110

**ALASKA BOARD OF GAME**  
**Interior Region Meeting**  
**Fairbanks, Alaska**  
**March 2 – March 11, 2012**

**Region III--Interior**

- \_\_\_\_\_ 133 Open resident hunting seasons one week before nonresident seasons in all intensive management areas in Region III.
- \_\_\_\_\_ 134 For Region III Units, allocate 10 percent of drawing permits to nonresidents; restrict nonresident participation in hunts with less than 10 permits.
- \_\_\_\_\_ 135 For Region III Units, limit drawing permits to 10 percent for out of state hunters, 90 percent for residents.
- \_\_\_\_\_ 136 Begin the resident hunting season for Dall sheep seven days earlier than nonresidents in Region III Units.
- \_\_\_\_\_ 137 Convert nonresident sheep seasons to draw only hunts, require guide-client agreement and cap harvest at 15-20% of allowable harvest.
- \_\_\_\_\_ 138 Convert all sheep hunts in Region III to drawing only, 90% for residents.
- \_\_\_\_\_ 139 Convert all nonresident sheep seasons to drawing permit hunts and limit to 5 percent of total permits.
- \_\_\_\_\_ 140 Reauthorize resident grizzly bear tag fee exemptions throughout Interior and Eastern Arctic Alaska.
- \_\_\_\_\_ 141 Implement black bear trapping regulations.
- \_\_\_\_\_ 142 Prohibit trapping of black bear in the Interior region.
- \_\_\_\_\_ 144 Allow for same day airborne hunting or black bear over bait.
- \_\_\_\_\_ 143 Allow the taking of black bear at bait stations the same day you have been airborne.
- \_\_\_\_\_ 145 Develop a Unit specific Amount Needed for Subsistence (ANS) finding for wolves in the Interior Region.
- \_\_\_\_\_ 146 Open year-round coyote seasons in Region III.
- \_\_\_\_\_ 147 Allow the use of helicopters for access to trapping in Region III.
- \_\_\_\_\_ 148 Close certain nonresident trapping seasons in the Interior Region.
- \_\_\_\_\_ 149 Extend the season for fox, martin, mink, and weasel in Units 12, 20, &25C.
- \_\_\_\_\_ 150 Close certain nonresident furbearer hunting seasons in the Interior Region.
- \_\_\_\_\_ 151 Review the conditions of the Controlled Use Areas in Region III and repeal those that are no longer meet the original intent.
- \_\_\_\_\_ 152 Open early youth hunt (10-17 years) for all big game in Region III Units; require accompanying adult to forfeit bag limit.
- \_\_\_\_\_ 153 Eliminate the requirement to pick up moose registration permits weeks or months prior to the season in remote villages in Regions III. Make all registration permits available in season from designated vendors.

**McGrath Area – Units 19, 21A, & 21E**

- \_\_\_\_\_ 154 Reauthorize antlerless moose hunting seasons in Unit 19D.
- \_\_\_\_\_ 155 Close certain caribou hunts in Units 19A, 19B, 19C, 19D, 21A, and 21E.
- \_\_\_\_\_ 156 Close the nonresident season for caribou in parts of Unit 19.
- \_\_\_\_\_ 131 Expand predator control plan for bears in Unit 19A..
- \_\_\_\_\_ 157 Amend the Mulchatna Caribou Herd Predation Management Plan
- \_\_\_\_\_ 158 Establish a predator control plan for the range of the Mulchatna Caribou Herd.
- \_\_\_\_\_ 159 Modify the population objective for Mulchatna caribou.
- \_\_\_\_\_ 160 Extend the lynx trapping season in Unit 19.

**Galena Area – Units 21B, 21C, 21D and 24**

- \_\_\_\_\_ 161 Split the moose drawing permit hunt in Unit 21D (DM817) into two drawing permit seasons.
- \_\_\_\_\_ 162 Allow 10% of the Koyukuk CUA permit winners to use aircraft; allow guided permit winners to choose either boat or aircraft.
- \_\_\_\_\_ 163 Authorizes a predator control program in a small portion of Unit 24B.
- \_\_\_\_\_ 164 Eliminate the aircraft restriction in the Kanuti Controlled Use Area.
- \_\_\_\_\_ 165 Close all hunting for the Galena Mountain Caribou Herd in Unit 24.
- \_\_\_\_\_ 167 Lengthen wolf hunting season to the end of May for Units 21, 22, and 24.
- \_\_\_\_\_ 166 Lengthen the wolf hunting season for residents and nonresidents in Unit 21.
- \_\_\_\_\_ 168 Allow brown bears to be harvested with bait in Unit 21D.
- \_\_\_\_\_ 169 Extend the lynx trapping season in Unit 21.

**Northeast Alaska – Units 25A, 25B, 25D, 26B and 26C**

- \_\_\_\_\_ 170 Shorten the moose season in a portion of 25A.
- \_\_\_\_\_ 171 Require meat-on-bone salvage for moose in Unit 25A.
- \_\_\_\_\_ 172 Require meat-on-bone salvage for moose in Unit 25B.
- \_\_\_\_\_ 173 Require meat-on-bone salvage for moose in Unit 25D.
- \_\_\_\_\_ 174 Establish a registration hunt for moose in the Firth/Mancha River drainage in Unit 26C.
- \_\_\_\_\_ 175 Increase the nonresident bag limit for Porcupine Herd caribou in Units 25B, 25D, 26C, and the eastern portion of Unit 25A.
- \_\_\_\_\_ 176 Return the nonresident bag limit on Porcupine Herd caribou to two bulls.
- \_\_\_\_\_ 177 Decrease the bag limit for caribou in Unit 26B.
- \_\_\_\_\_ 262 Require hunter education for sheep hunters in the Red Sheep and Cane Creek drainages.
- \_\_\_\_\_ 178 Close Red Sheep Creek and Cane Creek drainages to hunting for sheep.
- \_\_\_\_\_ 179 Convert the general season nonresident sheep hunt to drawing hunt in the Dalton Highway Corridor area
- \_\_\_\_\_ 180 Open wolf trapping in Units 25A, B, and C earlier, starting October 1.
- \_\_\_\_\_ 181 Extend brown bear seasons in Unit 26B.
- \_\_\_\_\_ 182 Increase the annual bag limit for black bear in Unit 25D.



- \_\_\_\_\_ 183 Allow hunters to take more than one brown bear by community harvest permit in Unit 25D.
- \_\_\_\_\_ 184 Allow the use of crossbows in the Dalton Highway Corridor Management Area.
- \_\_\_\_\_ 185 Allow the taking of small game by falconry in the Dalton Highway Corridor Management area.

**Tok Area – Units 12 & 20E**

- \_\_\_\_\_ 186 Modify moose season in portion of Unit 12 and 11.
- \_\_\_\_\_ 187 Convert the any bull moose hunt to a spike-fork 50-inch or 3 or more brow tines in portion of Unit 12.
- \_\_\_\_\_ 188 Allocate 10 percent of sheep drawing permits to nonresidents.
- \_\_\_\_\_ 189 Close the nonresident sheep season in the Tok and Delta drawing hunts.
- \_\_\_\_\_ 190 Close nonresident sheep season in the Tok and Delta drawing hunts.
- \_\_\_\_\_ 191 Extend the moose season and restrict the harvest to larger bulls in Unit 20E.
- \_\_\_\_\_ 192 Combine Fortymile and White Mountains Caribou herd seasons under 1 registration permit, remove harvest limits, lengthen the winter season for residents, and allow a new limited registration permit hunt.
- \_\_\_\_\_ 193 Move the Fortymile caribou season start date back to August 10, close corridor within one mile of highways during fall season.
- \_\_\_\_\_ 194 Open a youth only hunt for Fortymile Caribou.
- \_\_\_\_\_ 195 Prohibit proxy hunting for all Fortymile and White Mountain caribou hunts in Units 20B, 20D, 20E, 20F and 25C.
- \_\_\_\_\_ 196 Allow brown bear baiting with same season and restrictions as black bear baiting.
- \_\_\_\_\_ 197 Re-Implement the grizzly bear control portion of the UYTSCP in Southern Unit 20E, and allow bear snaring and same day airborne taking of bears.
- \_\_\_\_\_ 198 Align the Unit 12 and 20E fox trapping season with the coyote season, including snare and trap restrictions in October and April.
- \_\_\_\_\_ 199 Extend hunting seasons for lynx and fox to April 30.
- \_\_\_\_\_ 200 Amend the Amount Reasonably Necessary for Subsistence Uses for wolves in Unit 12.

**Delta Area – Unit 20D**

- \_\_\_\_\_ 201 Reauthorize antlerless moose hunting seasons in Unit 20D.
- \_\_\_\_\_ 202 Allow assistance from same-day-airborne for Delta bison permit holders
- \_\_\_\_\_ 203 Restrict the use of all motorized vehicles in portion of 20D.

**Fairbanks Area - Unit 20A, 20B, 20C, 20F, & 25C**

- \_\_\_\_\_ 204 Modify the Intensive Management findings for moose in Unit 20A.
- \_\_\_\_\_ 205 Change the legal animal for the Unit 20A & 20B antlerless hunts.
- \_\_\_\_\_ 206 Reauthorize the antlerless moose hunting season in Unit 20A.
- \_\_\_\_\_ 207 Revert to the original hunt area for the November muzzleloader hunt in Unit 20A.

- \_\_\_\_\_ 208 Establish a new muzzleloader hunt in Remainder of Unit 20A; outside the controlled use area.
- \_\_\_\_\_ 209 Require hunters to use a locking tag if hunting any bull drawing permit in Unit 20A.
- \_\_\_\_\_ 210 Move the northern boundary of the Wood River Controlled Use Area.
- \_\_\_\_\_ 211 Prohibit the use of ATVs above 2500 feet elevation in a portion of Unit 20.
- \_\_\_\_\_ 212 Prohibit the use of ATVs in a portion of Unit 20.
- \_\_\_\_\_ 213 Allow motorized vehicle access in the Yanert Controlled Use Area in Unit 20.
- \_\_\_\_\_ 214 Create an "any ram" drawing permit hunt in Unit 20.
- \_\_\_\_\_ 216 Open a general season bull hunt 10 days earlier in the Minto Flats Management Area; convert the winter any moose hunt to antlerless and issue unlimited permits.
- \_\_\_\_\_ 215 Establish a community harvest hunt area for the Village of Minto in Unit 20.
- \_\_\_\_\_ 217 Establish a community harvest permit hunt for the Village of Minto.
- \_\_\_\_\_ 218 Reauthorize the antlerless moose hunting season in Unit 20B.
- \_\_\_\_\_ 219 Eliminate the Minto Flats Management Area restrictions on airboats.
- \_\_\_\_\_ 220 Lengthen the muzzleloader season in Unit 20B, Creamers Refuge, and expand the hunt area to all of the Fairbanks Management area.
- \_\_\_\_\_ 221 Lengthen the muzzleloader season in Unit 20B, Creamers Refuge.
- \_\_\_\_\_ 222 Modify the muzzleloader hunt area to prohibit harvest of antlerless moose in the Salcha River drainage.
- \_\_\_\_\_ 223 Modify the muzzleloader hunt to prohibit harvest of antlerless moose in the Salcha River drainage.
- \_\_\_\_\_ 224 Review the boundary of the Fairbanks Management Area; focus on changing the boundary near Murphy Dome and Ester Dome.
- \_\_\_\_\_ 225 Remove the prohibition on aircraft use for beaver trapping in the Minto Flats management area.
- \_\_\_\_\_ 229 Adopt an Intensive Management plan for Unit 20C.
- \_\_\_\_\_ 227 Establish an intensive management area for Unit 20C.
- \_\_\_\_\_ 228 Adopt a wolf control program for Unit 20C.
- \_\_\_\_\_ 230 Adopt a bear control program for Unit 20C.
- \_\_\_\_\_ 226 Align the resident and nonresident moose seasons in Unit 20C.
- \_\_\_\_\_ 231 Establish a black bear trapping season in parts of Unit 20C.
- \_\_\_\_\_ 232 Allow harvest of grizzly bear over a black bear bait site; require salvage of meat and hide
- \_\_\_\_\_ 233 Establish a new controlled use area near Denali.
- \_\_\_\_\_ 234 Require meat-on-bone salvage for moose in Unit 25C.
- \_\_\_\_\_ 235 Increase the bag limit for black bear in Unit 25C.
- \_\_\_\_\_ 236 Allow limited harvest of grizzly bear at black bear bait stations in Units 20A, 20B and 25C.
- \_\_\_\_\_ 237 Align the brown/grizzly season in all of Unit 20.

**STATEWIDE**

- \_\_\_\_\_ 40 Allow nonresident falconers to capture raptors in Alaska.
- \_\_\_\_\_ 44 Modify the ADF&G discretionary authority for Governor’s tags.
- \_\_\_\_\_ 46 Allow the sale of big game trophies.
- \_\_\_\_\_ 47 Allow the sale of big game trophies.
- \_\_\_\_\_ 109 Clarify and remove complicated and restrictive regulations and ADF&G discretionary provisions pertaining to black bear hunting.
- \_\_\_\_\_ 259 Modify the salvage and sealing requirements for black bear regulations statewide.
- \_\_\_\_\_ 119 Establish a codified location for permitted black bear bait stations and establish seasons for all of Alaska.

**REGION IV—CENTRAL/SOUTHWEST**

- \_\_\_\_\_ 238 Implement a predation management plan in Unit 9B.
- \_\_\_\_\_ 260 Modify brown bear seasons in Unit 9B.
- \_\_\_\_\_ 261 Modify brown bear seasons in Unit 9C.
- \_\_\_\_\_ 245 Reauthorize antlerless moose hunt in Unit 13.
- \_\_\_\_\_ 246 Reauthorize antlerless moose hunt in Unit 14A.
- \_\_\_\_\_ 254 Reauthorize antlerless moose hunt in Unit 16B, Kalgin Island.
- \_\_\_\_\_ 255 Reauthorize brown bear tag fees in Region IV.

**REGION I--SOUTHEAST**

- \_\_\_\_\_ 239 Reauthorize antlerless moose hunt in Unit 1C, Berners Bay
- \_\_\_\_\_ 240 Reauthorize antlerless moose hunt in Unit 1C, Gustavus
- \_\_\_\_\_ 241 Reauthorize antlerless moose hunt in Unit 5A, Nunatak Bench

**REGION II—SOUTHCENTRAL**

- \_\_\_\_\_ 242 Reauthorize antlerless moose hunt in Unit 6A.
- \_\_\_\_\_ 243 Reauthorize antlerless moose hunt in Unit 6B.
- \_\_\_\_\_ 244 Reauthorize antlerless moose hunt in Unit 6C.
- \_\_\_\_\_ 247 Reauthorize antlerless moose hunt in Units 7/14C Placer-20mile.
- \_\_\_\_\_ 248 Reauthorize antlerless moose hunt in Unit 14C.
- \_\_\_\_\_ 249 Reauthorize antlerless moose hunt in Unit 14C, Anchorage Mgt. Area.
- \_\_\_\_\_ 250 Reauthorize antlerless moose hunt in Unit 14C, Birchwood and remainder.
- \_\_\_\_\_ 251 Reauthorize antlerless moose hunt in Unit 14C, Ship Creek.
- \_\_\_\_\_ 252 Reauthorize antlerless moose hunt in Unit 15A, Skilak Loop.
- \_\_\_\_\_ 253 Reauthorize antlerless moose hunt in Unit 15C, Homer.

# Alaska Board of Game

Revised July 2011

NAME AND ADDRESS

TERM EXPIRES

Cliff Judkins, Chairman  
PO Box 874124  
Wasilla, Alaska 99687

6/30/2012

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6/30/2013

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Alaska Board of Game members may also be reached at:

ALASKA DEPARTMENT OF FISH AND GAME

Boards Support Section

P.O. Box 115526

Juneau, AK 99811-5526

PHONE: (907) 465-4110 FAX: (907) 465-6094

Web address: <http://boardofgame.adfg.alaska.gov>

**ALASKA BOARD OF GAME  
Meeting Schedule  
2011/2012 Cycle**

**Tentative**

<b>Dates</b>	<b>Topic</b>	<b>Location</b>
<b>November 11-14, 2011 (4 days)</b> <i>Comment Deadline – October 28, 2011</i>	<b>Arctic Region</b> Inupiat Heritage Center	Barrow
<b>January 13-18, 2012 (5 days)</b> <i>Comment Deadline – December 30, 2011</i>	<b>Statewide Regulations</b> Hilton Hotel	Anchorage
<b>March 2 – 11, 2012 (10 days)</b> <i>Comment Deadline – February 17, 2012</i>	<b>Interior Region</b> Wedgewood Resort	Fairbanks

**\*\*Note: The Board of Game is issuing a single Call for Proposals for the 2012/2013 cycle; the deadline is: 5:00 pm Tuesday, May 1, 2012.\*\***

**ALASKA BOARD OF GAME  
Tentative Meeting Schedule  
2012/2013 Cycle**

<b>Meeting Dates</b>	<b>Topics</b>	<b>Location</b>
<b>January 11 – 15, 2013 (5 days)</b> <i>Comment Deadline –</i>	<b>Southeast Region</b>	<b>Sitka</b>
<b>February 8 - 15, 2013 (8 days)</b> <i>Comment Deadline -</i>	<b>Central/Southwest Region</b>	<b>Wasilla</b>
<b>March 15-19, 2013 (5 days)</b> <i>Comment Deadline -</i>	<b>Southcentral Region</b>	<b>Kenai/Soldotna</b>

**PROPOSAL DEADLINE: Tuesday, May 1, 2012 at 5:00 p.m.**

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Alaska Department of Fish and Game  
Boards Support Section  
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**ALASKA BOARD OF GAME**  
Meeting Cycle

The board meeting cycle generally occurs from October through March. The board considers changes to regulations on a region-based schedule. Each region will be discussed on a two-year cycle. When the regional area is before the board, the following regulations are open for consideration within that region:

- Trapping Seasons and Bag Limits -- All species
- General and Subsistence Hunting Seasons and Bag Limits -- All species  
(Except antlerless moose hunts as noted below)
- Wolf Control Implementation Plans
- Bag Limit for Brown Bears
- Areas Closed To Hunting
- Closures and Restrictions in State Game Refuges
- Management Areas
- Controlled Use Areas
- Areas Closed To Trapping

Regulations specific to an area (e.g., Permits for Access to Round Island) will be taken up when the board is scheduled to consider regulations in that region. Proposals for changes to regulations pertaining to reauthorization of all antlerless moose hunts, 5 AAC 85.045, and all brown bear tag fee exemptions, 5 AAC 92.015, will be taken up annually, at spring meetings.

The Board of Game does not consider proposals to statewide regulations in every meeting cycle. Instead, the Board of Game reviews statewide regulations on a four-year cycle, distributed between winter meetings, every other year. The list of statewide regulations and the associated “Cycle A” and “Cycle B” meeting schedule is set forth on the next page of this publication.

<u>Regulations for:</u>	<u>Will be considered:</u>		
<b>SOUTHEAST REGION (Region I)</b> Game Management Units: 1, 2, 3, 4, 5	Fall 2012	Fall 2014	Fall 2016
<b>SOUTHCENTRAL REGION (Region II)</b> Game Management Units: 6, 7, 8, 14C, 15	Spring 2011	Spring 2013	Spring 2015
<b>CENTRAL/SOUTHWEST REGION (Region IV)</b> Game Management Units: 9, 10, 11, 13, 14A, 14B, 15, 16, 17	Spring 2011	Spring 2013	Spring 2015
<b>ARCTIC AND WESTERN REGIONS (Region V)</b> Game Management Units: 18, 22, 23, 26A	Fall 2011	Fall 2013	Fall 2015
<b>INTERIOR REGION (Region III)</b> Game Management Units: 12, 19, 20, 21, 24, 25, 26B, 26C	Spring 2012	Spring 2014	Spring 2016



**ALASKA BOARD OF GAME**  
**STATEWIDE REGULATIONS SCHEDULE**

**CYCLE “A”: 2010, 2014, 2018, 2022**

**5 AAC Chapter 92 Statewide Provisions:**

- .001 Application of this Chapter
- .002 Liability for Violations
- .003 Hunter Education and Orientation Requirements
- .004 Policy for Off-Road Vehicle Use for Hunting and Transporting Game
- .005 Policy for Changing Board Agenda
- .010 Harvest Tickets and Reports
- .011 Taking of Game by Proxy
- .012 Licenses and Tags
- .013 Migratory bird hunting guide services
- .018 Waterfowl Conservation Tag
- .019 Taking of Big Game for Certain Religious Ceremonies
- .020 Application of Permit Regulations and Permit Reports
- .025 Permit for Exporting a Raw Skin
- .028 Aviculture Permits
- .029 Permit for Possessing Live Game
- .030 Possession of Wolf Hybrid Prohibited
- .031 Permit for Selling Skins, Skulls, and Trophies
- .033 Permit for Science, Education, Propagative, or Public Safety Purposes
- .034 Permit to Take Game for Cultural Purposes
- .039 Permit for Taking Wolves Using Aircraft
- .042 Permit to Take Foxes for Protection of Migratory Birds
- .047 Permit for Using Radio Telemetry Equipment
- .104 Authorization for Methods and Means Disability Exemptions
- .106 Intensive Management of Identified Big Game Prey Populations
- .110 Control of Predation by Wolves
- .115 Control of Predation by Bears
- .116 Special Provisions in Predation Control Areas
- .141 Transport, Harboring, or Release of Live Muridae Rodents Prohibited
- .165 Sealing of Bear Skins and Skulls
- .170 Sealing of Marten, Lynx, Beaver, Otter, Wolf, and Wolverine
- .171 Sealing of Dall sheep horns
- .200 Purchase and Sale of Game
- .210 Game as Animal Food or Bait
- .220 Salvage of Game Meat, Furs, and Hides
- .230 Feeding of Game
- .250 Transfer of Musk oxen for Science and Education Purposes
- .450 Description of Game Management Units
- .990 Definitions

**CYCLE “B”: 2012, 2016, 2020, 2022.**

**5 AAC Chapter 92 Statewide Provisions:**

- .009 Obstruction or hindrance of lawful hunting or trapping
- .035 Permit for Temporary Commercial Use of Live Game
- .036 Permit for taking a child hunting
- .037 Permit for Falconry
- .040 Permit for Taking of Furbearers with Game Meat
- .041 Permit to Take Beavers to Control Damage to Property
- .043 Permit for Capturing Wild Furbearers for Fur Farming
- .044 Permit for hunting black bear with the use of bait or scent lures
- .049 Permits, Permit Procedures, and Permit Conditions
- .050 Required Permit Hunt Conditions and Procedures
- .051 Discretionary Trapping Permit Conditions & Procedures
- .052 Discretionary Permit Hunt Conditions and Procedures
- .057 Special Provisions for Dall Sheep Drawing Permit Hunts
- .062 Priority for Subsistence Hunting; Tier II Permits
- .068 Permit Conditions for Hunting Black Bear with Dogs
- .069 Special Provisions for Moose Drawing Permit Hunts
- .070 Tier II Subsistence Hunting Permit Point System
- .075 Lawful Methods of Taking Game
- .080 Unlawful Methods of Taking Game; Exceptions
- .085 Unlawful Methods of Taking Big Game; Exceptions
- .090 Unlawful Methods of Taking Fur Animals
- .095 Unlawful Methods of Taking Furbearers; Exceptions
- .100 Unlawful Methods of Hunting Waterfowl, Snipe, Crane
- .130 Restriction to Bag Limit
- .135 Transfer of Possession
- .140 Unlawful Possession or Transportation of Game
- .150 Evidence of Sex and Identity
- .160 Marked or Tagged Game
- .200 Purchase and Sale of Game
- .260 Taking Cub Bears & Female Bears with Cubs Prohibited
- .400 Emergency Taking of Game
- .410 Taking of Game in Defense of Life or Property
- .420 Taking Nuisance Wildlife



**ALASKA BOARD OF GAME**  
**Policies and Resolutions**

**2012**

2012-194-BOG	Board of Game Bear Conservation, Harvest, and Management Policy ( <i>Policy 2011-186-BOG Revised</i> )
2012-193-BOG	Subunit 26B Muskoxen - Intensive Management Supplemental Findings
2012-192-BOG	Subunit 15C Moose - Intensive Management Supplemental Findings
2012-191-BOG	Subunit 15A Moose - Intensive Management Supplemental Findings
2012-190-BOG	Falconry, Federal Migratory Bird Rulemaking and Delegation of Authority

**2011**

#2011-189-BOG	Subunits 9C and 9# (Northern Alaska Peninsula Caribou Herd) Intensive Management Supplemental Findings
#2011-188-BOG	Units 9B, 17, 19, and 19B (MCH) Intensive Management Supplemental Findings
#2011-187-BOG	Unit 16 Predation Control Area for Moose Intensive Management Supplemental Findings
#2011-186-BOG	Board of Game Bear Conservation, Harvest, and Management Policy.
#2011-185-BOG	Board of Game Wolf Management Policy (this policy supersedes BOG policy 82-31-GB)
#2011-184-BOG	Game Management Unit 13 Caribou and Moose Subsistence Uses ( <i>Supplement findings to 2006-170-BOG</i> )

**2010**

#2010-183-BOG	Harvest of Game for Customary and Traditional Alaska Native Funerary and Mortuary Religious Ceremonies
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**2009**

#2009-182-BOG	Units 12, 20B, 20D, 20E, and 25C Intensive Management Supplemental Findings
#2009-181-BOG	Unit 19D-East Intensive Management Supplemental Findings
#2009-180-BOG	Unit 19A Intensive Management Supplemental Findings
#2009-179-BOG	Resolution Supporting Increasing Non-Resident Hunting License and Tag Fees

**2008**

#2008-178-BOG	Finding of Emergency: Predator Control Implementation Plans
#2008-177-BOG	Units 12, 20B, 20D, 20E, & 25C Intensive Management Supplemental Findings
#2008-176-BOG	Units 16A & B Intensive Management Supplemental Findings
#2008-175-BOG	Unit 9D (South AK Peninsula Caribou Herd) Intensive Management Supplemental Findings
#2008-174-BOG	Unit 19D East Supplemental Findings

## **2007**

- #2007-173-BOG Nonresident Drawing Permit Allocation Policy – (#162 Revised)
- #2007-172-BOG Annual Reauthorization of Antlerless Moose

## **2006**

- #2006-171-BOG Resolution supporting a Moratorium on New Zoo Applications
- #2006-170-BOG Unit 13 Caribou and Moose Subsistence Uses
- #2006-169-BOG Unit 19D-East Intensive Management Supplemental Findings
- #2006-168-BOG Unit 19A Intensive Management Supplemental Findings
- #2006-167-BOG Unit 16 Intensive Management Supplemental Findings
- #2006-166-BOG Unit 13 Intensive Management Supplemental Findings
- #2006-165-BOG Unit 12 and 20E Intensive Management Supplemental Findings
- #2006-164-BOG Board of Game Bear Management and Conservation Policy
- #2006-163-BOG Resolution Regarding Declining Fish and Wildlife Enforcement in Alaska
- #2006-162-BOG Nonresident Drawing Permit Allocation Policy
- #2006-161-BOG Finding of Emergency: Predator Control Implementation Plans

## **2005**

- #2005-160-BOG Finding of Emergency: Methods of Harvest for Hunting Small Game in the Skilak Loop Special Management Area of the Kenai National Wildlife Refuge
- #2005-159-BOG Resolution in Support of Allowing Guides to Take Wolves while Under Contract to Clients
- #2005-158-BOG Resolution in Support of Public Education Program on Predator Control
- #2005-157-BOG Reauthorizing Wolf Control in Portions of Unit 13
- #2005-156-BOG Supporting Joint Federal and State Deer Harvest Reporting
- #2005-155-BOG Supporting Governor's Lawsuit Against Federal Government; Extent and Reach of Subsistence Regulations in State Navigable Waters

## **2004**

- #2004-154-BOG Supporting Increasing Resident and Non-Resident Hunting License and Tag Fees
- #2004-153-BOG Increase FY06 Budget for Boards of Fisheries and Game and State Advisory Committees
- #2004-152-BOG Predator Control in Portions of Upper Yukon/Tanana Predator Control Area
- #2004-151-BOG Bear Baiting Allocation
- #2004-150-BOG Authorizing Predator Control in Central Kuskokwim Area, Unit 19A
- #2004-149-BOG Signage for Traplines on Public Lands
- #2004-148-BOG Authorizing Predator Control in Western Cook Inlet, Unit 16B
- #2004-147-BOG Bear Conservation and Management Policy
- #2004-146-BOG Americans with Disabilities Act Exemptions

## **2003**

#2003-145-BOG	Authorization of Airborne Shooting in Unit 19D East Predation Control Program
#2003-144-BOG	Authorizing Wolf Control in Portions of Unit 13
#2003-143-BOG	Authorizing Wolf Control in Portions of Unit 13
#2003-142-BOG	Resolution of the Alaska Board of Game Concerning a Statewide Bear Baiting Ballot Initiative
#2003-141-BOG	Request for Commissioner's Finding Regarding Same-Day-Airborne Wolf Hunting in Game Management Unit 13
#2003-140-BOG	Guidelines for a Unit 19D East Predation Control Program
#2003-139-BOG	A resolution of the Alaska Board of Game Concerning Management of Kenai Peninsula Brown Bear Mortality
<b><u>2002</u></b>	
#2002-138-BOG	Request to US Forest Service re: Management of Guided Brown Bear Hunting in Unit 4
#2002-137-BOG	Unit 1C Douglas Island Management Area Findings
#2002-136A-BOG	Unit 1D Brown Bear Drawing Hunt Finding
#2002-136-BOG	Government to Government Relations with Tribes in Alaska
<b><u>2001</u></b>	
#2001-135-BOG	Resolution concerning Unit 19D-East Adaptive Management Team Work
<b><u>2000</u></b>	
#2000-134-BOG	Unit 4 Brown Bear Management Team Findings
#2000-133-BOG	Habituation of Wildlife (unsigned – left in draft)
#2000-132-BOG	Reaffirm Resolution re: Management of Alaska's Fish and Game Resources/Ballot Initiative Process
#2000-131-BOG	Finding of Emergency: Unit 19D-East (Wolf Control Implementation Plan)
#2000-130-BOG	Resolution re: Support of the Conservation and Reinvestment Act of 1999
<b><u>1999</u></b>	
#99-129-BOG	Snow Machine Use in the Taking of Caribou
<b><u>1998</u></b>	
#98-128-BOG	Findings on Elk Management in Region I
#98-127-BOG	Findings on Commercial Guiding Activities in Alaska
#98-126-BOG	Emergency Findings – Moose in Unit 25B and Unit 25D
#98-125-BOG	Emergency Findings – Moose in Unit 21D
#98-124-BOG	Emergency Findings – Moose in Unit 18
#98-123-BOG	Emergency Findings – Caribou in Unit 9
#98-122-BOG	1998 Intensive Management Findings: Interior Region
#98-121-BOG	Findings: HB 168, Traditional Access
#98-120-BOG	Resolution re: Ballot Initiative Banning Use of Snares
#98-119-BOG	Trapping and Snaring of Wolves in Alaska

#98-118-BOG Customary and Traditional Use of Musk Ox in Northwest Unit 23

### **1997**

#97-117-BOG Customary and Traditional Use of Musk Ox on the Seward Peninsula  
#97-116-BOG Dall Sheep Management in the Western Brooks Range  
#97-115-BOG Resolution supporting Co-management of Alaska's Fish and Game Resources  
#97-114-BOG Resolution re: Dual Management of Alaska's Fish and Game Resources  
#97-113-BOG Resolution re: Methods and Means of Harvesting Furbearers and Fur Animals Including Wolves  
#97-112-BOG Resolution re: Management of Alaska's Fish and Game Resources/Ballot Initiative Process  
#97-111-BOG Finding to Include Unit 22 (except 22C) in the Northwest Alaska Brown Bear Management Area  
#97-110-BOG Finding of Emergency re: Stranded Musk Oxen  
#97-109-BOG Findings re: Unit 16B-South Moose  
#97-108-BOG Resolution re: Subsistence Division Budget  
#97-107-BOG Findings re: Wanton Waste on the Holitna and Hoholitna Rivers

### **1996**

#96-106-BOG Delegation of Authority re: Issuing Permits to Take Game for Public Safety Purposes  
#96-105-BOG Delegation of Authority to Implement Ballot Measure #3  
#96-104-BOG Finding of Emergency re: Western Arctic Caribou Herd  
#96-103-BOG Findings – Antlerless Moose in Unit 20A  
#96-102-BOG Findings – Nelchina Caribou Herd Management  
#96-101-BOG Findings – Intensive Management for GMU 19D East  
#96-100-BOG Establishment of the Nenana Controlled Use Area  
#96-99-BOG Moose Populations in Unit 26A  
#96-98-BOG Taking Big Game for Certain Religious Ceremonies  
#96-97-BOG Forty Mile Caribou Herd Management Plan  
#96-96-BOG Finding of Emergency – Moose in Remainder of Unit 16B

### **1995**

#95-95-BOG Resolution – Wildlife Diversity Initiative  
#95-94-BOG Resolution – Change Name of McNeil River State Game Refuge to Paint River State Game Refuge  
#95-93-BOG Requiring License Purchase in advance  
#95-92-BOG *Open Number*  
#95-91-BOG Delegation of Authority – Comply with Alaska Supreme Court Opinion in Kenaitze vs. State  
#95-90-BOG Board Travel Policy  
#95-89-BOG Findings – Noatak Controlled Use Area  
#95-88-BOG Delegation of Authority to Increase Bag Limits in Unit 18 for Mulchatna and Western Arctic Caribou Herds  
#95-87-BOG Subsistence Needs for Moose in Unit 16B

#95-86-BOG Findings on Intensive Management in Unit 19D  
 #95-85-BOG Findings on Intensive Management in Unit 20D  
 #95-84-BOG Findings on Intensive Management in Unit 13  
 #95-83-BOG Resolution: Subsistence Use on National Park Lands  
 #95-82-BOG “No Net Loss” Policy for Hunting and Trapping Opportunities  
 #95-81-BOG Resolution: Remove Federal Management of F&W on Public Lands and Waters  
 #95-80-BOG Resolution to Legislature to Define Subsistence

**1994**

#94-80A-BOG Wolf Predation Control Program in Unit 20A  
 #94-79-BOG Delegation to Commissioner to Adopt Regulations Resulting from Kenaitze Decision which Invalidates Nonsubsistence Areas  
 #94-78-BOG Addendum to Findings on Unit 16B Moose  
 #94-77-BOG Resolution on SB325 (Repeal Antlerless Moose Statute)

**1993**

#93-76-BOG Findings on McNeil River Refuge Bears  
 #93-75-BOG Resolution on Adak Caribou  
 #93-74-BOG Delegation of Authority for Permits to Take Furbearers with Game Meat  
 #93-73-BOG Delegation of Authority to Make Emergency Regulations Permanent, Moose in Unit 19D  
 #93-72-BOG Wolf Control Findings – Delta Area  
 #93-71-BOG Resolution on Round Island Walrus Hunt  
 #93-70-BOG Findings on Unit 16B Moose Seasons and Bag Limits  
 #93-69-BOG Resolution on Popof Island Bison  
 #93-68-BOG Resolution on Commercialization of Moose  
 #93-67-BOG Resolution on Elk Transplants in Southeast  
 #93-66-BOG Resolution on Clear-cut Management in the Tongass National Forest

**1992**

#92-65-BOG Findings in Units 12, 20B, D, and E on Wolves  
 #92-64-BOG Findings in Unit 20A Wolves  
 #92-63-BOG Findings in Unit 13 Wolves  
 #92-62-BOG Findings Wolf Area Specific Management Plans for Southcentral and Interior  
 #92-61-BOG Resolution on Unit 13 Moose  
 #92-60-BOG Findings Unit 13 Moose Seasons and Bag Limits  
 #92-59-BOG Findings Unit 19 A&B Moose – Holitna and Hoholitna Controlled Use Area  
 #92-58-BOG Findings on Kilbuck Caribou re Fall Hunt  
 #92-57-BOG Report of the Board of Game, Area Specific Management Plans for Wolves  
 #92-56-BOG Relating to Moose in GMUs 19A and 19B per Superior Court order in Sleetmute vs. State  
 #92-55-BOG Relating to Endorsement of State Closure of Deer Hunting in GMU 4 and Requesting Federal Closure

## **1991**

#91-54-BOG Findings on Strategic Wolf Management Plan  
#91-54a-BOG Relating to Kilbuck Caribou Management Plan  
#91-53-BOG Relating to Taking of Walrus from Round Island by Residents of Togiak  
#91-53a-BOG Board Direction to Committee for Strategic Wolf Plan  
#91-52-BOG Findings on Unit 13 Moose Season and Bag Limits

## **1990**

#90-51-BOG Findings on Strategic Wolf Management Plan  
#90-50-BOG Relating to Kilbuck Caribou Management Plan  
#90-49-BOG Findings on Kwethluk Emergency Caribou Hunt Petition  
#90-48-BOG Relating to the Use of Furbearers by Rural Alaskans, Including Alaska Natives  
#90-47-BOG Relating to the Commercialization of Moose and other Wildlife  
#90-46-BOG Relating to Destruction of Moose by the Alaska Railroad

## **1989**

#89-45-BG Delegation of Authority to Adopt Waterfowl Regulations

## **1988**

#88-44-BG Delegation of Authority for March 1988 Meeting  
#88-43-BG Resolution Supporting Funding for Division of Game

## **1987**

#87-42d-BG Procedures for Delegations of Authority (Replacing #75-2-GB)  
#87-42c-BG Delegation of Authority to Correct Technical Errors  
#87-42b-BG Delegation of Authority to Correct Technical Errors Before Filing Regulations  
#87-42a-BG Delegation of Authority to Adopt Emergency Regulations (Replacing #75-3-GB)

## **1986**

#86-41-BG Finding of Emergency: New State Subsistence Law  
#86-40-BG Delegation of Authority

## **1985**

#85-39-GB Resolution on Resources v/s Logging  
#85-38-GB Findings: Madison vs. State Requirements  
#85-37-GB Lime Village Management Area Findings  
#85-36-GB Findings: Waterfowl hunting in and near Palmer Hayflats

## **1984**

#84-35-GB Resolution on Waterfowl Stamp  
#84-34-GB Transplant of Musk Ox to Nunivak Island



**1983**

#83-33-GB Resolution on Guide Board  
#83-32-GB Findings on Moose in GMU 16B

**1982**

#82-31-GB Supplement to Wolf Population Control

**1981**

#81-30-GB Findings and Policy Regarding Nelchina Caribou  
#81-29-GB Finding and Policy for Future Management of the Western Arctic Caribou Herd  
#81-28-GB Letter of Intent: Wolf Reduction in Alaska

**1980**

#80-27-GB Letter of Intent Regarding Use of Alaska's Game for Religious Ceremony  
#80-26-GB Findings and Policy Regarding Bowhunting  
#80-25-GB Standing Committee II on Deer  
#80-24-GB Regarding Advisory Committee Coordinators

**1979**

#79-23-GB Authorization to Export Animals from Alaska  
#79-22-GB Staff Directive to Subsistence Section  
#79-21-GB Relating to Brown Bear in GMU 4  
#79-20-GB Relating to Brown Bear in GMU 4  
#79-19-GB Brown Bear, GMU 4  
#79-18-GB Relating to Muskoxen

**1978**

#78-18-GB Statement of Direction: Use of Airplanes in Controlling Predation by Wolves  
#78-17-GB Relating to (d)(2) Legislation, State's ability to Manage Fish & Wildlife Resources  
#78-16-GB Relating to (d)(2) Legislation, State's ability to Manage Fish & Wildlife Resources

**1977**

#77-15-GB Delegation of Authority to Commissioner to Address Petitions  
#77-14-GB Repeal of Regulations Relating to Registration of Camps by Guides for Hunting Bears  
#77-13-GB Regarding Closed Season for Caribou (rescinded November 30, 1977)  
#77-12-GB Regarding the 17(d)(2) Land Settlement

**1976**

#76-11-GB Trapping Wolves by ADF&G

#76-10-GB Request for Public Safety Involvement in Enforcement of Caribou Regulations  
#76-9-GB Management Goal: Western Arctic Caribou  
#76-8-GB Export of Live Game Animals Outside of Alaska  
#76-7-GB Muskox to Anchorage Children's Zoo (rescinded November 30, 1977)  
#76-6-GB Taking of Wolves by Helicopter  
#76-5-GB Regarding the Taking of Wolves in Units 23 and 26A

**1975**

#75-4-GB Endorsement of Trapping as a Legitimate Use of Renewable Resources  
#75-3-GB Delegation of Authority to Adopt Emergency Regulations (See #87-42a-GB)  
#75-2-GB Procedures for Delegations of Authority (See #87-42d-GB)  
#75-1-GB Effectuating Delegation of Authority

**Findings of the Alaska Board of Game  
2012-194-BOG**

**BOARD OF GAME BEAR CONSERVATION, HARVEST,  
AND MANAGEMENT POLICY**

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**Expiration Date: June 30, 2016**

**Purposes of Policy**

1. To clarify the intent of the Board and provide guidelines for Board members and the Department of Fish and Game 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 trophy, food, predatory, and furbearer species.
3. To recognize the importance of bears for 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, trophy species for nonresident and resident hunters, furbearers, problem animals in rural and urban settings, 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 and the Department will continue to discourage people from feeding bears to provide viewing opportunities.

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.

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Bears can pose a threat to humans in certain situations. Statewide, an average of about six bear encounters a year result in injuries to people. Most attacks now occur in suburban areas and do not involve hunters. About every two or three years, one of the attacks results in a human fatality. The Department and the Board will continue to educate people about ways to minimize threats to humans and the resulting need to kill 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. An average of about 1,500 brown and grizzly bears is harvested each year. The trend has been increasing, probably because of both increased demand for bear hunting and increasing bear numbers. 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 have begun to take a more 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, but 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 as trophy species and for viewing and photography. Bears found north of this line in Interior and Arctic Alaska; where densities are lower and which are 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 important as trophy animals, predators of moose calves, and for their fur. The Board recently 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 trophy quality of bears is 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. 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.
3. Continue to provide for and encourage non-consumptive use of bears without causing bears to become habituated to human food.
4. Favor conventional hunting seasons and bag limits to manage bear numbers.
5. Encourage the human use of bear meat as food.
6. Employ more efficient harvest strategies, if necessary, when bear populations need to be substantially reduced to mitigate conflicts between bears and people.
7. Primarily manage most brown bear populations to maintain trophy quality, especially in Game Managements 1 through 6, and 8 through 10.
8. 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.
9. Simplify hunting regulations for bears, and increase opportunity for incidental harvest of grizzly bears in Interior Alaska by eliminating resident tag fees.

10. Recognize the increasing value of brown bears as a trophy species and generate increased revenue from sales of brown bear tags.
11. Review and recommend revision to this policy as needed.

### **Conservation and Management Policy**

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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 some areas, such as the Kodiak Archipelago, portions of Southeast Alaska and the Alaska Peninsula, brown bears will generally be managed for trophy-hunting and viewing opportunities. In Southeast Alaska and Prince William Sound, black bears will generally be managed as a trophy species, food animals, or for viewing opportunities. In Interior and Arctic Alaska, black bears and grizzly bears will be managed primarily as trophy animals, food animals, and predators of moose and caribou. However 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 trophy quality 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 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 accommodate 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 elect to work with the Department to remove individual problem bears or 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 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.

Vote: 6-1

January 18, 2012

Anchorage, Alaska

  
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Cliff Judkins, Chairman  
Alaska Board of Game



**Findings for the Alaska Board of Game  
2012-193-BOG  
Unit 26B Muskoxen Findings  
January 18, 2012**

The Board of Game finds as follows, based on information provided by Department staff, Alaska residents and other users of muskoxen in Unit 26(B). These findings are supplemental to the findings set forth in 5AAC 92.126.

1. Unit 26(B) muskoxen are not managed intensively for high levels of human harvest, but they are managed to provide hunting opportunities. The population objective is a minimum of 300 muskoxen  $\geq$  1 year old during April surveys. The harvest objective is 3–9 muskoxen annually, once the population reaches 300 and a harvestable surplus is available.
2. The Unit 26(B) muskox population and harvest objectives are not being met. The muskoxen population size was estimated at 190 in April 2011 which is below the population objective of 300. The hunting season for Unit 26(B) muskoxen has been closed since regulatory year 2006–2007 because there is no harvestable surplus.
3. Predation by brown bears was identified as a primary source of mortality on muskoxen and is an important cause of the failure to achieve the population and harvest objectives. During 2007–2011, brown bear predation was identified as the primary source of mortality. Sixty-two percent of the documented total adult muskoxen mortality ( $n=73$ ) was attributed to brown bear predation, which accounted for an average of 9 adult muskoxen deaths annually. During the same time period, 58 percent of documented calf mortality ( $n=45$ ) was caused by brown bear predation. This resulted in an annual average of 5 calves known to be preyed on by brown bears.
4. During 2007–2011, the habitat appeared capable of supporting a larger muskoxen population. Captured muskoxen were generally in good condition, and birth rates were sufficient to provide for population growth, but growth was not realized because of poor survival.
5. Reducing predation can reasonably be expected to aid in achieving the objectives. During 2004–2011, the population remained relatively stable at around 200 muskoxen. Evidence indicates that the number of yearlings being recruited annually approximately equaled the number of adult muskoxen dying annually. If survival rates of either adult muskoxen or calves increase, then the muskoxen population is expected to increase. Reducing predation on adults and calves should change survival rates of one or both. During 1987–1995, the annual rate of increase for the entire population was 7%. This time period should be representative of what the population growth rate Unit 26(B) muskoxen could experience if bear predation is reduced and habitat is not limiting.
6. Reducing predation is likely to be effective given land ownership patterns. Most of Unit 26(B) is state land; the land ownership pattern is 69 percent state, 29 percent federal, and 2 percent private. Of the 29 percent federal lands, 12 percent is Bureau of Land Management,

and these lands are available for bear control. Total land available for bear control is 72-74 percent of the unit.

7. Reducing predation is in the best interests of subsistence users because no harvest is currently taking place. An increase in the population that results in sustainable harvest will benefit all Alaska residents.
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Vote: 7-0  
January 18, 2012  
Anchorage, Alaska

  
Cliff Judkins, Chairman  
Alaska Board of Game

**Findings for the Alaska Board of Game  
2009-182-BOG**


**Units 12, 20B, 20D, 20E, and 25C Intensive Management Supplemental Findings  
March 09, 2009**

The Board of Game finds as follows, based on information provided by department staff and residents and users of moose in Unit 12 north of the Alaska Highway and 20E; and caribou in Unit 12 north of the Alaska Highway, Unit 20D within the Goodpaster drainage upstream from and including the South Fork Goodpaster River drainage and within the Healy River, Billy and Sand Creek drainages, Unit 20B within the Salcha River drainage upstream from and including the Goose Creek drainage and within the Middle Fork of the Chena River drainage, all of Unit 20E, and Unit 25C within the Birch Creek drainage upstream from the Steese Highway bridge and within the area draining into the south and west bank of the Yukon River upstream from the community of Circle. These findings are supplemental to the findings set forth in 5AAC 92.108, in the Upper Yukon/Tanana predation control implementation plan in 5AAC 92.125 and in Board of Game Findings 2006-164-BOG, 2006-165-BOG, and 2008-177-BOG

1. The Fortymile Caribou Herd population size, currently estimated to be near 40,000 caribou, is less than the population objective of 50,000-100,000 caribou. The population objective has not been achieved since at least 1976.
2. The Fortymile Caribou Herd harvestable surplus, as described in 5AAC 92.106(3)(A), currently estimated at 850 caribou, is less than the harvest objective of 1,000–15,000 caribou. The harvest objective has not been achieved since at least 1976.
3. The 2007 moose population size in Unit 12 north of the Alaska Highway and Unit 20E, was estimated to be 4,000–6,100 moose, and is less than the population objective of 8,744–11,116 moose (derived from the combined Units 12 and 20E objectives based on proportionate area). The population objective has not been achieved since at least 1986.
4. The harvestable surplus of moose in Unit 12 north of the Alaska Highway and Unit 20E, as described in 5AAC 92.106(3)(A), currently estimated at 160–244 bulls, is less than the harvest objective of 547–1,084 moose (derived from the combined Units 12 and 20E objectives based on proportionate area). The harvest objective has not been achieved since at least 1986.
5. The Fortymile Caribou Herd in Unit 12 north of the Alaska Highway, Unit 20D within the Goodpaster drainage upstream from and including the South Fork Goodpaster River drainage and within the Healy River, Billy and Sand Creek drainages, Unit 20B within the Salcha River drainage upstream from and including the Goose Creek drainage and within the Middle Fork of the Chena River drainage, all of Unit 20E, and Unit 25C within the Birch Creek drainage upstream from the Steese Highway bridge and within the area draining into the south and west bank of the Yukon River upstream from the community of Circle is, thus, depleted and reduced in productivity, which has already resulted in a significant reduction in the allowable human harvest of the population.

6. The moose population in Unit 12 north of the Alaska Highway and Unit 20E is, thus, depleted and reduced in productivity, which has already resulted in a significant reduction in the allowable human harvest of the population.
7. Enhancement of abundance or productivity of both moose and caribou in these areas is feasibly achievable utilizing the recognized and prudent active management technique of predator control.
8. The Board has repeatedly, since 1976, been required to significantly reduce the taking of Fortymile caribou in Unit 12 north of the Alaska Highway, Unit 20D within the Goodpaster drainage upstream from and including the South Fork Goodpaster River drainage and within the Healy River, Billy and Sand Creek drainages, Unit 20B within the Salcha River drainage upstream from and including the Goose Creek drainage and within the Middle Fork of the Chena River drainage, all of Unit 20E, and Unit 25C within the Birch Creek drainage upstream from the Steese Highway bridge and within the area draining into the south and west bank of the Yukon River upstream from the community of Circle by restricting harvest, seasons, and bag limits as compared to the level and timing of hunting opportunity that was previously allowed when the population was not depleted and reduced in productivity.
9. The Board has, since 2000, been required to limit the taking of moose in Unit 12 north of the Alaska Highway, and Unit 20E by restricting harvest, seasons, and bag limits as compared to the level and timing of hunting opportunity that was allowed when the population was not depleted and reduced in productivity.
10. The population and harvest objectives for both moose and caribou in this area have not been achieved, at least in part, because wolf and brown bear predation have been important causes of mortality in the populations, to the extent that the populations are unlikely to recover, and objectives are unlikely to be achieved, in the foreseeable future unless predator control is conducted.
11. Reducing predation can reasonably be expected to aid in achievement of the caribou and moose population and harvest objectives.

Vote: 5-0-2  
March 9, 2009  
Anchorage Alaska

  
Cliff Jenkins, Chairman  
Alaska Board of Game

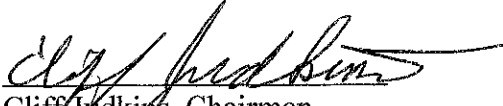
**Findings for the Alaska Board of Game  
2009-181-BOG**

**Unit 19D-East Intensive Management Supplemental Findings  
March 9, 2009**

The Board of Game finds as follows, based on information provided by Department staff and residents and users of moose in Unit 19D-East. These findings are supplemental to the findings set forth in 5AAC 92.108, in the Unit 19-East predation control implementation plan in 5 AAC 92.125 and in Board of Game Findings 2006-164-BOG, 2006-169-BOG, and 2008-174-BOG.

1. The moose population size, currently estimated to be 5481 moose, is less than the population objective of 6,000-8,000 moose. The population objective has not been achieved for at least the last 8 years.
2. The Unit 19D-East moose harvestable surplus, as described in 5 AAC 92.106(3)(A), currently estimated at 219 bulls, is less than the harvest objective of 400-600 moose. The harvest objective has not been achieved for at least the last 8 years.
3. The Unit 19D-East moose population is, thus, depleted and reduced in productivity, which has already resulted in a significant reduction in the allowable human harvest of the population.
4. Enhancement of abundance or productivity is feasibly achievable utilizing the recognized and prudent active management technique of predator control.
5. The Board has repeatedly, since 1995, been required to significantly reduce the taking of moose in Unit 19D-East by restricting harvest, seasons and bag limits as compared to the level and timing of hunting opportunity that was allowed when the population was not depleted and reduced in productivity.
6. The population and harvest objectives have not been achieved, at least in part, because wolf, black bear, and brown bear predation have been important causes of mortality in the population, to the extent that the population is unlikely to recover, and objectives are unlikely to be achieved, in the foreseeable future unless predator control is conducted.
7. Reducing predation can reasonably be expected to aid in achievement of the population and harvest objectives.

Vote: 5-0-2  
March 9, 2009  
Anchorage, Alaska

  
Cliff Judkins, Chairman  
Alaska Board of Game

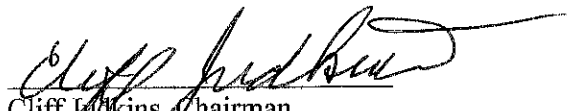
**Findings for the Alaska Board of Game  
2009-180-BOG**

**Unit 19A Intensive Management Supplemental Findings  
March 9, 2009**

The Board of Game finds as follows, based on information provided by Department staff and residents and users of moose in Unit 19A. These findings are supplemental to the findings set forth in 5AAC 92.108, in the Unit 19A predation control implementation plan in 5 AAC 92.125, and in Board of Game Findings 2004-150-BOG and 2006-168-BOG.

1. The moose population size, currently estimated to be 3,200-5,275 moose, is less than the population objective of 7,600-9,300 moose (derived from the combined Units 19A and 19B objective based on proportionate area). The population objective has not been achieved for at least the last 8 years.
2. The Unit 19A moose harvestable surplus, as described in 5 AAC 92.106(3)(A), there is no harvestable surplus in eastern Unit 19A (upstream from and excluding the George River drainage), excluding the Lime Village Management Area. In western Unit 19A (downstream from and including the George River drainage), the harvestable surplus is 60 bulls. This is less than the harvest objective of 400-550 moose (also based on proportionate area). The harvest objective has not been achieved for at least the last 8 years.
3. The Unit 19A moose population is, thus, depleted and reduced in productivity, which has already resulted in a significant reduction in the allowable human harvest of the population.
4. Enhancement of abundance or productivity is feasibly achievable utilizing the recognized and prudent active management technique of predator control.
5. The Board has repeatedly, since 2002, been required to significantly reduce the taking of moose in Unit 19A by restricting harvest, seasons and bag limits as compared to the level and timing of hunting opportunity that was allowed when the population was not depleted and reduced in productivity.
6. The population and harvest objectives have not been achieved, at least in part, because wolf predation has been an important cause of mortality in the population, to the extent that the population is unlikely to recover, and objectives are unlikely to be achieved, in the foreseeable future unless predator control is conducted.
7. Reducing predation can reasonably be expected to aid in achievement of the population and harvest objectives.

Vote: 5-0-2  
March 9, 2009  
Anchorage, Alaska

  
Cliff Jenkins, Chairman  
Alaska Board of Game

**Findings for the Alaska Board of Game  
2008-177-BOG**


**Units 12, 20B, 20D, 20E, and 25C Intensive Management Supplemental Findings  
March 21, 2008**

The Board of Game finds as follows, based on information provided by department staff and residents and users of moose in Unit 12 north of the Alaska Highway and 20E; and caribou in Unit 12 north of the Alaska Highway, Unit 20D within the Goodpaster drainage upstream from and including the South Fork Goodpaster River drainage and within the Healy River, Billy and Sand Creek drainages, Unit 20B within the Salcha River drainage upstream from and including the Goose Creek drainage and within the Middle Fork of the Chena River drainage, all of Unit 20E, and Unit 25C within the Birch Creek drainage upstream from the Steese Highway bridge and within the area draining into the south and west bank of the Yukon River upstream from the community of Circle. These findings are supplemental to the findings set forth in 5AAC 92.108, in the Upper Yukon/Tanana predation control implementation plan in 5AAC 92.125 and in Board of Game Findings 2006-164-BOG and 2006-165-BOG.

1. The Fortymile Caribou Herd population size, currently estimated to be near 39,000 caribou, is less than the population objective of 50,000-100,000 caribou. The population objective has not been achieved since at least 1976.
2. The Fortymile Caribou Herd harvestable surplus, as described in 5AAC 92.106(3)(A), currently estimated at 850 caribou, is less than the harvest objective of 1,000-15,000 caribou. The harvest objective has not been achieved since at least 1976.
3. The moose population size in Unit 12 north of the Alaska Highway and Unit 20E, is currently estimated to be 4,000-6,100 moose, is less than the population objective of 8,744-11,116 moose (derived from the combined Units 12 and 20E objectives based on proportionate area). The population objective has not been achieved since at least 1986.
4. The harvestable surplus of moose in Unit 12 north of the Alaska Highway and Unit 20E, as described in 5AAC 92.106(3)(A), currently estimated at 160-244 bulls, is less than the harvest objective of 547-1,084 moose (derived from the combined Units 12 and 20E objectives based on proportionate area). The harvest objective has not been achieved since at least 1986.
5. The Fortymile Caribou Herd in Unit 12 north of the Alaska Highway, Unit 20D within the Goodpaster drainage upstream from and including the South Fork Goodpaster River drainage and within the Healy River, Billy and Sand Creek drainages, Unit 20B within the Salcha River drainage upstream from and including the Goose Creek drainage and within the Middle Fork of the Chena River drainage, all of Unit 20E, and Unit 25C within the Birch Creek drainage upstream from the Steese Highway bridge and within the area draining into the south and west bank of the Yukon River upstream from the community of Circle is, thus, depleted and reduced in productivity, which has already resulted in a significant reduction in the allowable human harvest of the population.

6. The moose population in Unit 12 north of the Alaska Highway and Unit 20E is, thus, depleted and reduced in productivity, which has already resulted in a significant reduction in the allowable human harvest of the population.
7. Enhancement of abundance or productivity of both moose and caribou in these areas is feasibly achievable utilizing the recognized and prudent active management technique of predator control.
8. The Board has repeatedly, since 1976, been required to significantly reduce the taking of Fortymile caribou in Unit 12 north of the Alaska Highway, Unit 20D within the Goodpaster drainage upstream from and including the South Fork Goodpaster River drainage and within the Healy River, Billy and Sand Creek drainages, Unit 20B within the Salcha River drainage upstream from and including the Goose Creek drainage and within the Middle Fork of the Chena River drainage, all of Unit 20E, and Unit 25C within the Birch Creek drainage upstream from the Steese Highway bridge and within the area draining into the south and west bank of the Yukon River upstream from the community of Circle by restricting harvest, seasons, and bag limits as compared to the level and timing of hunting opportunity that was previously allowed when the population was not depleted and reduced in productivity.
9. The Board has, since 2000, been required to limit the taking of moose in Unit 12 north of the Alaska Highway, and Unit 20E by restricting harvest, seasons, and bag limits as compared to the level and timing of hunting opportunity that was allowed when the population was not depleted and reduced in productivity.
10. The population and harvest objectives for both moose and caribou in this area have not been achieved, at least in part, because wolf and brown bear predation have been important causes of mortality in the populations, to the extent that the populations are unlikely to recover, and objectives are unlikely to be achieved, in the foreseeable future unless predator control is conducted.
11. Reducing predation can reasonably be expected to aid in achievement of the caribou and moose population and harvest objectives.
12. A person who has been airborne may on the same day take a brown bear with the use of bait or scent lure as authorized under a permit provided by the department, providing the permittee is at least 300 feet from the airplane at the time of taking.

Vote: 6-0-1  
March 21, 2008  
Anchorage Alaska

  
Cliff Judkins, Chairman  
Alaska Board of Game



**Findings for the Alaska Board of Game  
2008-176-BOG**

**Units 16A and 16B Intensive Management Supplemental Findings  
March 21, 2008**


The Board of Game finds as follows, based on information provided by Department staff, Alaska residents and users of moose in Units 16A and 16B. These findings are supplemental to the findings set forth in 2006-167-BOG, 2006-164-BOG, 5AAC 92.108, and in the predator control implementation plan in 5AAC 92.125(d).

1. The moose population size, currently estimated to be 3193-3951 moose in Unit 16B, is less than the population objective of 6,500-7,500 moose. The population objective has not been achieved for at least the last 11 years.
2. The unit 16B moose harvestable surplus, as described in 5AAC 92.106(3) (A), currently (2008) estimated at 171 bulls, is less than the harvest objective of 310-600 moose. The harvest objective has not been achieved for at least 8 years.
3. The unit 16B moose population is, thus, depleted and reduced in productivity, which has resulted in a significant reduction in the allowable human harvest of the population.
4. Enhancement of abundance or productivity of moose is feasibly achievable utilizing the recognized and prudent active management techniques of predator control.
5. The Board has repeatedly, since 1990 been required to significantly reduce the taking of moose in Unit 16B by restricting harvest, seasons and bag limits as compared to the level and timing of hunting opportunity that was allowed when the population was not depleted and reduced in productivity.
6. The population and harvest objectives have not been achieved, at least in part, because wolf, black and brown bear predation have been important causes of mortality in the population, to the extent that the population is unlikely to recover, and objectives are unlikely to be achieved, in the foreseeable future unless predator control is conducted.
7. Subpopulations of moose from Unit 16B winter in portions of Unit 16A where predation by wolves is an important cause of mortality and objectives are unlikely to be achieved, in the foreseeable future unless predator control is conducted western Unit 16A.
8. Subpopulations of moose from Unit 16B also calve in portions of Unit 16A where predation by wolves and black bears are important causes of mortality to

the extent that the population is unlikely to recover, and objectives are unlikely to be achieved, in the foreseeable future unless predator control is conducted.

9. Reducing predation in Units 16A and 16B can reasonably be expected to achieve the population and harvest objectives of moose in Unit 16B.

Vote: 6-0-1  
March 21, 2008  
Anchorage, Alaska

  
Cliff Judkins, Chairman  
Alaska Board of Game

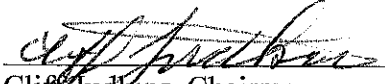
**Findings for the Alaska Board of Game  
2008-175-BOG**

**Unit 9D (Southern Alaska Peninsula Caribou Herd)  
Intensive Management Supplemental Findings  
March 6, 2008**

The Board of Game finds as follows, based on information provided by Department staff, Alaska residents and users of caribou in Unit 9D. These findings are supplemental to the findings set forth in 5AAC 92.108.

1. The caribou population size, currently estimated to be 600 caribou, is less than the population objective of 4,000 – 5,000. The population objective has not been achieved for at least the last five years.
2. The Unit 9D caribou harvestable surplus, as described in 5 AAC 92.106(3)(A), is currently estimated at zero, which is less than the harvest objective of 200 – 500. The harvest objective has not been achieved for at least the last 7 years.
3. The Unit 9D caribou population is depleted due to poor recruitment, and has already resulted in a complete hunting closure so that there is no human harvest of the population.
4. Increases in abundance and productivity are achievable utilizing the recognized and prudent active management technique of predator control.
5. The bull ratio of 15 bulls per hundred cows and the increasing age of the cows in the herd cause concern that the herd may no longer be viable in another year or two, and recovery will be difficult unless immediate action is taken. Collared cow caribou have shown a 79% to 85% pregnancy rate. However, calf survival during the first four weeks after birth has resulted in a survival rate between 0.5 to 1 calf per 100 cows by October.
6. The population and harvest objectives have not been achieved, at least in part, because wolf and brown bear predation have been important causes of mortality in the population, to the extent that the population is unlikely to recover, and objectives are unlikely to be achieved in the foreseeable future unless predator control is conducted.
7. Reducing predation can reasonably be expected to aid in achieving the population and harvest objectives.

Vote: 6-0-1  
March 8, 2008  
Fairbanks, Alaska

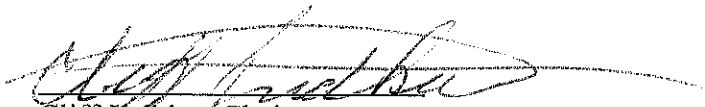
  
Cliff Judkins, Chairman  
Alaska Board of Game

**Finding for the Alaska Board of Game  
2008-174-BOG**

**Unit 19D East Supplemental Findings  
March 5, 2008**

The Board of Game finds that the moose population has increased within the Experimental Micro Management Area (EMMA) to the point that the limited harvest is now appropriate, although predator control should be continued in order to consolidate gains made. The following information supports a limited harvest.

1. The moose population has increased by approximately 350 animals (524 to 874) between 2001 and 2007.
2. The bull/cow ratio is well within management objectives, having increased from 18/100 to 39/100 between 2001 and 2007.
3. At 39 bulls per 100 cows, there is a harvestable surplus of bulls that can be used to provide an opportunity that is critical to local subsistence users. The Board of Game notes that local users have voluntarily refrained from taking moose in this area, which is where many of them live, for the past five years.



Cliff Judkins, Chairman  
Alaska Board of Game

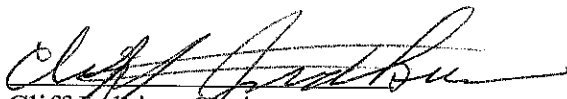
Vote: 6-0-1  
March 5, 2008  
Fairbanks, Alaska

Finding for the Alaska Board of Game  
2007-173-BOG

Nonresident Drawing Permit Allocation Policy  
March 12, 2007

At the March 2007, Southcentral/Southwest Region meeting in Anchorage, the Board of Game modified the Nonresident Drawing Permit Allocation Policy, #2006-162-BOG, by adding item #4 to the guidelines that shall be applied when determining the allocation percentage for drawing permits to nonresidents:

1. Allocations will be determined on a case by case basis and will be based upon the historical data of nonresident and resident permit allocation over the past ten years.
2. Each client shall provide proof of having a signed guide-client agreement when applying for permits.
3. Contracting guides shall be registered in the area prior to the drawing.
4. When a guide signs a guide-client agreement, the guide is providing guiding services and therefore must be registered for the use area at that time.

  
Cliff Judkins, Chairman  
Alaska Board of Game

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

**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.

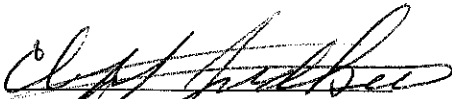
**Policy for yearly authorization of Antlerless Moose Hunts by the Board of Game**

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 Judkins, Chairman  
Alaska Board of Game

Vote: 7-0

March 12, 2007

Anchorage, Alaska

**Findings for the Alaska Board of Game  
2006-169-BOG**

**Unit 19D-East Intensive Management Supplemental Findings  
May 14, 2006**

The Board of Game finds as follows, based on information provided by Department staff and residents and users of moose in Unit 19D-East. These findings are supplemental to the findings set forth in 5AAC 92.108, in the Unit 19-East predation control implementation plan in 5 AAC 92.125 and in Board of Game Findings 2006-164-BOG.

1. The moose population size, currently estimated to be 3,444-5,281 moose, is less than the population objective of 6,000-8,000 moose. The population objective has not been achieved for at least the last 5 years.
2. The Unit 19D-East moose harvestable surplus, as described in 5 AAC 92.106(3)(A), currently estimated at 138-158 bulls, is less than the harvest objective of 400-600 moose. The harvest objective has not been achieved for at least the last 5 years.
3. The Unit 19D-East moose population is, thus, depleted and reduced in productivity, which has already resulted in a significant reduction in the allowable human harvest of the population.
4. Enhancement of abundance or productivity is feasibly achievable utilizing the recognized and prudent active management technique of predator control.
5. The Board has repeatedly, since 1995, been required to significantly reduce the taking of moose in Unit 19D-East by restricting harvest, seasons and bag limits as compared to the level and timing of hunting opportunity that was allowed when the population was not depleted and reduced in productivity.
6. The population and harvest objectives have not been achieved, at least in part, because wolf, black bear, and brown bear predation have been important causes of mortality in the population, to the extent that the population is unlikely to recover, and objectives are unlikely to be achieved, in the foreseeable future unless predator control is conducted.
7. The Department will apply the following conditions to brown bear control permits in addition to any other conditions considered necessary:
  - a. Cubs or females with cubs may not be taken. For purposes of this program "cub" is defined according to 5 AAC 92.990 (a)(12).
  - b. A valid Alaska State resident hunting license is required.
  - c. Permits are valid from the date of issuance through June 30 or until the control program is closed by emergency order.




- d. Bears may be taken with the use of bait or scent lures subject to the following restrictions:
- For purposes of this control program "bait" means any material, including scent lures, that is placed to attract an animal by its sense of smell or taste. Bait does not include those parts of legally taken animals that are not required to be salvaged as edible meat if the parts are not moved from the kill site.
  - Only biodegradable materials may be used for bait; only the bones, viscera or skin of legally acquired fish and game may be used for bait.
  - A person may not use bait or scent lures within one-quarter mile of a publicly maintained road or trail.
  - A person may not use bait or scent lures within one mile of a house or other permanent dwelling, or within one mile of a developed campground or developed recreational facility.
  - A person using bait or scent lures shall clearly identify the site with signs at all access points reading "brown bear control bait station" that also displays the person's control program permit number.
  - A person using bait shall remove bait, litter and equipment from the bait station site as required by the control permit.

8. Reducing predation can reasonably be expected to aid in achievement of the population and harvest objectives.

9. A person who has been airborne may on the same day take a brown bear with the use of bait or scent lure as authorized under a permit providing the permittee is at least 300 feet from the airplane at the time of taking.

Vote: 6-0-1  
May 14, 2006  
Anchorage, Alaska

  
Mike Fleagle, Chairman  
Alaska Board of Game


**Findings for the Alaska Board of Game  
2006-168-BOG**

**Unit 19A Intensive Management Supplemental Findings  
May 14, 2006**

The Board of Game finds as follows, based on information provided by Department staff and residents and users of moose in Unit 19A. These findings are supplemental to the findings set forth in 5AAC 92.108, in the Unit 19A predation control implementation plan in 5 AAC 92.125, and in Board of Game Findings 2004-150-BOG.

1. The moose population size, currently estimated to be 2,700-4,250 moose, is less than the population objective of 7,600-9,300 moose (derived from the combined Units 19A and 19B objective based on proportionate area). The population objective has not been achieved for at least the last 5 years.
2. The Unit 19A moose harvestable surplus, as described in 5 AAC 92.106(3)(A), there is no harvestable surplus in eastern Unit 19A (upstream from and excluding the George River drainage), excluding the Lime Village Management Area. In western Unit 19A (downstream from and including the George River drainage), the harvestable surplus is 60 bulls. This is less than the harvest objective of 400-550 moose (also based on proportionate area). The harvest objective has not been achieved for at least the last 5 years.
3. The Unit 19A moose population is, thus, depleted and reduced in productivity, which has already resulted in a significant reduction in the allowable human harvest of the population.
4. Enhancement of abundance or productivity is feasibly achievable utilizing the recognized and prudent active management technique of predator control.
5. The Board has repeatedly, since 2002, been required to significantly reduce the taking of moose in Unit 19A by restricting harvest, seasons and bag limits as compared to the level and timing of hunting opportunity that was allowed when the population was not depleted and reduced in productivity.
6. The population and harvest objectives have not been achieved, at least in part, because wolf predation has been an important cause of mortality in the population, to the extent that the population is unlikely to recover, and objectives are unlikely to be achieved, in the foreseeable future unless predator control is conducted.
7. Reducing predation can reasonably be expected to aid in achievement of the population and harvest objectives.

Vote: 6-0-1  
May 14, 2006  
Anchorage, Alaska

  
Mike Fleagle, Chairman  
Alaska Board of Game

**Findings for the Alaska Board of Game  
2006-165-BOG**

**Unit 12 and 20E Intensive Management Supplemental Findings  
May 14, 2006**

The Board of Game finds as follows, based on information provided by department staff and residents and users of moose in Units 12 and 20E. These findings are supplemental to the findings set forth in 5AAC 92.108, in the Units 12 and 20E predation control implementation plan in 5 AAC 92.125 and in Board of Game Findings 2006-164-BOG.

1. The Fortymile Caribou Herd population size, currently estimated to be 40,000-42,000 caribou, is less than the population objective of 50,000-100,000 caribou. The population objective has not been achieved for at least the last 30 years.
2. The Fortymile Caribou Herd harvestable surplus, as described in 5 AAC 92.106(3)(A), currently estimated at 840-880 bulls, is less than the harvest objective of 1,000-15,000 caribou. The harvest objective has not been achieved for at least the last 30 years.
3. The moose population size in Unit 12 north of the Alaska Highway and Unit 20E, currently estimated to be 4,300-5,200 moose, is less than the population objective of 8,744-11,116 moose (derived from the combined Units 12 and 20E objectives based on proportionate area). The population objective has not been achieved for at least the last 20 years.
4. The harvestable surplus of moose in Unit 12 north of the Alaska Highway and Unit 20E, as described in 5 AAC 92.106(3)(A), currently estimated at 135-201 bulls, is less than the harvest objective of 547-1,084 moose (derived from the combined Units 12 and 20E objectives based on proportionate area). The harvest objective has not been achieved for at least the last 20 years.
5. The Fortymile Caribou Herd and the moose population in Unit 12 north of the Alaska Highway and Unit 20E are, thus, depleted and reduced in productivity, which has already resulted in a significant reduction in the allowable human harvest of the population.
6. Enhancement of abundance or productivity of both moose and caribou in this area is feasibly achievable utilizing the recognized and prudent active management technique of predator control.
7. The Board has repeatedly, since 1976, been required to significantly reduce the taking of Fortymile caribou by restricting harvest, seasons and bag limits as compared to the level and timing of hunting opportunity that was previously allowed when the population was not depleted and reduced in productivity.

8. The Board has, since 2000, been required to limit the taking of moose in Unit 12 north of the Alaska Highway and Unit 20E by restricting harvest, seasons and bag limits as compared to the level and timing of hunting opportunity that was allowed when the population was not depleted and reduced in productivity.

9. The population and harvest objectives for both moose and caribou in this area have not been achieved, at least in part, because wolf and brown bear predation have been important causes of mortality in the populations, to the extent that the populations are unlikely to recover, and objectives are unlikely to be achieved, in the foreseeable future unless predator control is conducted.

10. Reducing predation can reasonably be expected to aid in achievement of the caribou and moose population and harvest objectives.

11. A person who has been airborne may on the same day take a brown bear with the use of bait or scent lure as authorized under a permit provided by the Department, providing the permittee is at least 300 feet from the airplane at the time of taking.

Vote: 6-0-1

May 14, 2006

Anchorage, Alaska



Mike Fleagle, Chairman  
Alaska Board of Game

**Findings of the Alaska Board of Game  
2004-152-BOG**

**Authorizing Wolf and Bear Predation Control in Portions  
of the Upper Yukon/Tanana Predation Control Area**

November 5, 2004

**Purpose and Need**

This action of the Board of Game is to authorize a wolf and brown bear predation control program in the northwest Unit 12 and southern Unit 20(E) portions of the Upper Yukon/Tanana Wolf and Brown Bear Predation Control Area (5 AAC 92.125 (X)) in accordance with AS 16.05.783 (Same day airborne hunting), 5 AAC 92.039 (Permit for taking wolves using aircraft), 5 AAC 92.110 (Control of predation by wolves), and 5 AAC 92.115 (Control of predation by bears). This authorization does not currently include all of the Upper Yukon/Tanana Wolf and Brown Bear Predation Control Area.

It is very unlikely that the Intensive Management population and harvest objectives for moose will be achieved in the foreseeable future unless wolf and bear predation on moose is reduced through a predation control program.

**Identified Big Game Prey Population and Wolf and Bear Predation Control Area**

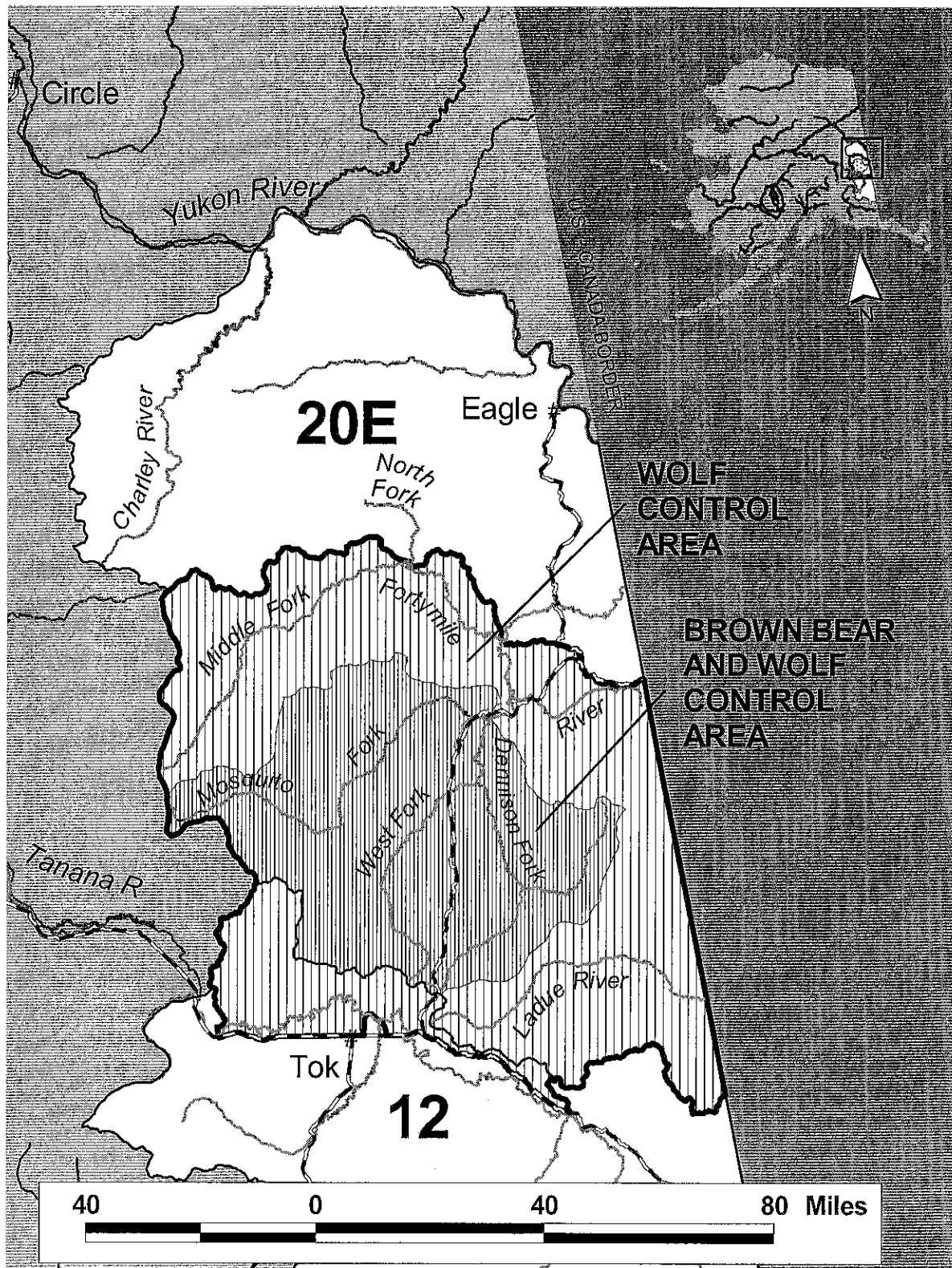
The Upper Yukon/Tanana Wolf and Brown Bear Predation Control Area includes both Units 12 (approximately 10,000 mi<sup>2</sup>) and 20(E) (approximately 10,680 mi<sup>2</sup>). The Board has identified moose populations in Unit 12 and that portion of Unit 20(E) drained by the Fortymile and Ladue Rivers (approximately 6,700 mi<sup>2</sup>) as important for providing high levels of harvest for human consumptive use in accordance with the Intensive Management statute and regulations (AS 16.05.255(e)-(g), 5 AAC 92.106, and 5 AAC 92.108).

This authorization for predation control includes only southern Unit 20(E) and a small adjacent portion of northwestern Unit 12. Specifically, wolf predation control is authorized in the portion of Unit 12 north of the Alaska Highway and west of the Taylor Highway and for that portion of Unit 20(E) within all drainages of the South Fork Fortymile River, the North Fork Fortymile River downstream of its confluence with the Middle Fork Fortymile River, the Middle Fork Fortymile River and Ladue River, encompassing a total of approximately 6600 mi<sup>2</sup>. Brown bear predation control is authorized in a smaller focus area within the larger area authorized for wolf control. Specifically, bear predation control is authorized in the portion of Unit 20(E) within the Fortymile River drainage upstream from and including the Wall Street Creek drainage, encompassing a total of approximately 2700 mi<sup>2</sup> (Figure 1).

**Background**

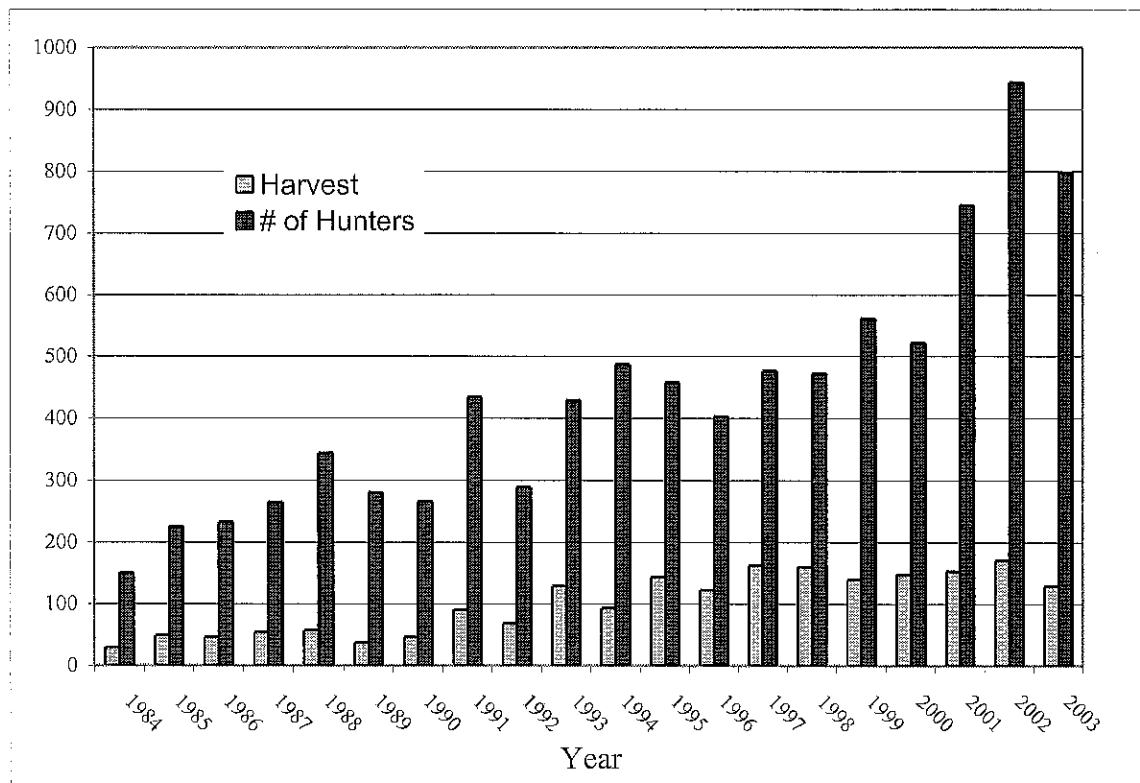
Unit 20(E) encompasses several drainages of the upper Yukon River and includes the communities of Chicken, Boundary, Eagle, Eagle Village and other smaller settlements. Moose in the unit are an important subsistence resource for these communities, for the adjacent communities of Tanacross, Tok, Tetlin, and Northway, and for other residents of Interior and Southcentral Alaska. This unit also provides important hunting opportunities for non-resident hunters and the guiding and transporting industries.

Figure 1. Authorized bear and wolf predation control area.



moose population will likely remain at a low level. If this occurs, even more restrictive regulations will likely be required, including the possibility of allocation through Tier I or Tier II permits.

Figure 2. Unit 20(E) reported moose harvest and number of hunters, 1984 – 2003.



### Status of the wolf population

Since 1980, the early-winter wolf population in Unit 20(E) has been estimated using extrapolation of density estimates derived from data collected during intensive winter aerial surveys, information from interviews with local trappers and trapping records. The early-winter wolf population size estimate for 2002 – 2003 was 245 – 260 wolves. Hunting and trapping harvest over the past 5 years averaged 36 wolves annually in Unit 20(E) and has not exceeded sustainable levels.

Increasing numbers of caribou in the Fortymile herd and the winter migration of the Nelchina herd through the unit during the past 5 years appear to have allowed the wolf population to increase. Wolf densities in the northern and western parts of the unit are expected to further increase as packs sterilized under the Fortymile non-lethal wolf control program are replaced by unsterilized packs.

### Status of the brown bear population

The brown bear population size estimate for Unit 20(E) was 475 – 550 in 2002. This was based on extrapolation of a density estimate obtained in central Unit 20(E) during 1986 and on

intensive research studies conducted in similar habitats with similar bear food resources during 1981 – 1998 in Unit 20(A), 100 miles to the west.

Brown bear hunting seasons are longer and less restrictive than during the 1970s when the bear population was lightly harvested. Harvest varied from a mean of 3 during 1966 – 1981, to 19 during 1982 – 1988, and to 14 during 1989 – 2002. Mean proportion of males in the harvest 1989 – 2002 was 56%. Despite liberal regulations, harvest appears to have had little effect on bear population size.

### **The Objectives For The Big Game Prey Population or Harvest Established By The Board Of Game Have Not Been Achieved**

The current estimate of the moose population size and harvest is well below Intensive Management objectives established in 5 AAC 92.108. These objectives only apply to the Fortymile and Ladue River drainages within Unit 20(E). The population objective is 8,000 – 10,000, while the most recent population estimate for the entire unit is 4,000 – 4,800. The harvest objective is 500 – 1,000, and the reported harvest for the entire unit averaged 148 during 1999 – 2003.

### **Predation is an Important Cause for the Failure to Achieve the Population and Harvest Objectives Established by the Board of Game**

The moose population in Unit 20(E) has been at low density since the late 1970's. The chronically low moose population will likely remain in Low Density Dynamic Equilibrium indefinitely unless predation is reduced. Research conducted during the 1980s in central Unit 20(E) and recent surveys indicate brown bear predation on calves and wolf predation on all sex and age classes throughout the year are important limiting factors. In the research study area, where wolves had been reduced during a predator control program prior to the study, wolves killed 12 – 15 percent of moose calves that were born. Brown bears killed 52 percent and black bears killed 3 percent. Most brown bear predation occurred during the six weeks following calving, while wolf predation on all sex and age classes occurred throughout the year. Mean early winter ratios of 22 calves:100 cows, observed during aerial surveys in 1981–1988, suggest brown bear predation was important. There has been little change in this pattern since 1988, suggesting that brown bear predation remains a major factor in maintaining early winter ratios of 10 – 27 calves:100 cows during 1997 – 2003.

### **Reduction of Predation Provides a Reasonable Expectation of Achieving the Population and Harvest Objectives**

In the areas authorized for predation control, the Mosquito Flats and associated drainages upstream from the village of Chicken, include parts of Unit 20(E) heavily used by moose for calving and wintering. Intensive research conducted in this area during 1981–1988 identified brown bear predation as a major factor in maintaining low moose calf survival during spring, and wolf predation as most responsible for moose mortality during summer, fall and winter. Survey data collected after the research was completed suggests this pattern has not changed. In accordance with the Upper Yukon/Tanana Predator Control Implementation Plan, a 60% reduction of the bear population in a 2700-square mile focus area should increase moose calf survival. This reduction would entail the removal of approximately 81 bears, leaving



approximately 54. Because experience has shown that wolf packs preying upon moose in a focus area will include adjacent areas in their home ranges, reduction of the wolf population to no less than 50 wolves in the focus area and additional adjacent portions of 20(E) (approximately 6000 mi<sup>2</sup>) and northwestern Unit 12 (approximately 600 mi<sup>2</sup>) will also be necessary to make progress toward achieving Intensive Management objectives.

The bear focus area is 31% of the land area within Unit 20(E), and 50% of moose harvest in the unit comes from it. The focus area includes the Taylor Highway, 3 major trails, and 5 less-heavily used trails that provide access in the Intensive Management portions of Unit 20(E). This access will improve the likelihood of successful reduction of bear and wolf predation and will also provide opportunity to harvest moose once numbers increase.

Liberal seasons and bag limits for brown bears and wolves in Unit 20(E) have not resulted in harvest levels high enough to reduce predation and improve moose survival. Additional management actions are required.

**The Board Establishes and Recommends the Following:**

1. The first priority for wolf and brown bear predation control in the Upper Yukon/Tanana Predation Control Area is to conduct control activities where the likelihood of success in increasing moose numbers by reducing predators is high and significant benefits to harvest can be derived. Those areas are the southern portion of Unit 20(E) and a small adjacent area in northwestern Unit 12.
2. Permits shall be issued to members of the public qualified to operate within the constraints of the program, and able to accomplish the objectives of the program as designated by the Department.
3. Methods and means to take wolves may include land and shoot or shooting from aircraft as designated by the Department and in accordance with 5 AAC 92.039. At no time shall the wolf population in this area be reduced to fewer than 50 wolves. After periodic evaluation of the efficacy of the program, the Board of Game may modify in board findings the size or location of the area.
4. The Department will apply the following conditions to brown bear control permits in addition to any other conditions considered necessary:
  - a. Cubs or females with cubs may not be taken. For purposes of this program “cub” is defined according to 5 AAC 92.990 (a)(12).
  - b. A valid Alaska State resident hunting license is required.
  - c. Permits are valid from the date of issuance through June 30 or until the control program is closed by emergency order.
  - d. Bears may be taken with the use of bait or scent lures subject to the following restrictions:
    - i. For purposes of this control program “bait” means any material, including scent lures, that is placed to attract an animal by its sense of smell or taste. Bait does not include those parts of legally taken animals that are not required to be salvaged as edible meat if the parts are not moved from the kill site.

- ii. Only biodegradable materials may be used for bait; only the bones, viscera or skin of legally acquired fish and game may be used for bait.
  - iii. A person may not use bait or scent lures within one-quarter mile of a publicly maintained road or trail.
  - iv. A person may not use bait or scent lures within one mile of a house or other permanent dwelling, or within one mile of a developed campground or developed recreational facility.
  - v. A person using bait or scent lures shall clearly identify the site with signs at all access points reading "brown bear control bait station" that also displays the person's control program permit number.
  - vi. A person using bait shall remove bait, litter and equipment from the bait station site as required by the control permit.
5. At no time shall the number of brown bears in the control area be reduced by more than 60% of the extrapolated precontrol estimate of 135 present during June (leaving approximately 54). Estimates are based on extrapolations from past research in Unit 20(E) and in similar habitats with similar bear food resources in Unit 20(A). After periodic evaluation of the efficacy of the program, the Board of Game may modify in board findings the size or location of the area.
6. Pending legislative approval, the Department should establish a financial incentive program for permittees who take brown bears. The program should give permittees the option to surrender fleshed and salted hides to the Department for sale at its annual hide auction, and then be reimbursed for the sale price of the hide, minus handling charges incurred by the Department.
7. The wolf and brown bear predation control program should be re-evaluated after a 5-year period or when the moose population is estimated to reach the Intensive Management population objectives, whichever occurs first. Interim, annual reports will be presented to the Board of Game at spring meetings.

Vote: 6 - 1  
November 5, 2004  
Juneau, Alaska

  
Mike Fleagle, Chair  
Alaska Board of Game

**Findings of the Alaska Board of Game  
2004-151-BOG**

**Finding regarding Bear Baiting Allocation  
March 10, 2004**

The Alaska Board of Game hereby finds that the board is tasked with and responsible for the allocation of the wildlife resources of the State of Alaska,

Black bears have proved to be a popular species for hunting and viewing via a number of methods, including baiting, across the State,

Population and harvest objectives for species important for human use, particularly for food, may be attainable without drastic bear control measures if a considerable number of bears are taken by bear baiters,

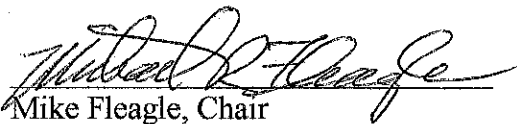
Approximately 650 black bears are currently harvested over bait in Alaska each year,

The harvest of black bears using bait has important economic benefits to the state including business for guide/outfitters and transporters, taxidermy, tanning, sale of handicraft items, sale of equipment for both archery and firearm hunters and more directly, from the sale of licenses and tags by the state,

The Boards of Fisheries and Game routinely allocate fish and game resources to user groups which are based upon the method of take.

The Alaska Board of Game has allocated at least 1,000 bears to bear baiters, for harvest in eighteen (18) Game Management Units across the state where regulations have been developed specifically to allow for such harvest.

Vote: 7/0  
March 10, 2004  
Fairbanks, Alaska



Mike Fleagle, Chair  
Alaska Board of Game

**Findings of the Alaska Board of Game  
2004-150-BOG**

**Authorizing Wolf Predation Control in the Unit 19(A) Portion  
of the Central Kuskokwim Wolf Predation Control Area  
With Airborne or Same Day Airborne Shooting**

**March 10, 2004**

**Purpose and Need**

This action of the Board of Game (Board) is to authorize a wolf predation control program in the Game Management Unit 19(A) portion of the Central Kuskokwim Wolf Predation Control Area in accordance with AS 16.05.783, Same day airborne hunting, 5 AAC 92.039, Permit for taking wolves using aircraft, and 5 AAC 92.110, Control of predation by wolves. This authorization does not currently include the Unit 19(B) portion of the Central Kuskokwim Wolf Predation Control Area.

There is no expectation that the Intensive Management population and harvest objectives for moose will be achieved in a reasonable time frame unless wolf predation on moose is reduced through a wolf predation control program.

**Identified Big Game Prey Population and Wolf Predation Control Area**

The Central Kuskokwim Wolf Predation Control Implementation Area includes both Units 19(A) and 19(B) and encompasses approximately 17,680 mi<sup>2</sup>, including all land ownerships. The Board has identified moose populations in Units 19(A) and 19(B) as important for providing high levels of harvest for human consumptive use in accordance with the Intensive Management statute and regulations (AS 16.05.255(e)-(g), 5 AAC 92.106, and 5 AAC 92.108).

The Board's present authorization for wolf control using airborne or same-day-airborne shooting includes those portions of the Kuskokwim River drainage within Unit 19(A) defined in 5 AAC 92.450(19)(A), encompassing approximately 9,969 mi<sup>2</sup>.

**Background**

Unit 19(A) encompasses the Central Kuskokwim River and the communities of Lower and Upper Kalskag, Aniak, Chuathbaluk, Crooked Creek, Red Devil, Sleetmute, Stony River, Lime Village, and other smaller settlements. Residents of Unit 19(A) depend on moose as a primary subsistence food source. Residents of communities in Unit 18 travel up the Kuskokwim River to harvest moose for subsistence and other uses, as do other Alaska residents who access the area by aircraft.

Unit 19(B) is also included in the Central Kuskokwim Wolf Predation Control Area. It encompasses the upper portions of several tributaries to the Kuskokwim River. Although there are no communities in the unit, the area provides moose that are important for subsistence use

and personal consumption of moose by Alaska residents. Units 19(A) and (B) have also provided hunting opportunities that are important for non-resident hunters and the guiding and transporting industries.

For several years, the Central Kuskokwim Fish and Game Advisory Committee (CKAC) has expressed concern to the Board about declining moose numbers in Units 19(A) and 19(B). The committee has submitted several regulation proposals and recommended wolf predation control to stop the decline of the moose population and boost moose numbers in the area. In response to the concerns of the CKAC and other users, the Alaska Department of Fish and Game (ADF&G) initiated a comprehensive planning process for the area with a citizen based planning committee composed of a broad cross-section of stakeholders in Units 19(A) and (B) wildlife management. Upon reviewing information on the moose populations, the majority of the Central Kuskokwim Moose Management Planning Committee (CKMC) agreed:

***“There is a major concern that the moose populations in Units 19(A) and 19(B) will not meet the needs of local subsistence users and other consumptive users. Local observations and available scientific data indicate that the moose population has substantially declined and in some areas is very low and will continue to jeopardize subsistence and other uses.”***

The Central Kuskokwim Moose Management Plan developed by the CKMC is a comprehensive plan for the area that includes a recommendation for a wolf predation control program for Units 19(A) and (B). The control program is one component of a multifaceted plan to rebuild the moose populations in the Central Kuskokwim region. The CKMC recommended that the first priority for wolf predation control efforts should be the areas most important for providing moose for subsistence uses. Unit 19(A) is where the majority of subsistence moose hunting by local residents and residents of Unit 18 occurs.

#### Status of the Moose Population

A moose population estimate conducted in Unit 19(A) in March 1998 indicated a density of 1.25 moose per  $\text{mi}^2$  in the Holitna and Hoholitna drainages where moose are most abundant. Moose densities are much lower in surrounding areas of lower habitat quality. A March 2001 population estimate in Unit 19(A) in the Aniak River area indicated a density of 0.7 moose per  $\text{mi}^2$ . The Aniak survey area is surrounded by other areas of lower habitat quality where moose densities are much lower. Extrapolation of the 1998 and 2001 survey data results in a population estimate of 6,800 – 11,300 moose for Units 19(A) and 19(B). If the moose population has decreased since the last (2001) population estimation survey as is suggested by other moose survey data and observations of local residents and others, the population is probably lower.

There is a great deal of concern about the low calf:cow and bull:cow ratios in the moose population in Unit 19(A). A November 2001 trend count conducted in a relatively small and heavily hunted area along the Holitna/Hoholitna Rivers indicated only 8 calves:100 cows and 6 bulls:100 cows (sample size 196 moose).

A late winter survey to estimate calf survival conducted in April 2003 in Unit 19(A) resulted in

an estimate of 7.6% calves in the moose population in Holitna/Hoholitna drainage (sample size 107 adults and 9 short-yearlings) and 8.9% in the moose population in the Aniak drainage (sample size 61 adults and 6 short-yearlings).

The calf:cow ratios in fall and percent of calves found in spring surveys support the belief that calf survival in the moose population is very low, a decline in moose numbers is occurring, and the actual number of moose is likely lower.

The Department's data is specific to 19(A), but the information is indicative of the entire Central Kuskokwim Wolf Predation Control Area.

### Trends in Moose Harvest

Numbers of reported hunters and moose harvested have declined substantially since the mid 1990s (Figure 1). Total reported moose harvest in Units 19(A) and (B) has declined 48% from the 1994-95 season (331 moose) to the 2002-03 season (148 moose). In Unit 19(A), the number of moose reported harvested by local residents and other Alaska residents declined approximately 65% (from 138 moose to 48 moose) between 1994-95 and 2002-03. Hunting in Unit 19(B) by non-local Alaska residents has declined from 199 hunters who harvested 71 moose in 1994-95 to 80 hunters who harvested 14 moose in 2002-03. Numbers of moose taken by nonresident hunters declined in Units 19(A) and (B) from 101 moose taken in 1994-95 to 83 moose taken in 2002-03. If estimated unreported harvest is added to these figures, the trend of harvest having declined by approximately 50% over the last 8 years is unchanged.

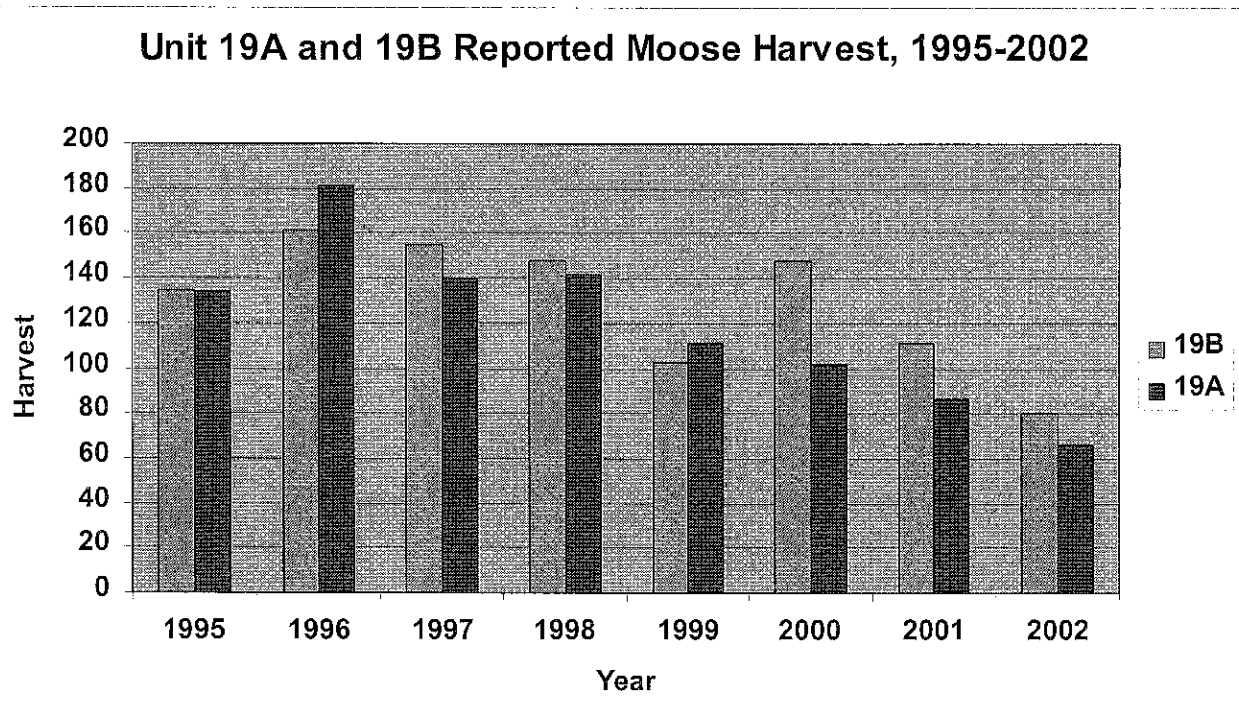


Figure 1. Decline in reported moose harvest in GMUs 19(A) and 19(B) since 1995.

**The Objectives For The Big Game Prey Population Established By The Board Of Game Have Not Been Achieved**

<u>Intensive Management Objectives for Units 19(A) and 19(B) (5 AAC 92.108)</u>	<u>Current Estimated Moose Population and Harvest (reported and unreported) for Units 19(A) and 19(B)</u>
Population: 13,500 – 16,500 moose Harvest: 750 – 950 moose	Population: 6,800 – 11,300 Harvest: 200 – 300

The current estimate of the moose populations and harvest levels are well below the population and harvest objectives established in 5 AAC 92.108, Identified big game prey populations and objectives. The estimated harvest number provided above includes both reported and unreported moose harvest.

**Predation is an Important Cause for the Failure to Achieve the Population and Harvest Objectives Established by the Board of Game**

The wolf population in Unit 19(A) is estimated at 180-240 wolves in 24-28 packs; that is approximately 1.8-2.4 wolves per 100 square miles. Wolf population estimates are extrapolated from other areas based on average pack size, land area, and estimated prey biomass and also take into account observations of local hunters and trappers, and department observations not associated with wolf surveys. Extrapolated estimates of moose and wolf populations suggest the current moose-to-wolf ratio is between 18:1 and 24:1. Moose can be expected to persist at low densities with little expectation of increase unless moose calf and adult survival improve. These data, information gained from studies on moose mortality in Unit 19(D)-East and other similar areas of Alaska, and observations of local residents suggest that wolves are currently a major limiting factor for moose in the Central Kuskokwim Wolf Predation Control Area.

**Reduction of Predation Provides a Reasonable Expectation of Achieving the Population and Harvest Objectives**

Data from moose mortality and predator/prey studies conducted throughout Alaska and similar areas in Canada suggest that reducing the number of wolves in the Central Kuskokwim Wolf Predation Control Area can reasonably be expected to increase the survival of calf as well as older moose. Mortality studies conducted in Unit 19(D) East have shown that wolves accounted for 37% of calf mortality and 40% of yearling and adult mortality. In terms of the total population, wolves killed approximately 26% of the calf population and 8% of the adult and yearling population annually. Reducing wolf predation on moose, in combination with reducing harvest (particularly of cows), can reasonably be expected to initiate an increase of the moose population towards the population and harvest objectives.

**The Board Establishes and Recommends the Following:**


1. The first priority for wolf predation control activities in the Central Kuskokwim Wolf Predation Control Area are the areas most important for providing moose for subsistence harvest by residents of the region. In general, Unit 19(A) is the most important for providing moose for subsistence purposes.
2. Methods and means to take wolves may include land and shoot or shooting from aircraft as designated by the Department and in accordance with 5 AAC 92.039. The present Board authorization for airborne or land and shoot taking of wolves is for Unit 19A only.
3. Permits shall be issued to members of the public qualified to operate within the constraints of the program, and able to accomplish the objectives of the program as designated by the Department.
4. The Department should seek to accomplish an approximate 80% reduction in the wolf population in the Unit 19(A) portion of the Central Kuskokwim Wolf Predation Control Area for a period of 5 years beginning on July 1, 2004. Based on the wolf population estimate of 180-240 wolves, approximately 140-190 wolves should be taken the first year of the program.
5. At no time should the wolf population in the Central Kuskokwim Wolf Control Implementation Area be reduced to fewer than 40 wolves.
6. The Board recognizes that the CKMC recommendation for a wolf predation control program is based on available scientific data that indicates low survival in the moose population and the observations of local residents and other users who report significant declines in the moose population. This is the best information currently available. The Board encourages the Department to continue efforts to obtain additional moose population information to increase knowledge about the population and to evaluate the progress of the wolf predation control program.
7. The Department should establish a program to monitor the wolf population that will make maximum use of data obtained from pilots involved in the wolf reduction program. The Department should also conduct wolf surveys to provide additional assurances that the minimum wolf population will be maintained and to measure the success of the program.
8. The wolf predation control program should be re-evaluated after a 5-year period or when the moose population is estimated to reach the Intensive Management population objectives, whichever occurs the soonest.
9. The Board of Game endorses the Central Kuskokwim Moose Management Plan, as modified by regulatory actions taken in the March 2004 meeting, as a general guide to moose management in Units 19(A) and 19(B). In particular, the Board endorses the mission of the plan to increase the moose population of the Central Kuskokwim region to provide for high levels of human consumptive uses of moose. The Board also endorses the strategy of



restoring hunting opportunities as soon the moose population can sustain additional harvest. The Board recognizes that the Central Kuskokwim Moose Mangement Plan may require revisions in the future as additional information is obtained and implementation of the revised regulations is evaluated.

10. The Board requests that the Department provide a progress report on implementation of wolf predation control in Unit 19(A) and other aspects of the Central Kuskokwim Moose Management Plan at its spring 2005 meeting. At that time, the Board will consider if the present authorization for airborne or same day airborne shooting of wolves is sufficient to achieve the objectives of the Central Kuskokwim Wolf Predation Control Implementation Plan and whether the authorization needs to be expanded to include Unit 19(B) or modified in any other way.

Vote: 6/1  
March 10, 2004  
Fairbanks, Alaska

  
Mike Fleagle, Chair  
Alaska Board of Game

**Findings of the Alaska Board of Game  
2004-147-BOG**

**BOARD OF GAME BEAR CONSERVATION AND MANAGEMENT POLICY  
MARCH 8, 2004**

**GENERAL BEAR MANAGEMENT**

**Purposes of Policy**

1. To assure all management actions provide for the conservation of Alaska's bear species, their habitat and food sources, and are consistent with the Alaska Constitution, and applicable statutes.
2. To encourage review and comment and interagency coordination for bear management activities.

**Goals**

1. To ensure the long-term conservation of bears throughout their historic range in Alaska.
2. To increase public awareness and understanding of the uses, conservation, and management of bears and their habitat in Alaska.

**Background**

Brown/grizzly bears (*Ursus arctos*) are large omnivores found throughout most of Alaska. Although they are considered the same species, brown and grizzly bears occupy different habitats and have somewhat different lifestyles and body configurations. Grizzlies are typically found in interior and northern areas. They are generally smaller than brown bears and more predatory. Brown bears live in coastal areas of southern Alaska where they have access to productive salmon streams.

Brown/grizzly bears are found throughout their historic range in Alaska, and unlike populations in the contiguous 48 states, they are not considered a threatened or endangered species. Estimating precise population numbers is difficult because of the bears' secretive habits and often densely vegetated habitat, but in most places in the state, populations are considered stable or increasing. Throughout most coastal habitats where salmon are abundant, bear densities 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>).

Densities as low as 7 bears/1,000 km<sup>2</sup> (20 bears/1,000 mi<sup>2</sup>) have been measured in the eastern Brooks Range. Extrapolations from existing density estimates yielded an estimate

of 31,700 brown bears in 1993. All indications are that the population has increased in the past decade.

American black bears (*Ursus americanus*) are generally found in forested habitats throughout the state. Black bears also occupy their historic range in Alaska, often overlapping distribution with brown/grizzly bears. Because they live in forested habitats it is very 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>). A statewide black bear population estimate is not available because, unlike the many brown/grizzly bear and wolf estimates that are available across the state, very few black bear population estimates have been conducted.

Brown/grizzly bears have relatively low reproductive rates and require abundant resources. Black bears exhibit higher reproductive rates than brown/grizzly bears; however, rates are still lower than for other big game animals with the exception of brown/grizzly bears. Population stability can be threatened by human-caused mortality and from fragmentation or destruction of habitat. This combination is present to a sufficient extent on the Kenai Peninsula that brown/grizzly bears there have been designated by the State as a "population of special concern". To address situations where bear populations have declined because of human activities, the Department has implemented remedial management actions. In the Kenai situation, a conservation strategy has been developed through a public stakeholder process.

In most areas of the state black bear populations are healthy and can sustain current or increased harvest levels. However, in some areas such as Unit 20B and 20D in the interior, the Kenai Peninsula, and Southeast Alaska, hunter demand for black bears is high, harvest is high, and these populations require closer monitoring. Bears are intelligent animals that learn to adapt to new situations. This ability, coupled with their enduring drive to rebuild fat reserves prior to denning, makes bears experts in finding ways to get a meal. Garbage is often a source of food from people. If this happens, bears learn to exploit human-related food resources and lose their natural tendencies to avoid people. Frequently, such bears become classified as "nuisance" bears and often are killed in defense of life or property (DLP).

Respected by most, and feared by many, bears can pose a threat in certain situations. Statewide, there are an average of about six encounters a year in which a human is injured. About half of those involve hunters in search of other quarry. About every two or three years, one of the attacks results in a human fatality.

Whenever bears and people interact with each other there are potential benefits and dangers. Displacing bears from feeding sites has serious consequences for them. Human behavior around bears not only impacts their own personal safety and viewing experience,

it also impacts the health and safety of the bears and the people who come to the area later. When bears and people meet, it is important that bears never get food from them and that people are trained how to react to bear encounters. Comprehensive education is recognized as a vital component in all aspects of any bear viewing program.

Public interest in bears has increased dramatically in Alaska during the past decade. Some of this interest is incidental to other pursuits such as sport fishing, hiking, flight seeing, eco-tours, or marine water cruises but some of it is specifically targeted at bear viewing. 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. As a result, private entrepreneur businesses are providing viewing opportunities in some high-density bear areas. Many of these sites and programs involve highly habituated bears that most frequently result in mutually exclusive conflicts with other uses of bears. Habituation of bears should be discouraged and maximum public benefits pursued by providing management programs designed to provide for public viewing opportunities in areas where other uses are already excluded or to carefully integrate uses on a time and area basis.

Alaska is world-renowned as a brown/grizzly bear hunting area. Alaska is the only place in the United States where they are hunted in large numbers, and the vast majority of record book bears come from the state. An average of about 1,500 brown/grizzly bears are harvested each year. The trend has been increasing. 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. In areas where a population of large ungulates has been reduced to low levels, bears may have a significant influence on the decline of species such as moose, caribou and deer. This is especially true when bears are found in combination with thriving wolf populations. Alaskan studies of bear interactions with moose, for instance, indicate that bears may contribute significantly to calf mortality. Coupled with wolf predation, the combined mortality rates can far exceed human induced mortality and contribute to major moose population declines, depressed populations and delayed recoveries. The role of bears in these situations greatly exacerbates the debate over predator control and complicates evaluation of potential and initiated management actions.

### **Guiding Principles**

1. Manage bear populations to allow a wide range of human uses, while providing for long-term bear population sustainability.
2. Establish minimum population goals that ensure the long-term viability of bears recognizing the reproductive capacity of each bear species.
3. Manage bears at the scale of subunits or units to achieve appropriate overall predator-prey relationships rather than pursue single species management.
4. Protect the genetic diversity of bears.
5. Continue and, if appropriate, accelerate research for the management of bears.

6. Consider short-term and long-term effects of habitat loss and fragmentation on bear populations.
7. Provide for consumptive and non-consumptive uses of bears in management plans and encourage economic benefit to the state and its citizens while maintaining sustainable bear populations.
8. Do not allow identified prey populations to decline to a point where predation keeps them at low levels.
9. Avoid, where possible, activities that encourage the habituation of bears and manage bear viewing opportunities that are not mutually exclusive of other uses.
10. Encourage wildlife viewing of bears and other species in their natural settings as part of a broader outdoor experience.
11. Implement this policy in such a manner that the Department and the Board can respond promptly to unforeseen situations.
12. Pursue informational and educational efforts to help the public understand more about bears and their management.
13. Work with enforcement agencies to identify priorities and to assist with and encourage adequate enforcement activities.
14. Review and recommend revision to this policy as needed.

## **Conservation and Management**

### *A. Management Strategies*

The Department will manage both bear species differently according to their population and human use characteristics in different parts of the state. In some areas, such as the Kodiak Archipelago, portions of Southeast Alaska and the Alaska Peninsula, bears are managed for trophy-hunting and viewing opportunities. In many other areas of the state, bear populations are largely unaffected by human harvest. Bears are an important big game species sought by resident and nonresident hunters and are managed for a variety of objectives.

Generally, bear hunting will be conducted on a sustained yield basis, except in areas where a bear predation control program is authorized. Harvests will not be allowed to threaten the long-term population survival of bears. In most areas of the state, sustained brown/grizzly bear harvests will generally be 4-8 percent of the estimated total population and up to 12 percent for black bears. Some bear populations may be able to sustain a harvest above these guidelines and these will be evaluated for more liberal harvest programs. Lacking precise population data, managers will continue applying indirect parameter to assess the status of bear populations.

All brown/grizzly bears harvested under the general hunting regulations must be inspected and sealed by a Department representative. Black bears must be sealed in some units but not all. Non-resident hunters of brown/grizzly bears must be accompanied in the field by a registered big game guide or a resident relative. For both species, sows accompanied by cubs, and the cubs, are protected, but cubs are defined as bears in their first year of life for

black bears and for the first two years of life for brown/grizzly bears. The Department will continue to maintain these strategies and regulations for most of the state, unless it is necessary to consider methods to increase bear harvests as part of a bear predator control program.

The effect of management actions on the economic contribution of bears to Alaska's users of bears should be considered. Maintaining a regulatory structure that assures reasonable standards of data integrity with responsible management strategies and population sustainability will help avoid threats of international sanctions. 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 accommodate subsistence needs and will consider the impacts on subsistence activities.

Bear viewing and bear/human interactions are also important aspects of bear management in Alaska. Increasing interest in watching bears at concentrated feeding areas such as salmon streams and sedge flats is challenging managers to find appropriate levels and types of human and bear interactions without jeopardizing human safety or bears or other legitimate uses of bears. Bear hunting and viewing are compatible in many situations. However, there are areas where the two uses are potentially mutually exclusive. Land and wildlife managers are faced with tough decisions that could either minimize those conflicts or promote single use regulations at the expense of other uses. For instance, federal withdrawals totaling over 40 million acres are managed to protect large segments of Alaska's big game resources habitat and major portions of these areas provide park-like observation opportunities. Logically these areas could first be utilized for habituated wildlife viewing opportunities before traditional uses of bears and other wildlife are unnecessarily impacted in other areas. Bear management programs on state and private lands should be designed to achieve maximum benefits to Alaskans. Specifically, state management programs should avoid habituating bears wherever possible. Conflicts between user groups can frequently be reduced if viewing programs adopt "best viewing practices."

In areas where bear management plans have been developed, the Department will adhere to the recommendations included in those plans as long as they are consistent with the newest policies and regulations adopted by the Board.

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.

### *B. Research Strategies*

Developing and implementing precise, cost-effective methods for determining bear populations will continue to be a research priority for the Department. Work to date suggests that no single population estimation method will work across the state given the vast areas, varied topography, differing vegetation communities and great differences in bear density. Some methods work well in one area but not in another. Aerial stream

surveys, line-transect surveys, capture-mark-recapture, intensive aerial surveys, and DNA analysis are some of the tools that can be utilized to provide population estimates.

Predator-prey relationships between bears and large ungulates have not been thoroughly examined in most of the state. Bears use a wide variety of foods seasonally including vegetation, fish, mammals, birds, and carrion and they are exceptionally adaptable in their ability to capitalize on available food resources. Consequently, the impact of ungulate prey abundance on bears is difficult to ascertain. Similarly, the impact of bears on prey populations is multifaceted and can be further compounded by the presence of other predators such as wolves.

Where appropriate, the Department will cooperate in research efforts with other agencies. Research findings will be reported in a timely fashion and presented in a form that is easily understood by the public.

### *C. Information and Education Strategies*

Public education is critical in any bear management program. Perhaps as much as any species in Alaska, bears elicit a wide variety of emotions, have myriad uses, and directly impact peoples' lives both in the field and near settlements. Clear, objective information is necessary for citizens and managers alike to make wise decisions when dealing with bears. As the agency primarily responsible for bear management, the Department must take a lead role in producing and disseminating this information.

Bear information will be developed for a wide range of audiences and be delivered in a variety of media. A principal focus of bear education will be to promote a better understanding of life history, behavior, and habitat associations. Specific messages will include discussions of bear/human interactions, bear hunting, bear viewing, and bear predation on moose, caribou, and sheep. To assure consistent and accurate presentation of bear information, the Department will continue to work with the Alaska Interagency Bear Safety Education Committee.

The Department will strive to include the public in all bear management decisions. The primary method of public involvement will be through existing local Fish and Game Advisory Committee and Board processes. Citizen-driven bear management plans will be sponsored and supported by the Department. To date, such plans have been developed for Game Management Unit 4, the Kenai Peninsula, and the Kodiak Archipelago. The Department is committed to implementing as many of the recommendations from bear management plans as possible.

Because of the economic importance of guiding and other commercial enterprises associated with the varied uses of bear, it is recommended that extra efforts are made to notify all concerned parties that area specific predator control activities are being considered.

## BEAR PREDATION MANAGEMENT

### Purpose of Policy

1. To guide the Board of Game (Board) and the Alaska Department of Fish and Game (Department) in implementing any bear predation management actions pursuant to AS 16.05.255(e) and 5 AAC 92.106, when the Board determines ungulate populations important for human consumption are being kept at low levels because of bear predation.

### Goals

1. To provide guidelines for developing, implementing, and evaluating bear management actions designed to reduce bear specific predation in precise areas for specific time periods required by predator control implementation plans.

### Background

In areas where the Board has authorized for intensive management (IM) activities, set IM population and harvest objectives and those objectives are not being met and bear predation has been found to be a major factor in the decline in prey populations or in keeping prey populations from recovering, the Board can authorize bears to be included in predator control planning. Whenever bears are considered and authorized for predator control activities, the implementation control plan must specify whether one or both bear species are to be considered in the control plan.

Based on careful consideration of scientific information and public comment, the Department and the Board believe that in some limited circumstances it may be beneficial and appropriate to control predation by bears to achieve population and human use objectives.

### Guiding Principles

1. Where bear reductions are authorized, the first step should be to reduce bear numbers through general hunting provisions such as liberalized seasons, bag limits, hunting methods and means and tag wavers.
2. Where predation regulates prey populations, identify to the extent possible, the relative contribution by each primary predator species so that management response can be focused and effective.
3. Implement measures to reduce black and/or brown bear numbers to allow prey species to increase population management objectives in areas managed for high consumptive use where predation by bears itself or in combination with other predators is keeping prey at low levels.
4. Manage bears at the appropriate scale that may vary from an entire Game Management Unit to a specifically defined area (e.g. key calving sites).
5. If liberalization of general hunting provisions does not adequately reduce the target bear population, an additional control program may be authorized. This program should be conducted for the minimum time necessary to achieve the stated



management objectives and may utilize methods and means not approved for general hunting.

6. Consider the management goals and objectives of state, federal, and private land owners and work cooperatively with them to design, implement, and evaluate bear control activities.
7. Encourage federal and private land owners, where possible, to work cooperatively in any management and/or species control programs.
8. If reduction in bear numbers fail to result in reasonable increases in availability of prey populations for human use, management practices intended to reduce bear populations should be reconsidered.

### **Management Strategies**

In areas where bears have been identified as an important component in reducing and/or holding prey populations well below objectives, higher harvest levels than those listed under general management strategies will be allowed. In these areas, specific harvest reporting conditions will be imposed which may include additional requirements for permits, sealing, and/or reporting. In addition, the Department will closely monitor the effects of higher harvest on the bear and prey populations.

### **Research Strategies**

In areas where bear predation control programs are considered, the Department may conduct research to quantify the contributions of each bear species and of wolves to the causes of decline in the ungulate population important for human use. Alternatively, the Department may use standard survey and inventory data and interpretation of other research results to guide the decision-making process. Monitoring activities designed to determine the effects of high levels of bear harvest on recovery of depressed ungulate populations would help focus management efforts in the most cost-effective manner.

### **Information and Education Strategies**

In any situation where the Board or Department believes bear predation control may become necessary, the public will be informed as soon as possible. Detailed information on the specific location, the predator, prey and habitat concerns, and the proposed management action and its anticipated costs and duration will be widely disseminated. Public meetings may be held in the affected area and in major Alaska communities, in addition to regularly scheduled Board and Advisory Committee meetings. Once implemented, the Department will provide the Board and the public with an annual report and evaluation of the management action.

### **Board Consideration**

The Board may consider bear control on a bear species when:

1. Bear predation has been determined to be an important factor in the decline of a prey population or is preventing recovery of a low density prey population.

2. Bear predation is an important factor preventing attainment of approved prey population of human-use objectives.
3. Efforts to control bear predation can be reasonably expected to achieve improvement in sustainable human use of ungulates.

If the Department or the Board determines that one or more of these conditions exist in a given IM area, at the Board's direction, an implementation plan will be prepared for public review that includes:

- A statement of the proposed action, including potential methods and means.
- Justification for the proposed action, including previous measures taken that failed to achieve bear and prey objectives and other alternatives considered.
- Geographical description of the area.
- Population and human use objectives.
- Relevant information about wildlife populations and human use, including bear and prey populations status and trend, harvest information, habitat, and estimates of the effects of all predators on prey populations.
- Estimate of the time and funding necessary to meet population and human use objectives.
- Schedule for update and reevaluation of the program.

If a bear control program is authorized by the Board, a specific predator control implementation plan will be prepared that includes:

- Justification
- Geographic area description
- Wildlife population and human-use information
- Bear and Prey population level and population objectives and the basis for those objectives
- Methods and means
- Anticipated time frame not to exceed five years unless the plan is re-adopted, and a schedule for update and reevaluation
- Other specifications or limitations the Board considers necessary.

Bear control will be implemented using the most humane, selective, acceptable and effective methods available. If methods that do not require killing bears are found to achieve the desired results in a reasonable time and with reasonable financial resources, they will be considered first. At no time will poisons be used for bear control.


It is the intent of the Board of Game that bear control programs authorized under this policy shall be directed at only specified target areas and is not intended for implementation under general hunting regulations.

Under methods and means the Board may selectively consider:

- Relocation
- Sterilization
- Use of communications equipment between hunters or trappers

- Sale of hides and skulls as incentive
- Use of bears for handicraft items for sale
- Trapping
- Bear baiting
- Changing the definition of a legal bear
- Same day airborne taking, except aerial shooting
- Diversionary feeding

Vote: 7/0  
March 8, 2004  
Fairbanks, Alaska

  
Mike Fleagle, Chair  
Alaska Board of Game

**Findings of the Board of Game  
2003-145-BOG**

**Authorization of Airborne or Same Day Airborne Shooting  
in Unit 19D East Predation Control Program  
December 15, 2003**

**Purpose**

The purpose of this action of the Board of Game is to reconfirm and clarify previous actions of the Board authorizing a predator control program that involves airborne or same day airborne shooting in Unit 19D East in accordance with AS 16.05.783.

**Identified big game prey population and wolf predation control area**

The Board of Game identified moose in Game Management Unit 19D East as important for providing high levels of harvest for human consumptive use in accordance with AS 16.05.255(e)-(g). The initial Intensive Management Objectives for moose, set by the Board in 1999 in accordance with 5 AAC 92.106 and 5 AAC 92.108, were 300-400 and 6000-8000 for the harvest and population objectives, respectively. These objectives were reduced to 130-150 and 3000-3500 in 2001 at the recommendation of the Adaptive Wildlife Management Team as part of a compromise to reach consensus on a predator management program for this area. The Board established a Wolf Predation Control Implementation Plan for Unit 19D East in accordance with 5 AAC 92.110 and 5 AAC 92.125.

**Failure to meet moose harvest objective**

The current level of moose harvest in Unit 19D East is not meeting the Intensive Management Harvest Objective of 130-150. This conclusion is based on assessment of harvest data from the most recent hunting season, fall 2003 (regulatory year 2003-04), for registration permit hunt RM650. These data indicate a harvest of 75. Two hundred and fifty-six permits were issued; 189 individuals hunted; 53 did not hunt; and there are 14 delinquent reports as of December 12, 2003. Based on past experience with registration permit reports, it is likely that most of the delinquent reports were not used.

The Department is confident that most of the harvest was reported under the current registration permit system. McGrath, where most of the households in Unit 19D East are located, likely reported at least 95% of its actual harvest. The surrounding communities of Takotna, Nikolai, Medfra, and Telida may have a lower reporting of actual harvest, but it is doubtful the net effect on total harvest exceeded 5-10% of the reported value. Illegal take tends to be accidental and incidental, and was documented in the research on moose in the 528 square mile Experimental Micro-Management Area surrounding McGrath. However, this area contains the highest density of moose and human activity in Unit 19D East, and it is not characteristic of the remaining 7,985 square miles in the unit. Illegal harvest outside of the EMMA is subjectively estimated to be less than 5% of the actual harvest.

Even when applying the most liberal expansion factor (unreported harvest, illegal take) to the reported harvest, all available information indicates that the number of moose being taken is well below the harvest objective.

### **Status of moose population**

Analysis of the November 2003 moose population estimation survey is in progress as of December 15, 2003 and the results are not yet available. A fall 2001 survey conducted in a 5,204 square mile portion of Unit 19D East yielded estimates that were extrapolated to the remaining 3,309 square miles of the unit to arrive at a total estimate of about 2,800 moose (range 2,200-3,300). The lower and upper values in the range have equal probabilities of being correct. The actual number of moose may or may not fall within the population objective of 3,000-3,500.

The 2001 estimated density of moose in the 5,204 square mile survey area was 0.43 moose per square mile. This is considered a relatively low population level, well below 1.0 moose per square mile which is the upper limit of the "Low Density Dynamic Equilibrium" phenomenon common throughout much of interior Alaska. As is characteristic of this phenomenon, it appears that predation, not lack of forage, is preventing the moose population in 19D East from increasing to a higher level.

Intensive field studies during the past 4 years indicate that a population of 3,000-3,500 moose in Unit 19D East is insufficient to meet the intensive management harvest objective of 130-150. Although a population of this size can, in theory, support this level of harvest, much of this moose population is not accessible to hunters largely confined to river corridors.

### **Predation an important cause for failure to achieve harvest objective**

Intensive field studies initiated in 2000 and continuing to the present demonstrate that predation by wolves, black bears, and grizzly bears is an important cause for the failure to achieve the moose harvest objective of 130-150. The results of these studies were presented to the Board of Game at the March 2003 and November 2003 meetings in Anchorage, Alaska.

### **Reduction of predation provides reasonable expectation of achieving harvest objective**

Analyses of biological data collected in Unit 19D East studies indicate there is a reasonable expectation of achieving the harvest objective of 130-150 if predation is reduced. Removal of bears in late May and early June 2003 substantially improved survival of calf moose through November as reflected in fall 2003 sex and age composition surveys indicating calf-to-cow ratios of 53:100 in the bear removal area compared to 25-30:100 in other areas of Unit 19D East. This means that about 79 more calf moose survived through November in the EMMA compared to the 2 years previous to bear removal. Removal of wolves can reasonably be expected to further increase the survival of calf moose, as well as older moose. Removal of both predators in concert can reasonably be expected to accelerate accomplishment of management objectives.

### **The Board establishes the following:**

1) Removal of wolves will be confined to a portion of Unit 19D East designated by the Department, and total take of wolves in the designated area will not exceed the limits set forth in 5 AAC 92.125(1)(B)(i);

- 2) Methods and means to take wolves will be designated by the Department in accordance with 5 AAC 92.039;
- 3) Permits shall be issued to members of the public qualified to operate within the constraints of the program, and able to accomplish the objectives of the program, as designated by the Department.

Vote: 710

December 15, 2003

Fairbanks, Alaska (teleconference)



Mike Fleagle, Chair  
Alaska Board of Game

**Findings of the Board of Game  
2003-140-BOG**

**Guidelines for a Unit 19D East Predation Control Program  
March 12, 2003**

I. Overview Of Project Development And Actions Taken to Date

- A. History of Public Process: The Board of Game has a long history of considering issues related to increasing the harvest level of moose in Unit 19D East to improve the well being of people who depend heavily on moose for food. In addition, the Adaptive Wildlife Management Team conducted a public process. Some of the key activities in this process have been:
1. March 1995: Under the state's Intensive Management statute (AS16.05.255(e)-(g)), the Board determined that human consumptive use is the preferred use of moose in Unit 19D East (5AAC 92.108).
  2. Fall 1995: The Board established a wolf predation control area in Unit 19D East and authorized the Commissioner to reduce wolf numbers during 1996-2001 (5AAC 92.15(1)).
  3. January 2000: The Board made a finding of emergency regarding the Unit 19D East situation and updated the wolf control implementation plan and extended the Commissioner's authority to reduce wolves for 2000-2005.
  4. February 2001: The Adaptive Wildlife Management Team (AWMT) released its report that included recommendations to proceed with actions to control predation by both wolves and black bears in a portion of Unit 19D East in the McGrath area called an Experimental Micro Management Area (EMMA).
  5. March 2001: The Board of Game supported the AWMT report (Resolution 2001-135 BOG) and among other recommendations, urged the Department "begin predator control as soon as possible."
  6. May 2001: The Board of Game adopted several regulations to begin implementing the recommendations of the AWMT (see list of actions taken under I. D. below).
  7. October 2001: The AWMT reaffirmed their recommendations for control of predation by both wolves and black bears in the EMMA, provided more specific recommendations on wolf and black bear predation control methodology, and also recommended further public review and comment on the project.
  8. February 2003: The Board of Game announced its intentions to reactivate development of an action plan for Unit 19D East, incorporating new research data, and inviting public review and comment.
- B. National Academy of Sciences Report: The findings of the National Academy of Sciences, National Research Council report titled, "Wolves, Bears, and Their Prey in Alaska," are considered in the development of the Unit 19D East research and management program as well as in the AWMT report and recommendations.

C. Research Program: Two years of intensive research in Unit 19D East began in March 2001 focusing on:

1. Moose and wolf population numbers;
2. Mortality of calves and adult moose;
3. Winter moose habitat quality, quantity and availability;
4. Condition of moose; and
5. Movement patterns of moose in the area.

D. Management Actions Already Taken

1. The Department conducted wolf trapping and bear baiting clinics in McGrath and associated villages to encourage local residents to increase harvests of wolves and bears.
2. The Board of Game:
  - a. Liberalized black bear baiting regulations to include both spring and fall seasons in Unit 19D East.
  - b. Reduced the length of moose hunting seasons.
  - c. Closed the winter moose season.
  - d. Established a registration permit hunt to help reduce harvest and better track harvest levels.
  - e. Expanded the Upper Kuskokwim Controlled Use Area to prohibit use of aircraft for hunting moose in a large portion of Unit 19D East.
  - f. Excluded non-resident hunters from moose hunting in Unit 19D East.
  - g. Reduced Intensive Management moose population and harvest objectives to be more achievable.
  - h. Authorized use of snowmachines to take wolves in Unit 19.

E. Additional Hunting Restrictions To Be Applied During Predator Control: Local residents agreed that hunting in the EMMA will be closed while the Department conducts predation control activities.



## II. Findings of the Board of Game

- A. Research conducted by the Division of Wildlife Conservation has given the Board a much clearer picture of moose population dynamics and interactions with predators in the McGrath area. Current information is sufficient to make management decisions. On-going research will contribute to the scientific knowledge base, consideration of adaptations that may be needed as the program proceeds, and the applicability of the EMMA approach to other similar situations.
- B. Data from the on-going research program in Unit 19D East demonstrates that wolves prey on moose year round, and in addition, predation from black bears and grizzly bears is a major source of mortality to moose calves.
- C. Local residents and many other Alaskans are very frustrated about the lack of action to implement a control program. This lack of action has occurred despite the longstanding approval and repeated affirmation of the Board of Game to use predation control to attain harvest management objectives.
- D. Local residents have already demonstrated a willingness to compromise on issues related to rebuilding the moose population in McGrath by agreeing to reductions on hunting.
- E. Registered guides have indicated support for predator management activities, even though they recognize that opportunities to guide non-resident moose hunters do not currently exist in the area and may not for some time.
- F. The Board is obligated to follow the Alaska Constitution (Article 8, sections 4 & 17) and the Intensive Management Statute requirements of managing the moose population for high levels of human consumptive uses, even though intense opposition to predator control is voiced from some segments of the public.

## III. Board of Game Recommendations

- A. The current Board of Game concurs and reaffirms the findings of previous boards that human consumptive use is the preferred use of moose in Unit 19D (95-86-BOG, Resolution 2001-135 BOG) and that predation control in the McGrath area is necessary to help restore the abundance of the moose population to provide for human harvest. This includes control of predation by wolves, black bears, and grizzly bears. Predation control activities should be conducted as quickly and effectively as possible.
- B. The Board recognizes local concerns and endorses an experimental predator management program in Unit 19D East.
- C. The Board recognizes that the current Unit 19D East Intensive Management population objective (3,000 to 3,500 moose) and harvest objective (130 to 150 moose) recommended by AWMT are conservative. The previous population objective was 6,000-8,000 moose, and the previous harvest objective was 300-400 moose. The Board requests the Department to re-examine these numbers. If appropriate, the Board will revise the objectives at a later meeting.

- D. The Board recognizes that the EMMA concept of controlling predation in a small area near rural communities is a substantial departure from previous predation control programs that applied to larger geographical areas. As such, it is an experimental approach. If successful, this approach may lead to developing methods that can be used to better focus future predation management activities and increase the capacity for local, more self-reliant programs. For this approach to be effective, there must be adequate means available for local residents and others to effectively regulate predator numbers following Department conducted control programs.
- E. The Board recommends continued use of the adaptive management process as the Unit 19D East predation control program proceeds, and as research and management results provide additional information. The Board will work with the Department to consider changes in the program as future need arises.
- F. The Board recommends the Department proactively provide public information on predator/prey dynamics and the effort to rebuild the moose population in the McGrath area on a statewide and national basis. The Department should also make the effort to reach out to rural Alaska residents through mail and other techniques, to supplement the current web site information.
- G. In consideration of the amount of time, effort, and public process expended by the Department and Board of Game over the last decade, it is essential that the predation control project move forward now. If the project does not receive approval to move forward within two years, it should be discontinued completely to avoid unnecessary expenditure of public funds and raising false expectations among the public.
- H. Difficult decisions must be made before initiating something as controversial as predator control. Once decisions are made to implement a predator control program, then it is no longer an issue of fair chase. The management program is not hunting in the conventional sense, so it must be designed to minimize opportunity for predators to escape. The Department must apply the following criteria in making decisions about how a predation control program should be implemented:

**Criteria:**

1. Effective: The program must be able to achieve management objectives. Any techniques used must have a high probability of success or the Department should not proceed.
2. Efficient: The program must be implemented and completed within a preset period of time with the wisest use of resources possible considering weather conditions and calving activities.
3. Affordable: The program must be conducted within the resources available, including personnel, training, experience, and money.
4. Safe: The program must be safe for staff and others involved in implementation. Field operations to meet program objectives must not present undue risks to the lives or well being of program personnel.

5. Humane: Predation control should be conducted as humanely as possible.
  6. Advancement of Knowledge: The program should further research knowledge and improve management capabilities.
  7. Appropriate for Current Environmental Conditions: The techniques applied must be appropriate for snow conditions and other factors that exist at the time the program will be implemented.
- I. After reviewing the history, research management actions taken, previous and current Board findings, and predator control criteria laid out above, the Board of Game recommends the Department implement a Unit 19D East experimental management program according to the guidelines described below.

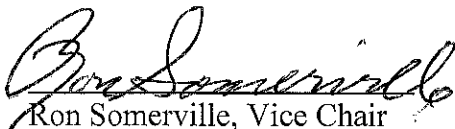
## Guidelines for Unit 19D East Experimental Predator Management Program

1. Prioritized Methods of Removing Predators
  - a. Department staff should maintain the integrity and achieve the objectives of the program, including removing wolves and bears that use the 520 mi<sup>2</sup> Experimental Micro Management Area (EMMA). Predator removal techniques should most closely meet the criteria for predator control (page 4), including using helicopters, airplanes, or other mechanized vehicles.
  - b. The project should continue for up to 4 years but could be terminated before 2007 if project objectives for the EMMA are met or if the program is ineffective.
  - c. All predation control efforts should be conducted with the cooperation and involvement of local residents as long as project criteria are met. This includes capture and removal of bears and wolves.
  - d. The Department and local governments would continue to encourage and train local trappers to take more wolves and hunters to take more bears and wolves within the EMMA in Unit 19D East. The Department will assist trappers in locating the best trapping sites.
  
2. Wolves:
  - a. Wolves should be removed from the EMMA by Department staff with as much public involvement as possible using the following techniques in order of priority:
    - Shooting from helicopters (most clearly meets the predator control program criteria on page 4); or
    - Darting from helicopters and euthanizing; or
    - Darting from helicopters and relocating.
  - b. If it is not possible to shoot wolves with the use of helicopters in 2003, the Department should immobilize and euthanize or relocate them as long as program criteria (page 4) are met and it is made clear that this is not a mandatory precedent for subsequent years or comparable programs.
  - c. Up to 40 wolves may be removed during the first year of the program. Wolves that attempt to repopulate the area will be removed in subsequent years.
  - d. The Department should remove wolves from the EMMA during October-November of each year during the life of the project. The Department should rely on local trappers to prevent or minimize the number of wolves repopulating the EMMA during mid-winter. If significant numbers of wolves remain in the EMMA by March 15, the department should remove the wolves in late March or April.
  
3. Bears:
  - a. Whether or not wolf control is initiated in 2003, bears in the EMMA should be captured and relocated during May-July 2003, and in additional years if bear removal proves consistent with the criteria (page 4).

- b. During May-July, adult male and female black bears and grizzly bears will be captured and relocated to remote state lands at least 150 miles from the EMMA. Bears will be:
    - Dated from a helicopter, and/or
    - Foot snared from the ground.
  - c. About 30 black bears and up to 5 grizzly bears should be moved.
  - d. Black bear sows with cubs should not be moved.
  - e. Up to 30 relocated bears should be radiocollared to determine if and how quickly they return.
4. Moose Harvest Management
- a. The EMMA will be closed to moose hunting during the years in which intensive removal of wolves or bears is underway.
  - b. The EMMA will be reopened to moose hunting when intensive removal of predators ceases.
5. Research Program
- a. Expand browse surveys in March and April, 2003.
  - b. Assess calf mortality in 2003 and perhaps 2004, depending on the results of the management experiment in 2003.
  - c. Weigh 10-month-old female moose and conduct natality and twinning surveys.
  - d. Conduct a moose population estimate and composition survey in the EMMA in fall 2003.
  - e. Research design after 2003 will depend upon the results of the management experiment.
6. Post Predator Control Activities
- a. The Department should work with hunters, trappers and the Board to promote and develop adequate means to regulate wolf and bear populations in the McGrath area as a means of sustaining moose harvests over the long term.
  - b. The Department should work with land managers to improve moose habitat within the EMMA.

Vote: 6-0

Adopted this 12<sup>th</sup> day of March, 2003  
Anchorage, Alaska

  
Ron Somerville, Vice Chair  
Alaska Board of Game

ALASKA BOARD OF GAME FINDINGS  
ANTLERLESS MOOSE IN 20A  
PROPOSAL 42  
96-103-806

The moose population on the Tanana Flats (GMU 20A) erupted during the 1950s and reached a high by the early 1960s variously estimated at 12,000 to 23,000 animals. During this time, this area became an important moose hunting area for residents of the Fairbanks area. Beginning about 1965, the moose population crashed to about 2,800 moose by 1975. This was attributed to winter weather, including record snowfall in 1970-71, overuse of the range, and poorly regulated hunting, in combination with inadequate monitoring of population trend.

By 1975, it was apparent that wolf predation was limiting recovery of the moose population. The Board implemented a wolf reduction program in 1976 that effectively reduced wolf numbers and allowed moose to increase. Between 1976 and 1996, moose numbers increased from 2,800 to about 14,000. By the mid-1980s, wolf numbers had recovered to pre-control levels but wolf predation was insufficient to limit moose population growth.

Biological information now indicates that if the Tanana Flats moose population increases further, range damage may occur, recruitment may decline as competition for high-quality food increases, and survival will fall. These biological events may precipitate another crash (in conjunction with deep snow) similar to that which occurred in 1965-1975.

After considering public testimony and biological information presented by the Department, the board finds that:

1. Moose populations that increase to high density (generally more than 1.5 moose per square mile in interior Alaska) are at risk for crashes that reduce herd size greatly. Such crashes are precipitated by range damage that may take decades to repair. There are numerous, well-studied case histories of moose populations in Alaska and throughout North America, that document this reality.
2. Crashes of moose populations result in numerous biological and public policy problems as hunters find fewer opportunities to hunt over long time intervals as conservative harvest regulations are required to rebuild the moose populations.
3. Crashes of moose populations are likely preventable if moose populations are carefully monitored, range condition and trend information is available, and harvest regulations are flexible.
4. In order to curb the growth of a moose population approaching carrying capacity, biologists indicate that cow harvests are mandatory. It is not possible to prevent carrying

capacity problems by harvesting only bulls as bull:cow ratios then become distorted and the cow portion of the populations continues to increase.

5. Specifically, with regard to the Tanana Flats moose population, the Board finds that this population, currently at about 14,000 animals, now shows biological signs of approaching carrying capacity. At carrying capacity recruitment is very low, animals are in poor condition, opportunity for harvest is minimal, and range damage may be excessive. Accordingly it is prudent to now consider harvesting a sufficient number of cow moose to slow further population growth. This may involve harvesting up to 1,000 cows.

6. The Board finds that opposition to harvesting cow moose by some local Fish and Game Advisory Committees is strong. Testimony by at least two committees at the March 1996 Board meeting specifically opposed harvesting any cows from the Tanana Flats population, and one committee indicated that it would likely oppose cow moose hunts despite any biological information.

7. The Board finds that there is need for increased public support for harvesting cow moose if we are to fully realize the potential for intensive management that may involve predator reduction programs. Predator control and habitat improvement may result in moose populations that reach high density and subsequently crash, thereby negating efforts to provide maximum hunting opportunity. Cow moose hunts are required to prevent this occurrence, but may be blocked by advisory committee opposition.

8. The Board finds that one way to seek increased support for cow moose hunts is for the Department, the Board, and various interests groups to work closely with advisory committees in order to provide them with adequate information on the risks and benefits of different harvesting strategies. Evidence of this includes the Department's extensive work with local advisory committees that resulted in adoption of Proposal 42A allowing for a limited cow harvest in Game Management Unit 20A in 1996 supported by the advisory committees.

  
Larry Holmes, Chair  
Alaska Board of Game

Date: 4/18/96  
Juneau, Alaska

Vote: 6 - 0 - 1  
absent

## ALASKA BOARD OF GAME FINDINGS

### Intensive Management for Unit 19D(east)

#### 96-101-BOG

1. The Board of Game considered the status of moose, wolf and bear populations in Unit 19D(east) at its March, 1995, meeting. At that time, the Board found that the moose population was depleted and its productivity reduced. The Board found that intensive management was appropriate for this area and directed the department to prepare an implementation plan to reduce wolf numbers for consideration by the Board at its October, 1995, meeting. The remainder of the Alaska Board of Game Findings, Intensive Management for Unit 19D(east), 95-86-BOG are reaffirmed, and incorporated by reference.
2. At its October, 1995, meeting the Board of Game considered testimony from the public and the department on the implementation plan proposed by the department. Based on that testimony, and in consideration of the requirements of AS 16.05.255 and 5 AAC 92.110, the Board authorized the Commissioner to reduce the wolf population in Unit 19D(east) to not less than 50 wolves, using whatever methods he deemed appropriate, safe, humane and efficient. In recognition of the Governor's decision to suspend wolf control until a study of the management of predators and prey in Alaska is completed by the National Academy of Sciences, the Board set the effective date for this authorization at July 1, 1997.
3. At its March, 1996, meeting the Board of Game receive a petition from the Tanana Chiefs' Conference on behalf of the people of the upper Kuskokwim requesting the Board amend the regulations authorizing wolf control in Unit 19D(east) to allow control efforts to begin October 1, 1996. The petition cited continuing hardship on the residents on Unit 19D(east) as a result of low and declining moose populations.
4. Testimony by the department regarding the results of a February, 1996, moose census confirmed the moose population density in Unit 19D(east) was low, averaging 0.4 moose/mi<sup>2</sup>, and that the moose:wolf ratio was 12:1.
5. The Board found that the situation in Unit 19D(east) warranted consideration. The Commissioner informed the Board that the Governor's prior decision to suspend action pending completion of the NAS study would not necessarily prevent the department from taking action at an earlier date if authorized by the Board.
6. In consideration of the foregoing, the Board found it appropriate to revise the effective date for the Unit 19D(east) wolf control program to July 1, 1996.

DATE: April 18, 1996  
Juneau, Alaska

  
Larry Holmes, Chair

VOTE: 6 Favor 0 Oppose 1 Absent



## FINDINGS OF THE BOARD OF GAME

96-97-BOG

### Fortymile Caribou Management Plan Implementation

1. The planning process used by the Fortymile Caribou Planning Team (Team) involved a wide range of public and agency interests in formulating comprehensive management recommendations for the Fortymile Caribou Herd and its ecosystem.
2. At its meeting in Anchorage, Alaska October 21 - 27, 1995, the Board of Game considered public testimony on the final Fortymile Caribou Herd Management Plan (Plan) prepared by Team. Based on public and agency testimony, and in consideration of the Board's statutory authorities and requirements, the Board unanimously endorsed the Plan.
3. The Board of Game recognizes the recommendations in the Plan as a comprehensive compromise package. Parties on the Team acknowledged and honored the values of other Team members in reaching agreement. To maintain the integrity of the compromise embodied in the Plan, all essential elements of the plan must be fully implemented in a timely manner.
4. The recommendations in the Plan include aspects that are both within and outside the jurisdiction of the Board. Recommendations within the jurisdiction of the Board include reduction in total harvest of Fortymile Caribou to a maximum of 150 bulls each year for five years and implementation of non-lethal wolf control.
5. In 1992, the Board of Game found the amount of Fortymile caribou reasonably necessary to provide for subsistence use was 350 - 400 caribou. However, the amount reasonably necessary can vary both with time and circumstances. The Board has heard testimony from major user groups of the Fortymile caribou herd, including the Delta, Eagle, Fairbanks, and Upper Tanana/Fortymile Fish and Game Advisory Committees; the Eastern Interior Federal Regional Subsistence Advisory Council; the Village Councils of Dot Lake and Tanacross; Tanana Chiefs Conference and Dawson First Nations. All parties agree that 150 bull caribou is the amount of caribou reasonably necessary to provide for subsistence use at this time, in the context of the Fortymile Caribou Management Plan. The reasons for this are:
  - subsistence hunters believe it is in their own best, long-term interest to voluntarily forego any higher harvest of Fortymile Caribou to ensure implementation of the entire Plan agreement and to speed recovery of the herd;
  - alternative caribou are currently available in increasing numbers to all subsistence users, although they are less accessible to residents of Eagle;

The Board recognizes that this is a unique circumstance arising from the Fortymile planning process. The finding that 150 bull caribou is the amount reasonably necessary is inextricably linked to implementation of the Fortymile Caribou Plan. If, for any reason, implementation of the plan stops, the number of caribou reasonably necessary to provide for subsistence will revert to the prior level of 350 - 400. At the end of the plan period, the amount reasonably necessary to provide for subsistence use will need to be re-evaluated under the circumstances prevailing at that time.

6. The existing codified regulations governing taking of Fortymile Caribou, 5 AAC 85.025(15), provide a framework within which the Department can administer hunting in a manner fully consistent with the harvest recommendations in the Plan through exercise of discretionary authority vested in the department under 5 AAC 92.052. Therefore, no change in the codified regulations is necessary to implement the recommendations of the Plan with respect to harvest.

7. Maintaining the existing codified regulations for taking Fortymile Caribou in 5 AAC 92.025(15) will allow the department flexibility to immediately restore opportunity for taking caribou if, for any reason, the department cannot or does not implement other essential elements of the Plan's recommendations designed to reduce the effects of wolf predation.


Accordingly, the Board of Game directs the Division of Wildlife Conservation to:

1. Manage hunting of the Fortymile Caribou Herd to achieve a maximum harvest of 150 bull caribou during the 1996-97 regulatory year, and subsequent years through 2000-01 as long as the Plan remains in effect. Timing of open hunting periods shall maximize the length of the fall season while maintaining the opportunity for taking at least 50 bull caribou during a winter season. The department shall use discretionary authority under 5 AAC 92.052, including but not limited to, restricting use of motorized vehicles as necessary, to regulate harvest.

2. Prepare an implementation plan for non-lethal wolf control consistent with the recommendations of the Plan and consistent with 5 AAC 92.110, for consideration by the Board of Game no later than the Spring 1997 meeting.

To uphold the compromise, it is the policy of the Board of Game that if, for any reason, the department fails to prepare an implementation plan, or the commissioner decides not to implement non-lethal control authorized by the Board by winter 1997-98, the Board shall consider the Plan to be void. In such event, the division shall immediately restore hunting opportunity to the level existing prior to the 1996-97 regulatory year.

Adopted March 28, 1996, at Fairbanks, Alaska  
Vote: 7-0

  
Larry Holmes, Chair  
Alaska Board of Game

## **ALASKA BOARD OF GAME FINDINGS**

### **Intensive Management for Unit 19D**

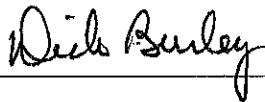
#### **95-86-BOG**

1. Given the long hunting history and importance moose to the economic and social well-being of residents of Game Management Unit 19D, the Board finds that human consumptive use is the preferred use of moose in Unit 19D.
2. Based upon information provided by the Department and public testimony regarding habitat condition and potential, population characteristics and trends, sustained yield principles and various ecological relationships, the Board has determined the moose population should be at least 6,300 animals with an annual sustainable human harvest of 340. The current moose population is estimated at 2,100. Last fall's harvest was about 83-90 and next fall's harvest is expected to be about 83-90.
3. The moose population is depleted and its productivity is low. As a result, there has been a significant reduction in the allowable moose harvest.
4. According to information provided the Board, the moose population has been depleted and its productivity reduced primarily by deep snow and wolf predation. Of these two factors, only wolf predation is manageable.
5. The habitat can support a moose population at least three times the size of the current population. The Board believes it is feasible to enhance the moose population through recognized and prudent management techniques.
6. According to information provided the Board, a moose population subject to a wolf:moose ratio of 1:50 can be expected to increase under favorable weather conditions. The wolf:moose ratio in Unit 19D (east) is currently is 1:12. At this

ratio the moose population can be expected to decline regardless of weather effects. The Board finds wolf numbers should be reduced until a ratio of 1:50 is observed.

7. Therefore, in order to increase calf survival, improve productivity and increase the moose population, the Board finds it appropriate to request a draft wolf control implementation plan be developed by the Department and presented to the Board at the October 1995 meeting to allow the Board to consider options to reduce the number of wolves in the area.

DATE: March 31, 1995



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Dick Burley, Chair

VOTE: 6 Favor 0 Oppose 1 Absent

## **ALASKA BOARD OF GAME FINDINGS**

### **Intensive Management for Unit 20D**

#### **95-85-BOG**

1. Given the long history and importance of hunting in Game Management Unit 20D, the Board finds that human consumption of moose and caribou is the preferred use of those species in Unit 20D.
  
2. Based upon information provided by the Department and public testimony regarding habitat condition and potential, population characteristics and trends, sustained yield principles and various ecological relationships, the Board has determined the moose population should be between 8,000 and 10,000 animals with an annual human harvest of 240 to 400. The current moose population is estimated at 2,800-4,800. Harvest during the past 5 years has averaged about 130 moose.
  
3. Based on information described above, the Board has determined the caribou population should be between 600 and 800 animals with an annual human harvest of 30 to 50. The population currently is estimated at 500. The season has been closed since 1992.
  
4. According to information provided the Board, the moose population has been depleted and its productivity reduced. The moose population and harvestable surplus are currently limited by wolf and bear predation and there has been a significant reduction in allowable moose harvest. Habitat in the Unit can support a density of at least 1.7 moose per square mile.
  
5. According to information provided the Board, the caribou population has been depleted and its productivity reduced through adverse weather, bear predation on calves and wolf predation. The caribou population and harvestable surplus

are limited by predation. Hunting of caribou has been prohibited since 1992.

6. The Board believes it is feasible to enhance the moose and caribou populations through recognized and prudent management techniques.

7. There is considerable research indicating brown bears are significant predators of moose and caribou calves, and the Board concludes the brown bear population should be reduced until there is a consistent and significant increase in moose and caribou calf survival.

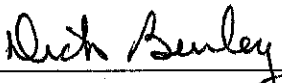
8. Therefore, in order to increase calf survival, improve productivity and increase the moose population, the Board finds it appropriate to adopt regulations allowing hunters to take one brown bear per regulatory year and waive the \$25 tag fee for brown bear hunters in southeastern or northern Unit 20D. The Board believes that the combination of more liberal bag limit and no tag fee will result in a higher take of brown bear and reduced predation.

9. The wolf population in Unit 20D is currently approximately 80. There is considerable research indicating wolves are significant predators of caribou and moose. In light of the depletion of the caribou and moose populations, the Board believes it appropriate to set the wolf population objective at 15-125 wolves. This broad range is necessary to allow temporary reduction of the wolf population to low levels to stimulate prey population increases, followed by recovery of the wolf population to higher levels.

10. Department biologists estimate there will be 100-110 wolves this spring after pups are born. The Board concludes the wolf population should be reduced until moose and caribou populations and harvest reach established goals. The Board believes that a longer trapping season will contribute to a higher take of wolves and reduce predation.

11. The board finds it appropriate to request a draft wolf control implementation plan be developed by the Department and presented to the Board at the October 1995 meeting to allow the board to consider further options to reduce the number of wolves in the area.

DATE: March 31, 1995

  
\_\_\_\_\_  
Dick Burley, Chair

VOTE: 6 Favor 0 Oppose 1 Absent

## **ALASKA BOARD OF GAME FINDINGS**

### **Intensive Management for Unit 13**

#### **95-84-BOG**

1. Given the long hunting history and importance of Game Management Unit 13, the Board finds that human consumption of moose and caribou is the preferred use of those species in Unit 13.

2. Based upon information provided by the Department and public testimony regarding habitat condition and potential, population characteristics and trends, sustained yield principles and various ecological relationships, the Board has determined the moose population should be between 20,000 and 25,000 animals with an annual human harvest of 1,200 to 2,000. The current moose population is estimated at 18,000, down from a peak of 27,000 as recently as 1987. Last fall's harvest was about 850 and next fall's harvest is expected to be about 650.

3. Based on information described above, the Board has determined the caribou population should be between 35,000 and 40,000 animals with an annual human harvest of 3,000 to 6,000. The population currently is estimated at 44,000. Last season's harvest appears to have been 3,500-4,000.

4. While caribou currently meet population and human harvest objectives, the moose population is depleted and its productivity is low. As a result, there has been a significant reduction in the allowable moose harvest.

5. According to information provided the Board, the moose population has been depleted and its productivity reduced through deep snow winters, bear predation on calves and wolf predation. The moose population is approaching, but not yet at what biologists term a "predator pit" which means if present trends continue,



the primary factor limiting the growth and size will be predation.

6. The Board believes it is feasible to enhance the moose population through recognized and prudent management techniques.

7. There is considerable research indicating brown bears are significant predators of moose calves, and the Board concludes the brown bear population should be reduced until there is a consistent and statistically significant increase in moose calf survival. However, the brown bear population must not be reduced below 350 animals in order to maintain a viable brown bear population.

8. According to information provided the Board, in the mid 1980s when the moose population was increasing the ratio of calves to cows was 25-30:100 and the ratio of yearling bulls was 8-10:100. The Board finds brown bear numbers should be reduced until the calf:cow ratio is 30:100 and the yearling bull:cow ratio is 10:100 on a consistent basis. Currently, those ratios are 17:100 and 4:100, respectively.

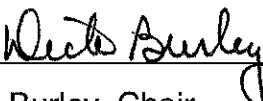
9. Therefore, in order to increase calf survival, improve productivity and increase the moose population, the Board finds it appropriate to adopt regulations allowing hunters to take one brown bear per regulatory year in a season extended to coincide with the opening date of sheep and caribou seasons and to partially overlap the moose season. At its January meeting, the Board waived the \$25 tag fee for brown bear hunters in Unit 13. The Board believes that the combination of a longer season, more liberal bag limit and no tag fee will significantly reduce the brown bear population.

10. There is considerable research indicating wolves are significant predators of moose. The current wolf population objective of 175-225 was set in the late 1980s when the moose population was much higher. In light of the depletion of

the moose population, the Board believes it appropriate to reduce the wolf population objective to 135-165.

11. Department biologists estimate there will be 200 wolves this spring after hunting and trapping end but before pups are born. The Department also provided information indicating hunters and trappers are becoming increasingly effective in harvesting wolves. Given that trend, and given that it appears that the spring wolf population won't be all that much higher than the upper limit of the new population objective, the Board has requested the Department to study whether wolf numbers will be sufficiently reduced through existing seasons, bag limits, methods and means, and to report its conclusions at the Board's fall meeting.

DATE: March 31, 1995

  
\_\_\_\_\_  
Dick Burley, Chair

VOTE: 5 Favor 0 Oppose 1 Abstain 1 Absent

FINDINGS OF THE BOARD OF GAME REGARDING CHANGES TO 5 AAC 92.125

The Board of Game met on November 9, 1994 to consider revisions to the regulations governing the wolf predation control program in Game Management Unit (GMU) 20A. Based on information presented to the Board by the Department the Board makes the following findings:

1. The original boundary of the wolf control area was established to provide protection to the Headquarters and Savage Wolf packs from state-conducted control activities. These packs' territories were excluded to avoid impact on Denali National Park.
2. During the first year of implementation of 5 AAC 92.125 the Department determined that a large pack of wolves, now referred to as the Lower Yanert pack, ranges in the lower Yanert River, Moody and Dick Creek drainages. This pack's territory is distinct from those of the Headquarters and Savage packs and is bisected by the original control area boundary. Recent information indicates that this pack is a major source of predation on Delta caribou calving within the Yanert valley. Removal of this pack is important to accomplishing the objectives of 5 AAC 92.125.
3. Department monitoring indicates that the Lower Yanert pack spends significant portions of time outside the original control area. Unless the control area boundary is adjusted, predation by this pack cannot be adequately controlled.
4. Information obtained over the past year by both the Department of Fish and Game and the National Park Service (NPS) on wolf pack movements in southwestern GMU 20A demonstrate that the boundary can be adjusted without jeopardy to the Headquarters and Savage wolf packs. Biologists with the NPS reviewed the proposed boundary adjustment and had no objection. The Department and NPS will continue to communicate and coordinate to ensure that the Savage and Headquarters packs are not adversely affected by state control activities.
5. Time is of the essence. Weather conditions, day length and the many variables that affect trapping success demand immediate action. Expedited adoption of a boundary change is necessary to provide adequate opportunity to control predation by the Lower Yanert pack.
- 6 Results of the first year's efforts to control predation in GMU 20A indicate that the overall population level of 100 wolves specified in 5 AAC 92.125 is too high to permit


effective control of predation. Prior experience in GMU 20A demonstrates that the viability of the wolf population would not be threatened by adoption of a lower population size.

7. Accordingly, 5 AAC 92.125 is modified as follows:

5 AAC 92.125 WOLF PREDATION CONTROL IMPLEMENTATION PLAN. (a) A Unit 20(A) wolf predation control area is established and consists of Unit 20(A) except for: the Fort Wainwright and Fort Greely Military Reservations, Clear Air Force Station; and that portion of Unit 20(A) south and west of a line beginning at the confluence of Lignite Creek and the Nenana River, then along the north bank of Lignite Creek to the mouth of Sanderson Creek, then in a direct line to the top of Dora Peak, then in a direct line to the top of Mount Fellows, then in a direct line to the top of Pyramid Mountain, then in a direct line south to the southern boundary of Unit 20(A)....

5 AAC 92.125(a)(2)...

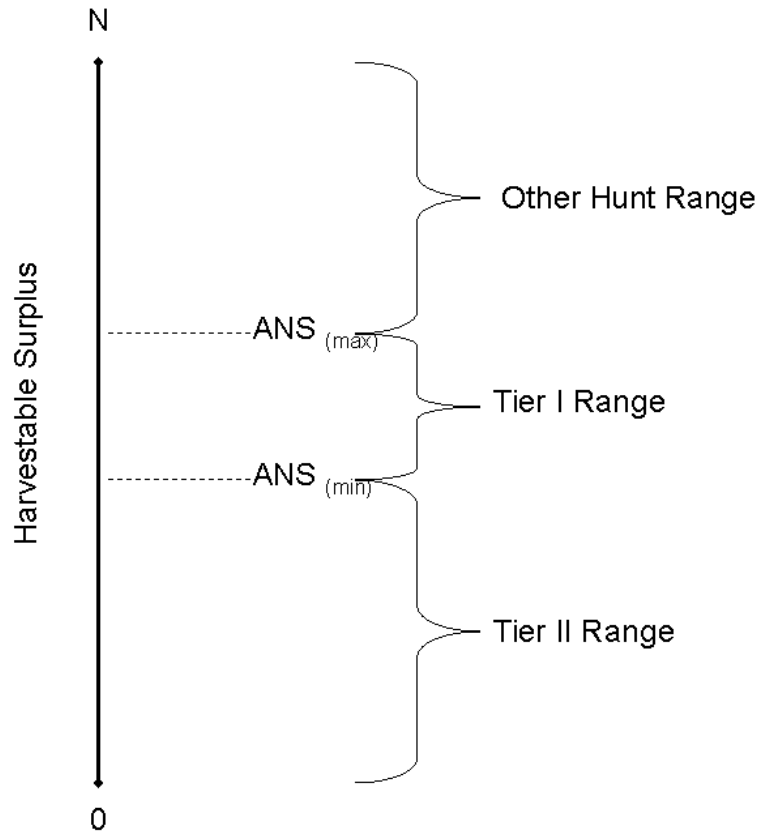
(A) for up to 3 years beginning October 1, 1993, the commissioner may reduce the wolf population in Unit 20(A); however, the commissioner may not reduce the late winter wolf population within [THE UNIT 20(A) WOLF PREDATION CONTROL AREA TO FEWER THAN 35 WOLVES OR WITHIN] all of Unit 20(A) to fewer than [100] 75 wolves;

  
Richard Burley, Chairman  
Alaska Board of Game  
Fairbanks, Alaska

9 November 94  
Date

VOTE: 7-0

## Potential Regulatory Approach for Management of Species With C&T Use and a Variable Harvestable Surplus



### Steps:

1. Board of Game reviews the C&T use patterns and identifies characteristics (i.e. no use of aircraft, no trophy uses, etc.)
2. Board determines the amount necessary to provide a reasonable opportunity for subsistence use.
3. DWC estimates Harvestable Surplus level on an annual basis.

### Management Guidelines / Board Direction to the Department:

1. If Harvestable Surplus is between ANS<sub>(min)</sub> and ANS<sub>(max)</sub>, the department may issue subsistence registration permits and apply discretionary conditions to the hunt consistent with the C&T use pattern (e.g. no use of aircraft, trophy value, must be destroyed, etc.)
2. If the Harvestable Surplus is less than ANS<sub>(min)</sub> the department may issue Tier II subsistence permits and apply discretionary conditions to the hunt consistent with the C&T use pattern (e.g. no use of aircraft, trophy value must be destroyed, etc.)
3. If Harvestable Surplus is greater than ANS<sub>(max)</sub> the department may issue subsistence registration permits and apply discretionary conditions to the hunt consistent with the C&T use pattern (e.g. no use of aircraft, trophy value, must be destroyed, etc.), and issue general drawing permits to take additional animals.

Structure of Regulations

<i>Units and Bag Limits</i>	<i>Resident Season Subsistence &amp; General Hunt</i>	<i>Non-resident Season</i>
<b>Unit A, Resident Hunters:</b>		
x animal (s) by registration permit only if the harvestable surplus is greater than ANS <sub>(min)</sub> or by Tier II permit only if the harvestable surplus is less than ANS <sub>(max)</sub>	Start date – End date (Subsistence Hunt Only)	
y animal (s) by drawing permit only, provided that the harvestable surplus is greater than ANS <sub>(max)</sub>	Start date – End date	
<b>Nonresident Hunters:</b>		
y animal (s) by drawing permit only, provided that the harvestable surplus is greater than ANS <sub>(max)</sub>		Start date – End date

**Rationale:**

This regulatory structure would enable the department to issue the proper type and number of permits for both subsistence and non-subsistence hunting based on the estimated harvestable surplus from year-to-year. The total annual quota for any/all permits issued will be set each year by the department.

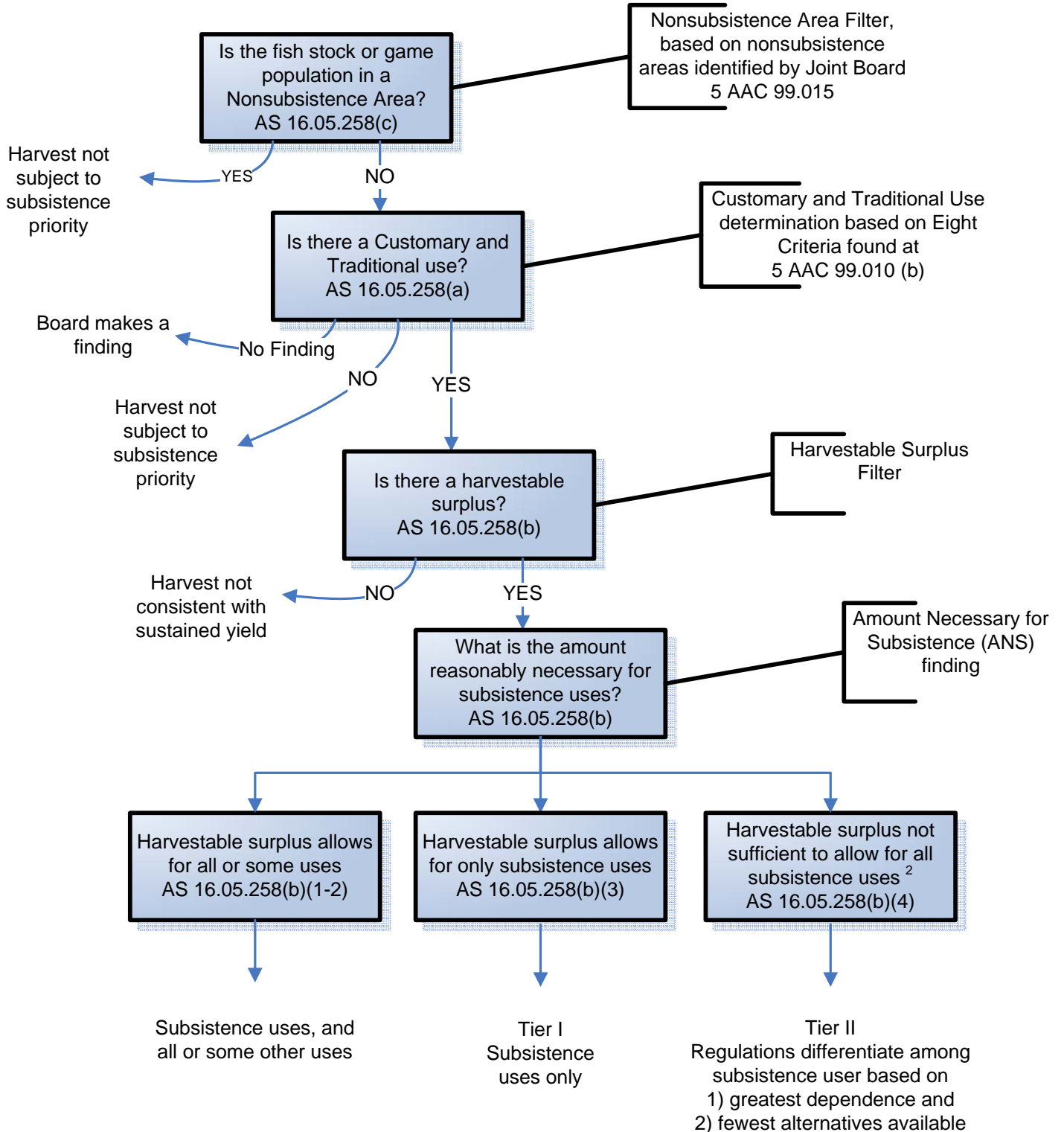
ANS<sub>(max)</sub> is not set as the upper limit for subsistence take because total subsistence take should be allowed to exceed ANS<sub>(max)</sub> if other hunters do not take these animals. Hence there is no “up to...” language in the regulation. Similarly, there is no upper limit on the number of drawing permits because we cannot predict what the proper total would be. The number of drawing permits does not have to be limited strictly to the number of animals in the harvestable surplus over and above ANS<sub>(max)</sub> as long as the number of animals taken by drawing permittees does not reduce the allowable take under registration permits below ANS<sub>(max)</sub>.

Draft 10/01/06

## 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

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## Alaska Statues

### **AS 16.05.258. SUBSISTENCE USE AND ALLOCATION.**

(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)

**Delayed amendment of section.-** Under §§ 3 and 12, ch 1 SSSLA 1992, as amended by sec. 3, ch. 68, SLA 1995, § 3, ch. 130 SLA 1996, and § 1, ch. 109, SLA 1997, effective October 1, 1998, this section is amended to read: "**Sec. 16.05.258. Subsistence use and allocation of fish and game.** (a) The Board of Fisheries and the Board of Game shall identify the fish stocks and game populations, or portions of stocks and populations, that are customarily and traditionally used for subsistence in each rural area identified by the boards.

“(b) The boards shall determine

“(1) what portion, if any, of the stocks and populations identified under (a) of this section can be harvested consistent with sustained yield; and

“(2) how much of the harvestable portion is needed to provide a reasonable opportunity to satisfy the subsistence uses of those stocks and populations.

"(c) The boards shall adopt subsistence fishing and subsistence hunting regulations for each stock and population for which a harvestable portion is determined to exist under (b)(1) of this section. If the harvestable portion is not sufficient to accommodate all consumptive uses of the stock or population, but is sufficient to accommodate subsistence uses of the stock or population, then nonwasteful subsistence uses shall be accorded a preference over other consumptive uses, and the regulations shall provide a reasonable opportunity to satisfy the subsistence uses. If the harvestable portion is sufficient to accommodate the subsistence uses of the stock or population, then the boards may provide for other consumptive uses of the remainder of the harvestable sustained yield or continue subsistence uses, then the preference shall be limited, and the boards shall distinguish among subsistence users, by applying the following criteria:

"(1) customary and direct dependence on the fish stock or game population as the mainstay of livelihood;

"(2) local residency; and

"(3) availability of alternative resources.

"(d) The boards may adopt regulations consistent with this section that authorize taking for nonsubsistence uses a stock or population identified under (a) of this section.

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

"(f) Taking authorized under this section are subject to reasonable regulation of seasons, catch or bag limits, and methods and means. Takings and uses of resources authorized under this section are subject to AS 16.05.831 and AS 16.30."

**Cross references.** - For legislative findings, purpose, and intent in connection with the 1992 amendment of this section, see § 1, ch.1, SSSLA 1992 in the Temporary and Special Acts; for requirement that the boards expeditiously adopt regulations to implement this section, see § § 6 and 7, ch. 1, SSSLA 1992 in the Temporary and Special Acts; for transitional provisions and for review by the governor and report to the legislature, see §§ 7-9, ch 1, SSSLA 1992, as amended by §§ 1 and 2, ch. 68, SLA 1995 and §§ 1 and 2, ch. 130, SLA 1996 in the Temporary and Special Acts.

**Effect of Amendments.**- The 1992 amendment rewrote this section.

**Effective date of 1992 amendment.** — Under § 11, ch. 1, SSSLA 1992, the amendment to this section made by § 2, ch. 1, SSSLA 1992 takes effect "on the effective date of regulations first adopted under sec. 6 of this Act by the Board of Fisheries and the Board of Game."

**Opinions of attorney general.** — Under this section, for a given fish stock or game population, if there is a harvestable surplus and if the relevant board has found a customary and traditional use of that stock, then subsistence uses must be authorized. Jan. 1, 1991 Op. Att'y Gen.

Under this section, the Board of Fisheries and Game may not provide less than reasonable opportunity for subsistence uses unless nonsubsistence uses are closed. However, assuming that guideline is met, the board may go to a two tier analysis under the statute (which is necessary if less than reasonable opportunity can be provided) in two cases: (1) to assure sustained yield, or (2) to continue subsistence uses. The latter situation may be presented when a population is being managed for overall growth, in order that eventually more opportunity can be provided. Jan. 1, 1991 OB Att'y Gen.

## 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 and 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 area 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).

**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).

**"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).

**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).

**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).

**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).

**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, --U.S.--, 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, --U.S.--, 116 S. Ct. 2499, 135 L. Ed. 2d 290 (1996).

**AS 16.05.940. DEFINITIONS.**

(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;

(27) "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;

(30) "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;

(31) "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;

(32) "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;

## Alaska Administrative Code

### **SUBSISTENCE USES.**

#### **Sections**

- 10. Boards of fisheries and game subsistence procedures
- 12. (Repealed)
- 14. (Repealed)
- 15. Joint Board nonsubsistence areas
- 16. Activities permitted in a nonsubsistence area
- 20. (Repealed)
- 21. Definition
- 25. Customary and traditional uses of game populations
- 30. Eligibility for subsistence and general hunts

#### **5 AAC 99.010. 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;

(2) the proximity of the user's domicile to the stock or population; and

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

or eliminated. (Eff. 5/30/82, Register 82; am 1/17/91, Register 117; am 5/15/93, Register 126)

Authority: AS 16.05.251      AS 16.05.258  
   AS 16.05.255

**5 AAC 99.012. RURAL CRITERIA**

Repealed 1/17/91.

**5 AAC 99.014. JOINT BOARD FINDINGS RELATING TO RURAL AND NON-RURAL AREAS**

Repealed 1/17/91.



**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 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) The provisions of this section do not apply during the period from April 28, 1994 until a final decision by the Alaska Supreme Court in State v. Kenaitze, No. S-6162, concerning the constitutionality of AS 16.05.258 (c). (Eff. 5/15/93, Register 126; am 4/28/94, Register 130)

Authority: AS 16.05.251            AS 16.05.258  
   AS 16.05.255

**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 fishing regulations will not be adopted for these areas and the subsistence priority does not apply. (Eff. 5/15/93, Register 126)

Authority: AS 16.05.251            AS 16.05.258  
   AS 16.05.255

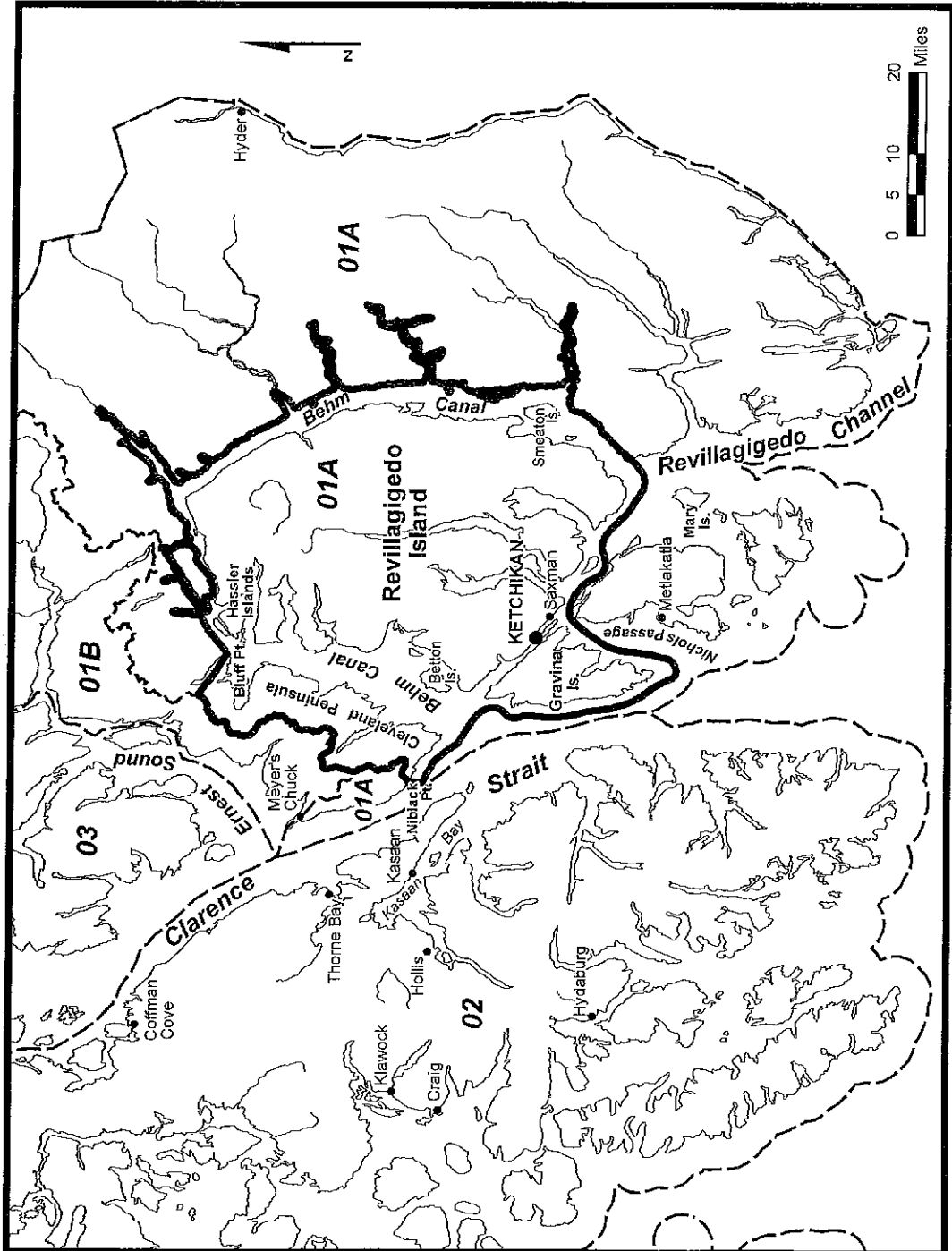
**5 AAC 99.020. DEFINITIONS.**

Repealed 10/9/83.

**5 AAC 99.021. DEFINITION.**

In addition to the definitions in AS 16.05.940 , in this chapter "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 section, "normally accessed" means that it is reasonably feasible to transport persons, food, and other supplies to domiciles by motorized highway vehicles.

# 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.

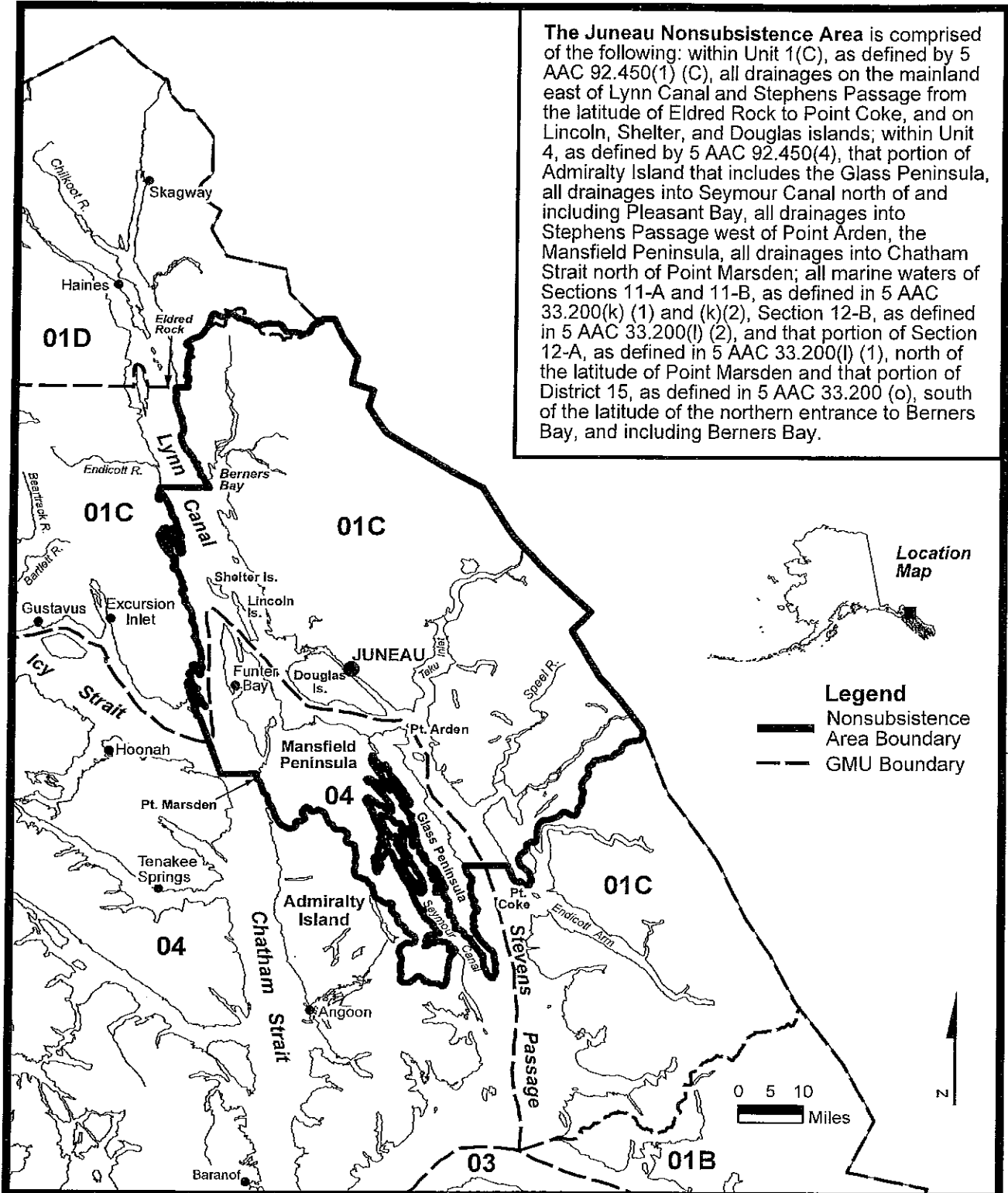


**Legend**  
 Nonsubsistence Area Boundary  
 GMU Boundary



# Juneau Nonsubsistence Area

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.

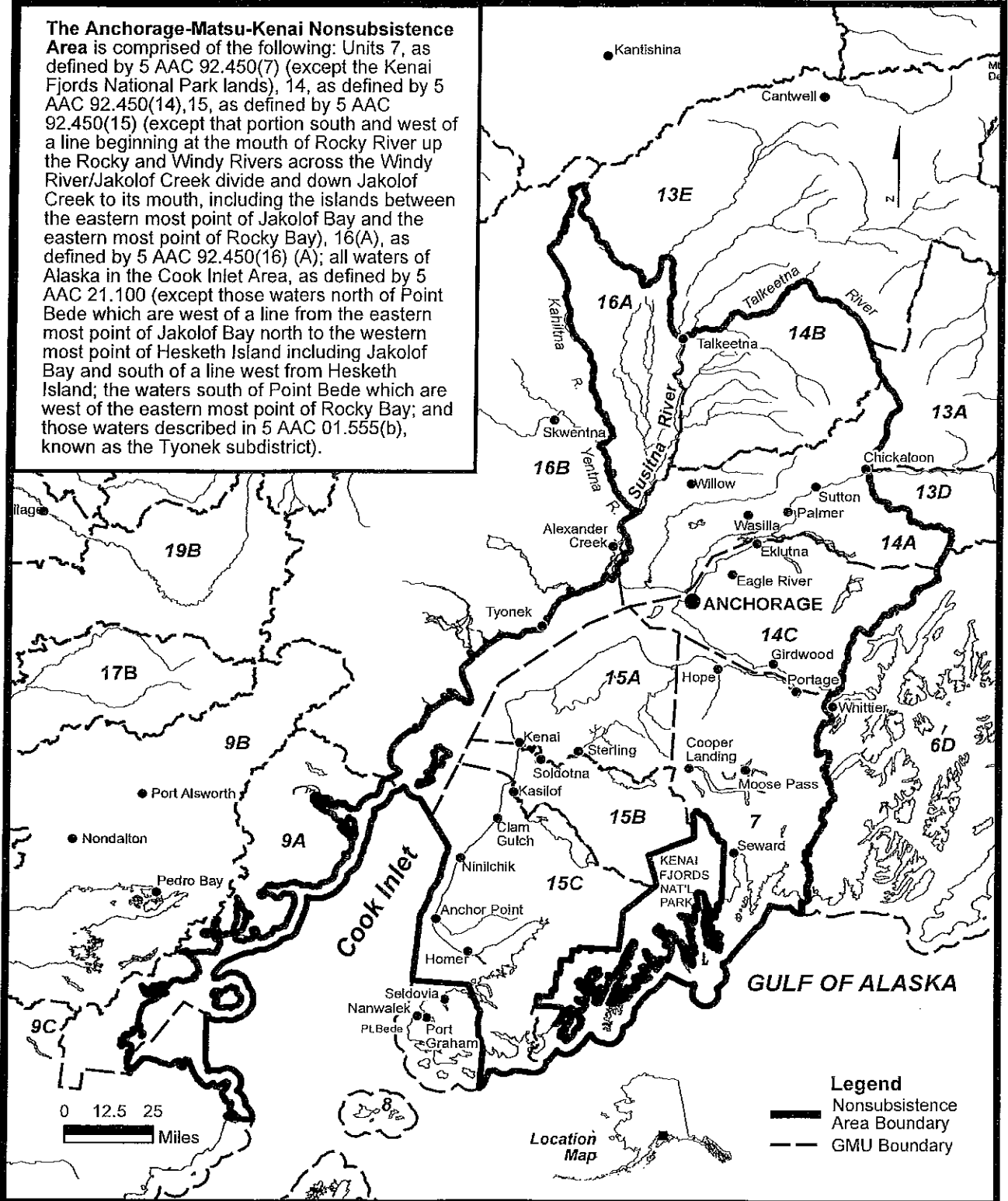


Alaska Department of Fish and Game  
Division of Subsistence and Boards

September 2007

# 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 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).



Alaska Department of Fish and Game  
Division of Subsistence and Boards

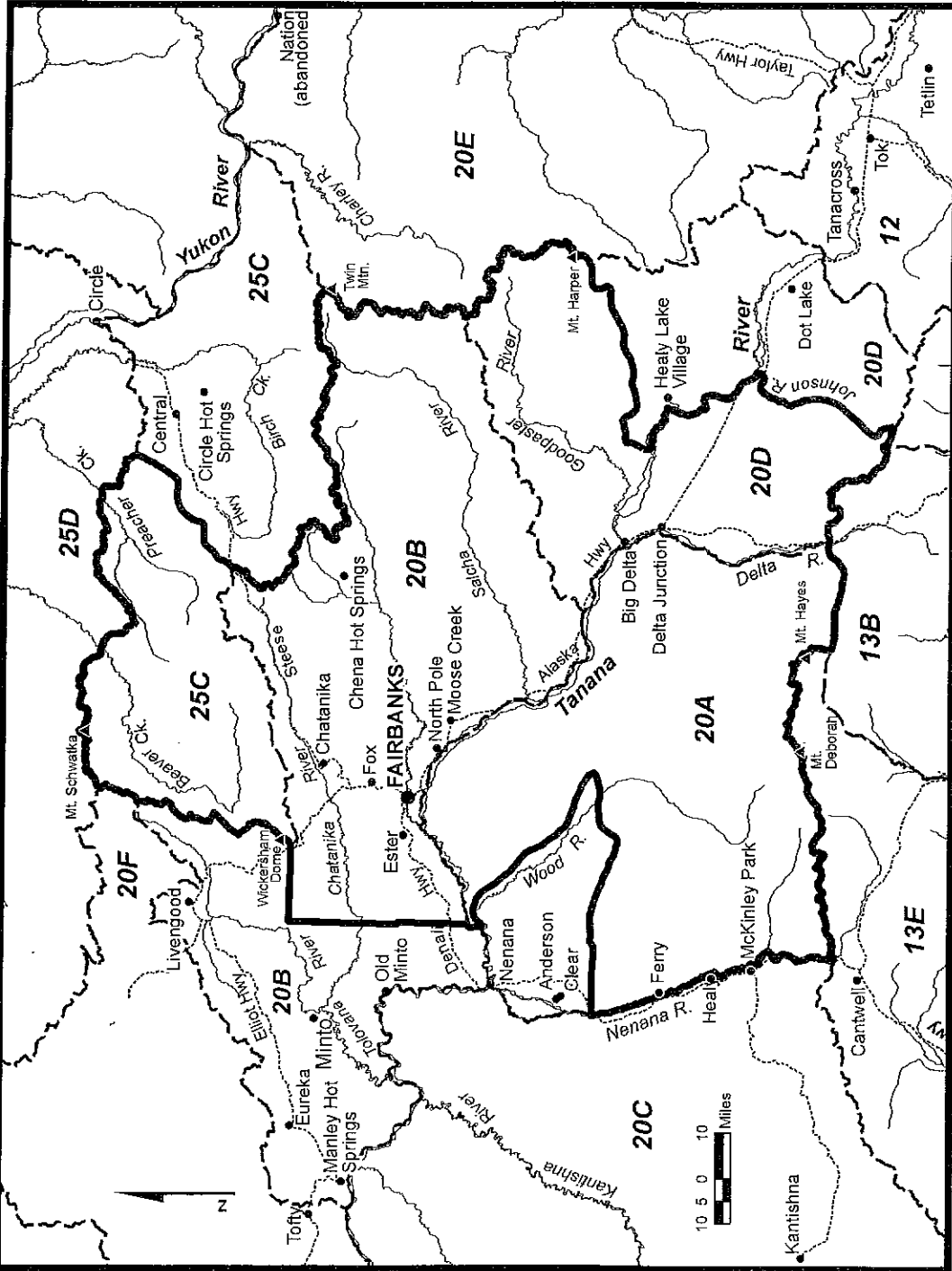
September 2007

# Fairbanks Nonsubsistence Area

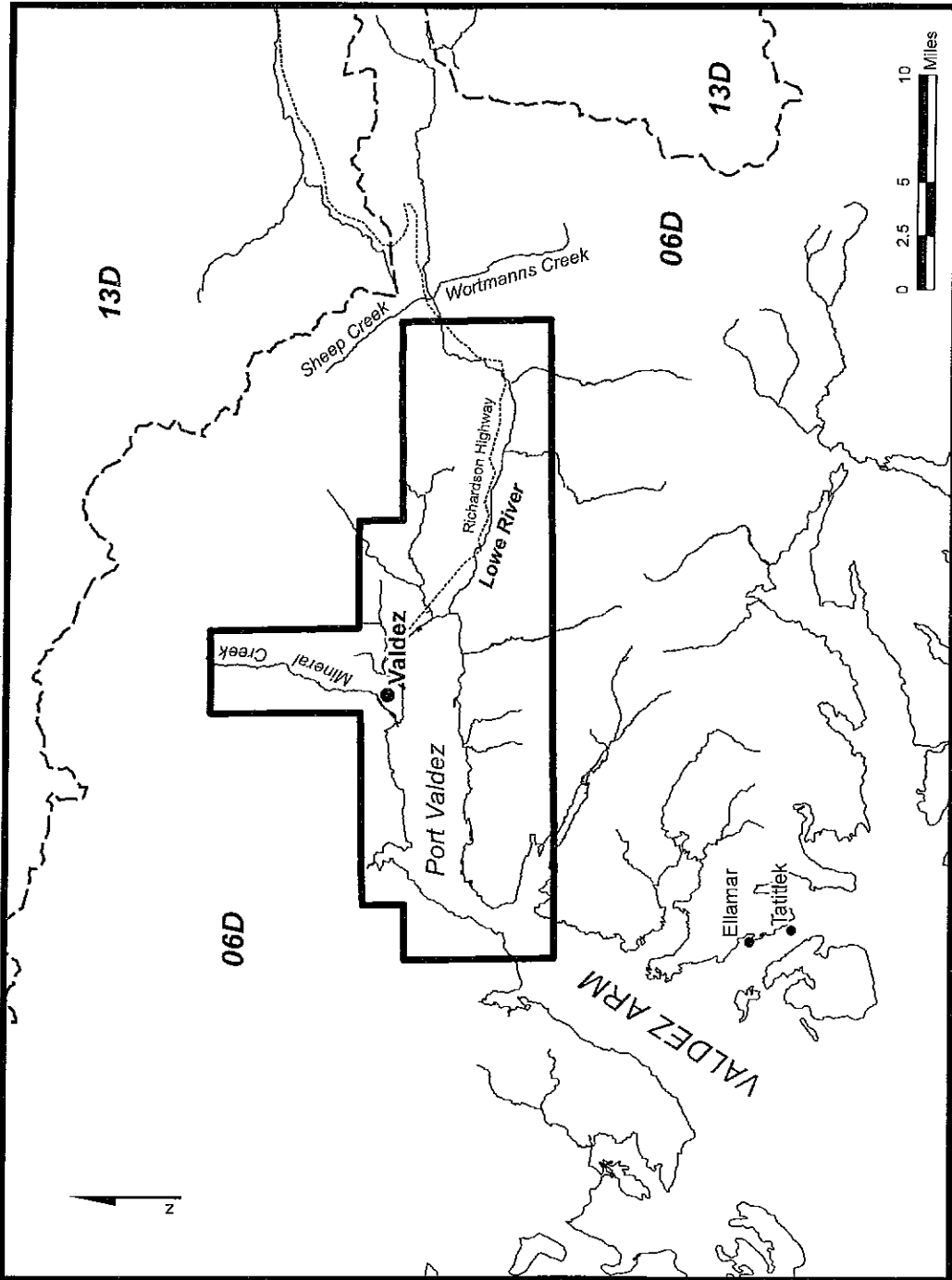
The Fairbanks Nonsubsistence Area is comprised of the following: within Unit 20(A), as defined by 5 AAC 92.450(20) (A), east of the Wood River drainage and south of the Rex Trail but including the upper Wood River drainage south of its confluence with Chicken Creek; within Unit 20(B), as defined by 5 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 Goodpaster River drainage; and within Unit 25(C), as defined by 5 AAC 92.450(25) (C), the Preacher and Beaver Creek drainages.



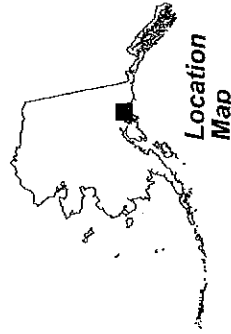
- Legend**
- Nonsubsistence Area Boundary
  - - - GMU Boundary
  - ..... Roads



# 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



## Steps When Considering Subsistence Uses and Proposals that Affect Subsistence Uses

### 1. Nonsubsistence Area Filter

Is the fish stock in the proposal in a nonsubsistence area? If all of the fish stock 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. If any portion of the fish stock is 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 fish stock by applying the eight criteria (5 AAC 99.010), considering information about the use pattern. 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 use further, unless the proposal is for reconsidering a negative finding. Also, the board may periodically reconsider previous customary and traditional use findings.

### 3. Harvestable Surplus Filter

Can a portion of the fish stock be harvested consistent with sustained yield, considering biological information? If there is no harvestable surplus, then the board authorizes no fishery on the stock, 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. If there has been a previous determination on the amount, then the board goes to step 5. The board may periodically reconsider and update these determinations.

### 5. Sufficient Surplus for All or Some Uses

If the harvestable portion of the fish stock is sufficient for all consumptive uses, the board shall adopt regulations that provide a reasonable opportunity for subsistence uses and for other (nonsubsistence) uses.

If the harvestable portion of the fish stock is sufficient to provide for subsistence uses and some, but not all, other consumptive uses, the board shall adopt regulations that provide a reasonable opportunity for subsistence uses and may adopt regulations that provide for other uses.

### 6. Sufficient Surplus Only for Subsistence

If the harvestable portion of the fish stock is sufficient to provide for subsistence uses, but no other consumptive uses, the board shall adopt regulations that eliminate other consumptive uses in order to provide a reasonable opportunity for subsistence uses.

### 7. Subsistence Regulations and Reasonable Opportunity Finding

The board shall adopt subsistence regulations that provide a reasonable opportunity for subsistence uses. When the board adopts subsistence regulations that provide a reasonable opportunity for subsistence uses, then adjustments to regulations governing nonsubsistence uses are not necessary. The board may adopt regulations providing for other uses as long as subsistence regulations are adopted that provide a reasonable opportunity for subsistence. If there is a proposal to reduce subsistence opportunity, regulations must still provide a priority for



subsistence uses. If subsistence regulations do not provide a reasonable opportunity for subsistence uses after eliminating all other uses, then the board goes to step 8.

#### 8. Tier II Subsistence Regulations

If the harvestable surplus is not sufficient to provide a reasonable opportunity for all subsistence uses, the board adopts Tier II subsistence fishery regulations on the fish stock (cf., 5 AAC 92.062 for the procedures for game). Tier II regulations differentiate among subsistence users in order to provide opportunity to those most dependent on the resource and having the fewest alternatives other than that resource.

Prepared by: Alaska Department of Fish and Game, Division of Subsistence 01/03.

# MEMORANDUM

## State of Alaska Department of Law

TO: Kristy Tibbles Executive Director  
Alaska Board of Game

DATE: February 17, 2012

FILE NO.: JU2011200575

TEL. NO.:

FROM: Kevin Saxby *KMS*  
Sr. Assistant Attorney General  
Natural Resources  
Anchorage

FAX:

SUBJECT: March '12 Bd. 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 Procedures 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. 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. In doing so, the Board must distinguish among the various uses, unless the harvestable surplus is so numerous as to be able to provide for all uses. The Board may base its determination of reasonable opportunity on information regarding 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 continue 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**.

- 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?

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 133:** “Intensive management” is directed primarily at game populations, rather than areas. All GMUs in the Interior Region contain game populations that have been identified as being important for high levels of harvest for human consumption, so the entire region is, at least potentially, an “intensive management area.”

**Proposals 134, 135, 136, 137, 138, 139, 148, 150, 179, 188, 189 and 190:** Each of these proposals suggests discriminating, in some way, in favor of residents and against nonresidents. In general, the Board may discriminate against nonresidents only when doing so serves a legitimate governmental purpose and the regulatory limitation chosen relates in some rational manner to a particular problem caused by the nonresident use or to a difference between the resident and nonresident uses that must be protected.

**Proposals 145 and 200:** The Board may, and should, address amounts reasonably necessary for subsistence, but it is not obligated to treat all Alaskan harvests as subsistence harvests. The Alaska Supreme Court, in *Morry v. State*, 872 P.2d 1209 (Alaska 1992), recognized that not all Alaskan uses are subsistence uses.

**Proposals 152 and 194:** In developing youth hunts, the Board should carefully follow the requirements of AS 16.05.255(i).

**Proposals 155, 165, and 178:** Before adopting a total closure on all uses, including subsistence uses, or severely restricting subsistence uses, the Board should look to see whether a reasonable opportunity for subsistence uses may be continued in keeping with the dictates of AS 16.05.258(b).

**Proposals 170, 177, 187, 191, 203, 211 and 212:** Each of these proposals suggests limitations on hunting that could also affect subsistence uses. The Board needs to determine, in each case, whether it is able to still provide a reasonable opportunity for subsistence uses and, therefore, whether other uses may be allowed. Also, for proposals 203, 211 and 212, the Board should determine whether the proposed restrictions would cause significant reductions in take that might trigger intensive management obligations.

**Proposals 215 and 217:** As currently configured, community harvest permits and allocations may not be limited to specific, rural communities. If such permits are authorized and an allocation of the permits is made, the system would allow for any community to participate, including large, non-rural communities.

**Proposal 233:** The proposer does not identify how or which uses would be controlled in this proposal to establish a new controlled use area.



**State of Alaska**  
Department of Public Safety  
**Division of Alaska Wildlife Troopers**

Sean Parnell, Governor  
Joseph A. Masters, Commissioner

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February 16, 2012

Chairman Judkins  
Alaska Board of Game  
P.O. Box 115526  
Juneau Ak, 99811-5526

Dear Chairman Judkins:

The following comments give a brief description of the positions that the Department of Public Safety, Division of Alaska Wildlife Troopers has on the proposals that are up for consideration at the March, 2012, Alaska Board of Game meetings in Fairbanks.

In general, when the board considers seasons and or bag limit changes, the Alaska Wildlife Troopers request that every effort possible be made to align the season dates and bag limits with adjacent game management units and/or sub units. This is mainly due to enforceability of multiple seasons in multiple locations as well as consistency of the regulations for the public. When the board considers proposals having to do with allocation or biological concerns, AWT is generally neutral in position.

AWT recognizes that regulations are developed by the Alaska Boards of Fish and Game through the public process to support management plans. Further, all management plans rely upon public compliance with regulations to achieve success. Enforcement is a crucial element needed 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 man power and any new regulation scheme or area restrictions may place an additional burden on AWT.

Comments on specific proposals AWT favors or opposes are included in this letter.

Thank you for your time.

*Bernard Chastain*

Lieutenant, Alaska Wildlife Troopers  
Anchorage Headquarters

## Proposal Analysis-

### Proposal 46 and 47

In general, AWT has **no recommendation** on this proposal. The justification for allowing the sale of these items is that Alaska Department of Fish and Game feels that the sale of big game trophies would not create a conservation concern through the harvest of specific animals. AWT feels that the sale of trophies and animal parts has been and currently is an enforcement concern. The current regulations are sufficiently complex. Items taken under one system or hunting regime are allowed to be sold while items taken under a different hunting regime are not. If the board decides to allow sale of trophies, the board should discuss the following items on the record so a clear understanding of the intent of the regulation is established.

1. Under the current definition of “trophy” what is the intent of the board? Is the intent to allow sale of ALL big game animals or is the intent to allow the sale of “prepared” or “completed” trophies. If the intent is to allow the sale of “prepared” or “completed” trophies, a definition will need to be created specifying what these terms mean.
2. The board will need to discuss the following situations for sale of big game trophies:
  - a. Will the sale of subsistence taken trophies be allowed? Trophies taken within National Park boundaries, trophies taken from federally managed hunts, trophies taken on federally managed lands?
  - b. Under federal subsistence, hunters are allowed to be a designated hunter for any other federally qualified user. Federally qualified users can take game within park boundaries for other qualified users.
  - c. In areas where trophy nullification is a management tool for large trophy animals, there may be increased pressure on legal and illegal take.
  - d. Who can sell the trophy? Can anyone sell it at any time or are their restrictions? If the board chooses to pass this regulation, it would need to decide if the sale of the trophy is limited to an individual (natural person) or would also include a corporation, group or business (person). Things that should be discussed are; re-sale of trophies by brokers, limited sale or unlimited sale, auctions etc...
  - e. The board will need to discuss if they wish to allow the sale of animals taken under any circumstances such as; potlatch, community harvest permits, cultural permits, road kill or any other permitted hunts.

The board should recognize that if they limit the sale to specific take under certain circumstances, AWT will not be able to determine where the animal was taken and under what “regime” it originated from. Simply stated; it will be very difficult or in some cases impossible for AWT to enforce.



## **Proposal 211**

While proposal 211 is mainly an allocation issue between modes of transportation and different hunting groups, Wildlife Troopers have some concerns; mainly for enforceability if this proposal passes.

This proposal seeks to restrict ATV access during hunting season above 2500 feet elevation in a portion of GMU 20. Wildlife Troopers would have a difficult time determining if a violation has occurred, unless the Trooper was physically there with the person violating. Often times, patrols in the area are conducted by aircraft and contact with the public is sometimes difficult due to landing areas. Additionally, hunters would be required to have a GPS that displayed the elevation of the hunter so they were aware of the elevation at all times. Finally, determining if a violation has occurred after the fact (complaint from the public) would be very difficult for enforcement to investigate.

Alaska Board of Game  
Agenda Change Request Policy

Because of the volume of proposed regulatory changes, time constraints, and budget considerations, the boards must limit their agendas. The boards attempt to give as much advance notice as possible on what schedule subjects will be open for proposals. Following are the regulations under which the Board of Game considers agenda change requests (5 AAC 92.005):

**BOARD OF GAME**

5 AAC 92.005. The Board of Game may change its agenda for consideration of proposed regulatory changes in accordance with the following guidelines:

- (1) A request for a change must state in writing the change proposed and the reason it should be considered out of sequence;
- (2) a request must be sent to the executive director of the Boards Support Section at least 45 days before a scheduled meeting unless the board allows an exception to the deadline because of an emergency;
- (3) the executive director shall attempt to obtain comments on the request from as many board members as can reasonably be contacted; and
- (4) if a majority of the board members contacted approve the request, the executive director shall notify the public and the department of the agenda change.

## 5 AAC 96.625. JOINT BOARD PETITION POLICY

- (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. At least twice annually, the boards solicit regulation changes. 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, regional fish and game councils, and to over 500 other interested individuals.
- (c) Copies of all proposals are available at local Department of Fish and Game offices. When the proposal books are available, the advisory committees and regional councils then 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 and regional councils 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 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. Except for petitions dealing with subsistence hunting or fishing, which will be evaluated on a case-by-case basis under the criteria in 5 AAC 96.615(a), it is the policy of the boards that a petition will be denied and not schedule for hearing unless the problem outlined in the petition justifies a finding of emergency. In accordance with state policy expressed in AS 44.62.270, emergencies will be held to a minimum and are rarely found to exist. In this section, 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. (Eff. 9/22/85, Register 95; am 8/17/91, Register 119; readopt 5/15/93, Register 126)

Authority: AS 16.05.251, AS 16.05.255, AS 16.05.258

Kristy Tibbles  
Executive Director  
Board of Game  
Juneau

February 3, 2012

#### EMERGENCY PETITION FOR AGENDA CHANGE REQUEST

Issue:

##### **5AAC 98.005 Areas of Jurisdiction for Antlerless Moose Seasons**

For the purpose of implementing AS 16.05.780, antlerless moose seasons require approval by a majority of the active advisory committee's 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.

Reason for Request:

Recently 5AAC 98.005 has been interpreted by the Department of Law to mean that only Advisory Committees with a majority of whose members reside in the unit or subunit have authority to reauthorize antlerless moose hunts. Meaning since the management of these antlerless moose hunts are at the subunit level only those committees with a majority of their members residing in that subunit have authority. In the case of 20A this would be the committee's of Middle-Nenana and Minto-Nenana. This is contrary to historical action where the Fairbanks, Delta, Minto/Nenana, and Middle-Nenana AC's have assumed authority to reauthorize this hunt in the spirit of joint stewardship. I request that the Board of Game take up this issue at the Interior Board of Game Meeting in March 2012. This is an issue which is of an emergency nature to the constituency of the Fairbanks and Delta Junction communities and it cannot wait until the next State Wide Board of Game meeting when it will be in cycle again.

Other:

Due to this unforeseen and unexpected event it is critical to establish which AC's have authority for reauthorization. The antlerless moose hunts in GMU 20A have been extremely critical in regulating growth of this moose population. The habitat in 20A cannot sustain growth, and is at or above carrying capacity now. Biological information indicates lower twinning rates, high browsing of biomass, reproductive pauses, delayed first year of reproduction, and low calf weights. The confusion surrounding this issue could result in no reauthorizations for antlerless moose in this GMU until this issue is resolved. Failure to resolve this issue immediately could result in loss of a biologically allowable resources harvested. A delay in correcting this regulatory action could prove to be a significant burden to the communities of Fairbanks, Delta Junction, and potentially Minto and Nenana as it has not been verified that either of these communities have a majority of their members residing in the subunit. These resources are too critical to these communities to not allow for their participation in the reauthorization process, and in fact without their participation it is expected that this harvest opportunity will be lost, as the only AC left in the reauthorization has not proven to be supportive of these hunts. To put it into perspective this lost opportunity represents the loss of 75,000 lbs of lean moose meat to our communities.

Submitted by Raymond H. Heuer



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
US ARMY INSTALLATION MANAGEMENT COMMAND  
HEADQUARTERS, UNITED STATES GARRISON, FT GREELY  
P. O. BOX 31269  
FORT GREELY ALASKA 99731-1269

February 13, 2012

Fort Greely, Environmental Office

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Executive Director, Kristy Tibbles  
Board of Game  
Alaska Department of Fish & Game  
P.O. Box 115526, Juneau, Alaska 99811

Dear Ms. Tibbles:

I am writing to you to request a delay from the March BOG (Board of Game) for the Fort Greely Moose hunt proposal. I would like to request the next available and sensible date for all parties concerned, possibly the Central/Southwest BOG meeting scheduled for February, 2013.

I would like to request this delay for the following reasons:

1. To provide ample notification time to the public and provide ample time for them to comment.
2. To prepare a solid product to present to the BOG and the public so that it is supported.
3. For fitting an official proposal in the timeline of BOG cycles to achieve a realized hunt in 2013.

The point of contact for this action is the undersigned at: (907) 873-4202 or e-mail [richard.d.barth4.civ@mail.mil](mailto:richard.d.barth4.civ@mail.mil)

Sincerely,

A handwritten signature in black ink, appearing to read "Richard D. Barth".

RICHARD D. BARTH  
CIV, GS  
Natural Resources Manager

Dan and Jackie Marshall  
PO Box 976  
Seward, AK 99664  
907-224-8445



Alaska Board of Game,

2/9/12

I am requesting a reevaluation of proposition 102, and the inclusion of llamas in the ban that will become law on July 1, 2012. I want the board to know first and foremost that I am appreciative of the amendment allowing me the opportunity to certify my animals in the anticipation that I may secure a permit from the *Alaska Fish and Game* to use them while hunting. You gave the information you had, deliberate, meaningful dialogue which allows us an opportunity to still possibly hunt with our animals. I just wanted to take this opportunity to draw your attention to the current research and the science that has been done, and accepted on the llama / wild sheep controversy.

I have sent along with this letter, the *KOFA Proposed Llama Ban*, which is considered the definitive study on this issue, and although it is an extensive read, it outlines the 16-year history of this issue as well as the results of previous efforts by land managers to ban llamas based on the disease transference *perception*.

Biologists and veterinarians over the years have tried to find llamas with these diseases and make the connection that they could potentially threaten wild bighorn herds in the lower 48 as well Dall sheep herds in Canada. They have been unable to find any, and therefore, have only been able to *speculate* on the risk of llamas used as pack animals.

Glacier National Park has llama trekking. Yellowstone Park has llama trekking. The BLM permits llamas as pack animals. The USFS not only allows pack llamas, but in many places, encourages it and has its own. All of these agencies are well aware of the issue, and have been through the very same process the *Board of Game* in Alaska is going through right now. All of them have examined the science and the evidence and have concluded that pack llamas with their owners pose little if any risk to the land or the wildlife. In all of these examples, land and wildlife managers have decided that science cannot support a ban on llamas used as pack stock.

I have also included a series of what I call "sound bites" that give a universal overview of where this issue has been and where it is now. Llamas have been in the United States for about 100 years. We have had them in Alaska since the early 70's. I have been packing and hunting with them since the mid 90's. The documentation speaks for itself so I'll try not to belabor the point in this letter. My hope is that you will take a moment and give this documentation a concentrated overview.

During the last 15 years, I have used llamas as a business venture, although I stopped because I became just too busy with so many people that wanted to access the Kenai Mountains. I have and continue to contract llama work with the Chugach National Forest. I have contracted and done volunteer work with

### **Johne's disease camelids**

"More than 700 alpacas and llamas were tested for the presence of Johne's disease over the past 12 months, with negative results. Because of the relatively small camelid population in Western Australia, it was possible to undertake a full census of stock over 12 months of age. Testing was based mainly on faecal culture (BACTEC) although serology (CFT) was used on animals imported during the study. The results provide further evidence that Western Australia is free of Johne's..."

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"A growing body of evidence is emerging that *M. avium* is the primary cause of Johne's disease in horses. Since our initial reports of **equine Johne's disease in horses**, we have identified three additional cases (10, 11). In addition, Dr. C. C. Wu (Purdue University) has identified a **sixth horse with Johne's disease** due to *M. avium*. The identity of the pathogenic mycobacterium in horses has been confirmed by three different diagnostic facilities" (Infectious Diseases, Inc



our llamas for the State of Alaska. ON one occasion, I retrieved a dead sheep hunter on request from the *Alaska State Troopers*. They could not get ATV's, horses or a helicopter to the body. Members of *Alaska Mountain Rescue*, the Troopers and I strapped the body onto a litter and one big llama dragged him out of the mountains and all the way to highway.

I am asking the Board to consider removing llamas from proposition 102, based on the science that has been conducted over the last 16 years. Although the language states that the Alaska Fish and Game may issue a permit based on a clean health certificate, I am left feeling uneasy about it for these reasons: First, the perception both within the department and out in the public is damaging , and once established, is difficult to counter. Second, this listing acts as a slippery slope toward a more involved process and the next rational act by any organization toward a complete ban. Third, I have not been able to nail anyone down on the actual cost of annually certifying my five llamas, but I am told it is expensive.



We are a family of walking hunters. We don't own ATV's. We don't own snowmachines. We don't own boats or planes. We don't have the financial resources to hire pilots. We walk into the mountains on the eastern side of the Kenai Range, and llamas allow us to expand our hunt beyond the accessible thoroughfares. My sons became hunters at an early age because llamas

allowed us a vehicle for transporting gear in and meat out. Little boys have a difficult time at best climbing in to the Kenai Mountains with all the right gear needed to survive. This is why less than one percent of the students in the Seward Schools hunt. Less than one percent. These are Alaska kids, and they don't hunt. But they like to play video games. My boys have always told their peers that they prefer reality to virtual reality. We lay my son's trapline in with llamas. We load float tubes, fly rods and gear on our llamas and fish the high mountain lakes of the Resurrection drainage. Llamas have taken much of the risk out of taking my family into the mountains for extended periods of time. As I stated in my earlier letter to the board, my wife is a breast cancer survivor and due to her numerous and extensive surgeries, she can no longer shoulder a pack. Llamas have been the only reason that she has been able to continue with the boys and I on our ventures.

If you study the results of the research and the science and choose to decline my request to revisit this very important issue, I will abide by the law and go through the certification process. I would welcome



any questions you may have, and if I can't answer them, I'll contact the pertinent researchers and scientists, and I'll get the answers for you. Please give this another look. There are only a handful of us in Alaska anymore that have llamas and even fewer of us really use them. We are an incredibly small user group and don't have the resources that llama packers do in the lower 48. Oh, I was just thinking that since camels originated here, what would you think of a reintroduction program. Big, bushy Bactrain camels roaming Alaska again!

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Thank you for the time you give, the work you do, and your attention to this appeal.

Respectfully,

Dan L. Marshall  
Seward, Alaska

<http://www.llama.org/johnes/kofa0.htm> Definitive findings on the llama / sheep controversy

**Science and Research Sound Bites:**

17) **Recreational livestock permitted on the refuge include horses, mules, burros, and llamas.** (KOFA National Wildlife Refuge - 2011 hunting regulations) *KOFA (home of the desert bighorn) and Canyonlands were the hotbed of the llama / Sheep controversy in the mid nineties. KOFA rescinded their ban on llamas after reviewing the science.*

Glacier National Park explained, "after several months of information gathering, consultation and evaluation, Park officials have decided **not to prohibit the use of llamas as pack animals in the park's backcountry.** This measure was being considered due to the possibility that llamas could transmit Johnes disease to native mountain goats and bighorn sheep."

**"To date, there are no identified pathogens that are specifically adapted to llamas as a host species.** That is to say, that if you scour the veterinary literature, you will find reports of llamas that have contracted viral and bacterial problems from horses, cattle, sheep and goats. But there are no reported incidences of diseases contracted by these other species specifically from contact with llamas." (KOFA)

"In light of the uncertainty and expense of litigation, the *Canyonlands Task Force* agreed to this settlement in order to lay the disease issue to rest. In doing so, Superintendent Dabney had to publicly admit what veterinarians have been saying all along: **llamas do not pose a Johnes disease threat.**"

- The American Association for Small Ruminant Practitioners issued the following statement " . . . **Scientific evidence does not justify a ban of llamas on public lands . . .**"
- The Executive Committee of the United States Animal Health Association, which includes all 50 state veterinarians, adopted the following resolution, " . . . **USAHA recommends that no public lands be closed to llamas accompanied by people for the reason of Johnes disease . . .**"
- The BLM stated " . . . **the BLM will not consider banning llamas or other domestic species from the public lands based on its current understanding of Johnes disease . . .**" Since the risk of llama

paratuberculosis transmission is near zero, in order to sustain a pack llama ban based on a perceived threat of such transmission, the Agencies would effectively have to adopt a zero-risk tolerance policy with respect to the Planning Area.

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Oregon State University Veterinarian Dr. Stanley Snyder stated ". . . As a reason for keeping llamas out of areas of our national forests, etc., the threat of llamas disseminating Johne's disease to wild ruminants is quite remote. **In Oregon, where Johne's disease in cattle, sheep and goats is quite common and where llama raising is extremely popular, we have not had even a single confirmed case of Johne's disease in llamas . . .**"

"The incidence of Johne's disease in llamas appears to be virtually non-existent. **At most, there have been only two (2) confirmed and two (2) more suspected cases of Johne's disease diagnosed llamas in North America during this century.** Ex. 20 - Belknap at 21; Stehman at 101. Two of those four cases came from a herd of approximately 200 llamas in Colorado. After the discovery of Johne's disease in the two llamas in the herd, the entire herd was systematically tested with no new cases in the several succeeding years. There was no evidence that paratuberculosis had been transmitted to any other llama in the herd. Ex. 20 - Belknap at 23-24. The only epidemiology or pathogenesis study on llamas with Johne's disease could not find any infected adult llamas to include in the study. Dr. Tim Deveau, who works with the U.S. Department of Agriculture's APHIS unit in Wisconsin, tried to determine the incidence of diarrhea in adult llamas with Johne's disease. He interviewed over 75 llama owners and breeders and could find no diseased animals to incorporate into his investigation." Ex. 23, Ex. 20 - Belknap at 30.

"While the National Park Service may have legitimate reasons for restricting the use of non-native species within its boundaries to preserve the integrity of its contained ecosystems, **the Park Service should not be using Johne's disease as the vector for it ban ... it's just not scientifically sound land management (see attached letters from the Colorado State University Veterinary Teaching Hospital and Oregon State University College of Veterinary Medicine.) Similar statements/positions have been offered by the Wyoming State Veterinarian, Dr. Beth Williams, the Idaho Fish and Game State Veterinarian, Dr. Dave Hunter, and Dr. LaRue Johnson of Colorado State University who is the leading Veterinary researcher on llamas in North America.**"(KFOA)

*United States Representative Wayne Allard, himself a veterinarian, wrote:* "I have been informed by Llama organizations in my district of the action taken by yourself to ban llamas from the Canyonlands National Park. I have studied the history of this particular situation stemming from the original commentary by Dr. Terry Spraker of Colorado State University that seemingly was misquoted by a news reporter. I am a veterinarian and have recently finished some continuing education courses at Colorado State University. I spent some time discussing with my colleagues paratuberculosis in domestic animals. **In this case it seems as there is no scientific basis for banning llamas in National Parks or BLM land based solely on the remote possibility of Johne's disease.**"

## **Kofa Proposed Llama Ban**

Kofa National Wildlife Refuge & Wilderness had included a ban on llamas as a part of a proposed Wilderness Plan. This proposed ban was a direct result of the Canyonlands National Park ban. The following letter is by the attorneys representing the Canyonlands Task Force and states the facts surrounding the current situation at the Canyonlands.

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Due to information provided to Kofa in this letter, Kofa is now recommending that the proposed ban be removed from their overall wilderness plan.

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BLM Policy

Prohibition Of Pack Llamas From Canyonlands National Park

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Research Studies Regarding Transmission of Johne's Diseases

Conclusion

-----the letter is as follows-----

## **GIBSON, DUNN & CRUTCHER**

**LAWYERS  
DENVER, COLORADO**

April 24, 1996

Mr. Tom Baca  
National Resource Planner  
Fish and Wildlife Service  
P.O. Box 1306  
Albuquerque, New Mexico 87103

Re: Department of the Interior Letter 8560 (050) AZA 25502, dated January 24, 1996

Dear Mr. Baca:

Gibson, Dunn & Crutcher -- on behalf of the International Llama Association ("ILA"), the Rocky Mountain Llama and Alpaca Association ("RMLA") and the Canyonlands Task Force ("CTF") (collectively, the "Associations") -- greatly appreciates the opportunity to comment on the Draft "Kofa National Wildlife Refuge & Wilderness and New Water Mountains Wilderness - Interagency Management Plan and Environmental Assessment" (the "Draft Plan"), dated December 1995, which was developed by the Bureau of Land Management ("BLM") and the U.S. Fish and Wildlife Service ("FWS"), in cooperation with the Arizona Game and Fish Department, (collectively, the "Agencies") and would apply to the entire territory of the Kofa

National Wildlife Refuge & Wilderness and New Water Mountains Wilderness (the "Planning Area"). These comments are particularly directed, although without limitation, to that portion of the Draft Plan entitled "Management Actions," section 2 of which provides, in pertinent part:

2. Prohibit the use of llamas and goats as pack animals throughout the planning area. Provide public information about these restrictions at access point information displays, in the planning area brochure and AGFD hunting regulations by 1996.

Draft Plan, Ex. I at 35.

The ILA is a global association of individuals and twenty-six affiliated organizations with a total membership of over 5,000 persons. The purpose of the ILA is "to educate members and the public as to the caring for, breeding and raising of llamas and other camelids." The International Llama Registry ("ILR"), which registers llamas and alpacas in the North American herd, has almost 100,000 animals and 10,000 owners in its data base. Since a number of owners choose not to register their animals with the ILR, the number of these animals in the North American herd is undoubtedly larger. The North American herd has increased from 10,000 animals and 1,000 owners to its present size in the past ten years. Today, the herd in North America is valued at several hundred million dollars and is a growing part of the livestock industry.

The RMLA is an association of residents of the western regions of the United States with an interest in llamas. The RMLA's purpose is "to educate the members and the public as to the breeding, raising, care, and use of llamas." Of all the llama organizations in North America, the RMLA undoubtedly has the highest percentage of members interested in the use of llamas as pack animals in the vast public lands that are included within the RMLA's geographic reach. In addition, RMLA members actively use their llamas for showing, spinning fiber, guarding sheep, attending parades and 4-H projects, as well as breeding their llamas for resale.

The CTF is an association of individuals that was formed in response to the September 1994 ban on pack llamas -- the first and only one in the Nation -- instituted by Mr. Walter D. Dabney, Superintendent of the National Park Service's Southeastern Utah Group, for the Canyonlands National Park (the "Dabney decision") over alleged concerns about paratuberculosis transmission by llamas.<sup>(1)</sup> The CTF has since been committed to "providing responsible leadership and a strong, unified presence to benefit the llama community by appropriate government policy and informed public opinion."

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Footnote (1)...Of course, other park and public land administrators around the country prohibit the entry of various kinds of pack animals -- including horses, burros and llamas -- for reasons that have nothing to do with paratuberculosis or disease generally. It should also be noted that, simultaneously with the Dabney decision and apparently at the instigation of Mr. Dabney personally, Glen Canyon National Recreation Area ("Glen Canyon"), which is adjacent to Canyonlands and portions of which are subject to the jurisdiction of Superintendent Dabney's below referenced January 1995 "Backcountry Management Plan", imposed a ban on pack llamas identical to the Dabney decision.

Ex. 8. The Associations are informed that the Glen Canyon Superintendent imposed that ban

based, in material part, on information received from and statements made by Mr. Dabney. As demonstrated below, however, it is our understanding that the Glen Canyon Superintendent is about to issue a "Superintendent's Directive" reversing its December 1994 ban on llamas on the grounds that the ban was and is scientifically unfounded. Additionally, the Associations understand that park authorities at the Colorado National Monument implemented a llama access ban, again with the encouragement of Mr. Dabney, based on information he supplied, and roughly simultaneously with Dabney's own llama prohibition respecting Canyonlands. National Park Service representatives have assured the Associations, however, that no such ban is in effect at the Colorado National Monument park. Due to the material influence of Superintendent Dabney in the Glen Canyon llama prohibition -- and the simultaneity of that ban with the Dabney decision covering Canyonlands -- the Associations consider these two acts to be part of the same, orchestrated and coordinated effort by Mr. Dabney in the autumn of 1994. In sum, only one independent llama access prohibition has been instituted in the United States based on a perceived threat of -paratuberculosis transmission to native wildlife.

The Associations fully support reasonable governmental regulations designed to preserve, enhance and protect the Nation's wildlife and wilderness heritage. The Associations are convinced, however, that any and all regulations governing access to and use of wilderness areas must be well founded in science and fact, and implemented only following careful deliberation and consideration of the relevant Science and facts. It is the position of the Associations that no administrative decision or regulation should be based on speculation, misinformation or rumor, since to do so would undermine the legitimacy and credibility of the entire regulatory effort.

**The primary purpose of these comments is to provide U.S. government decision-makers responsible for protecting the wildlife present in the Planning Area with the available scientific evidence concerning the transmission and epidemiology of Johne's disease ("paratuberculosis").** On March 12, 1996 a Workshop on Johne's Disease was held at Colorado State University and sponsored, in part, by the BLM (the "CSU Workshop"). The CSU Workshop provided a forum for scientists with an expertise in Johne's disease and policy makers entrusted with managing public lands to discuss the scientific evidence concerning the transmission and epidemiology of Johne's disease. **According to the scientific evidence presented at the CSU Workshop and documented in the scientific studies and literature, at least three conclusions emerge: (1) llamas are not, in any measurable or scientifically meaningful sense, transmitters of paratuberculosis; (2) other domestic animals, often given extensive and frequent access to wildlife areas, are more substantially likely paratuberculosis transmitters; and (3) in all events, paratuberculosis poses a lower-grade threat to wildlife in wilderness areas in relation to far more common and equally deadly diseases, and paratuberculosis presents a far greater threat to domestic production livestock, including sheep, goats and cattle, in relation to wildlife.** So powerful and persuasive was the presentation of the available scientific evidence at the CSU Workshop that the Assistant Director of Resource Use and Protection of the BLM, W. Hord Tipton, has announced the Bureau will not even consider banning llamas from public lands based on current data.

**A secondary purpose of these comments is to explain precisely the origin and source of the rumors, speculations, and innuendoes concerning llamas that have apparently led to the proposed ban set forth in the Management Actions section of the Draft Plan.**

### BLM Policy

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On April 3, 1996, Mr. Tipton, of the BLM, informed United States Representative Michael D. Crapo by letter that, based in large part on the CSU Workshop, the BLM would soon be formally announcing its policy that llamas should not be banned from public lands based on its current understanding of paratuberculosis.

The consensus of the [CSU Workshop] was that Johne's disease is a disease of filth and animals must have prolonged exposure and receive massive numbers of the bacteria to become infected. The chances are remote that infection could occur in a free-ranging animal population, such as llamas. Only cursory monitoring of freeranging wildlife is required at this time. Therefore, the BLM will not consider banning llamas or any other domestic species from the public lands based on its current understanding of this disease. The BLM will formally announce this policy soon.

Ex. 2 at 1 (emphasis added). A ban of llamas from the Planning Area, based on the threat of the spread of Johne's disease, would run directly counter to the BLM policy established after the CSU Workshop.

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### **The Prohibition Of Pack Llamas From Canyonlands National Park**

To date, the Associations are aware of only one, independent instance of a prohibition of pack llama access to or use of public lands anywhere in the United States based on a perceived threat of paratuberculosis transmission. Interestingly, the aforementioned prohibition, first instituted over a year-and-a-half ago by a lone National Park Service Superintendent, Walter D. Dabney, and made applicable to the Canyonlands National Park and Orange Cliffs Unit of Glen Canyon National Recreation Area ("Canyonlands"), has not been followed by Mr. Dabney's National Park Service colleagues or by other U.S. and state governmental park and wildlife administrators. Indeed, the Associations are aware of, and the record will demonstrate that, several other representatives of the National Park Service, U.S. government agencies, and various state agencies have considered -- and categorically rejected as scientifically unfounded -- the decision taken by Mr. Dabney and have publicly refused to follow his lead.

Tellingly, the stated rationale given for Mr. Dabney's action in 1994 -- namely, "the possibility of disease transmission to native animals" -- is precisely the same rationale given for the proposed prohibition on llama use set forth in the Draft Plan. From preliminary telephone discussions with representatives of the Agencies, it is the understanding of the Associations that the proposed llama prohibition contained in the Draft Plan was indeed prompted, at least in significant part, by rumor of the Dabney decision respecting Canyonlands. Consequently, the Associations believe it to be critical to the Agencies' deliberation of the Draft Plan that responsible decision-makers be informed of the chronology of events leading up to the Dabney decision and its aftermath.

The Associations first learned of the Canyonlands llama ban in September 1994, when Mr. Dabney issued a press release unilaterally announcing the ban, without the opportunity for public comment or submission of scientific data. The press release was reported by several local Utah newspapers. Ex. 3. The alleged justification for the llama ban, as reported by the media, was Mr. Dabney's belief that llamas may transmit paratuberculosis to Bighorn sheep present in the Canyonlands park. In his Briefing Statement supporting the September 1994 llama prohibition, Ex. 4, Mr. Dabney admitted that his concerns over the purported paratuberculosis threat from llamas emanated from impromptu comments by Dr. Terry Spraker, a Colorado State University ("CSU") veterinary pathologist, while Spraker was present at the 1994 Annual Desert Bighorn Sheep Council meeting. The Associations understand that Mr. Dabney did not attend that meeting, but apparently learned of Dr. Spraker's comments second-hand.

Based on a BLM-prepared transcript of the 1994 Desert Bighorn Sheep Council meeting the Associations recently received, it is true that Dr. Spraker raised the potential problem of paratuberculosis transmission to native animals in wilderness areas. Ex. 5 at 23. He also noted that paratuberculosis had been diagnosed in two co-located llamas in the over 100,000 strong.

North American llama herd of the early 1990s.<sup>2</sup> However, Dr. Spraker's brief comments on the issue did not specifically address the risk of transmission of the disease from llamas to wildlife in wilderness areas. According to his subsequently issued, October 1994 Briefing Statement in support of the llama ban, Mr. Dabney stated that his decision to prohibit llama entry into Canyonlands was "based largely upon" discussions with and the "strong recommendation" of Dr. Terry Spraker. Ex. 4.

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Footnote (2)...As noted below, the Associations have recently learned that two other llamas -- one located in Oklahoma and the other in South Dakota -- may have been diagnosed with paratuberculosis at some point in the past. The dates and validity of those diagnoses are uncertain and are currently being investigated by the scientific community. Even if confirmed, this would mean that only four animals out of the probable hundreds of thousands of llamas in the cumulative North American herd have been diagnosed with paratuberculosis, which is still a dramatically insignificant rate of incidence.

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Taken out of context and without rigorous analysis of the available scientific evidence, Dr. Spraker's 1994 comments apparently caused Mr. Dabney to conclude that llamas may present a substantial danger to wildlife in wilderness areas. Undoubtedly, Mr. Dabney was alarmed by second-hand reports he received of the initial, off-the-cuff comments made by Dr. Spraker at the Desert Bighorn Sheep Council meeting. However, as discussed below, a later statement, issued by Dr. Spraker and other prominent CSU veterinary professors, which was given directly to Mr. Dabney, makes clear that the Canyonlands prohibition on llama access, predicated on the purported danger of llamas transmitting paratuberculosis to wildlife, was and is "scientifically unsound." Ex. 7 at 2.

The initial Canyonlands llama prohibition, hurriedly announced by Mr. Dabney in September of 1994, remained in effect through the late autumn and early winter of 1994. In January 1995, Mr.

Dabney incorporated (and thereby made permanent) the pack llama ban from Canyonlands into his Canyonlands National Park and Orange Cliffs Unit of Glen Canyon National Recreation Area "Backcountry Management Plan." Ex. 8.

In a critical May 4, 1995 letter sent to Mr. Dabney, Dr. Franklyn Garry, Dr. David Getzy, Dr. Terry Spraker, and Dr. LaRue Johnson addressed the issue of paratuberculosis among sheep, goats, cattle, horses, and llamas specifically **in the context of the Dabney decision to prohibit llama use in and access to Canyonlands.** Ex. 7. **The letter stated that while paratuberculosis is well documented among sheep, goats and cattle, and has been reported sporadically to affect some equine species, its incidence among llamas is virtually infinitesimal.** The disease has been documented in only two llamas (with two suspected cases) in North America among the probable hundreds of thousands of llamas that have cumulatively inhabited the North American continent during the twentieth century. Ex. 7 at 2. Further, the extant veterinary scholarship indicates that llamas are extremely poor and inefficient paratuberculosis hosts, inasmuch as the disease appears to be fatal to llamas relatively quickly. Ex. 7 at 2. **The CSU scientists unequivocally stated that there is no demonstrable scientific evidence to indicate that llamas pose any realistic, meaningful or measurable threat of transmitting paratuberculosis to any other animals, domestic or wildlife, anywhere.** Ex. 7 at 2. Drs. Spraker, Garry, Getzy and Johnson wrote:

To date, only four cases (3) of Johne's disease have been documented in llamas, although a thorough search of the literature indicates one additional case where typical lesions of the disease were noted but the organism was not specifically identified. Not only has the disease been infrequently found in llamas in North America, but the reported cases have tended to be unusual in being quite young or quite old, as compared to the typically affected cow or sheep. The course of the disease in llamas has been short, with death occurring shortly after clinical suggestion of disease. **It is most likely that the low reported incidence of this problem in llamas is a true representation of the disease in the species because it is unlikely that the disease has been inadvertently overlooked.** By comparison with our domestic ruminant livestock, llamas have tended to maintain a high individual monetary value and, therefore, death and disease in this species has typically been closely scrutinized using standard but extensive diagnostic methods. **Llamas are frequently placed in close contact with the domestic ruminant livestock and thus should have ample opportunity to contract the disease and show signs if they were highly susceptible to this problem.**

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Footnote (3)...In their May 5, 1995 letter, Drs. Spraker, Garry, Getzy, and Johnson apparently assumed that the two additional llama paratuberculosis diagnoses -- one in Oklahoma and the other in South Dakota -- would or will be confirmed as valid diagnoses. As noted above, it is the understanding of the Associations that those two cases are still being investigated and only two reported instances of paratuberculosis in llamas (both in the same herd in Colorado) have been scientifically confirmed.

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While the low reported incidence of Johne's disease in llamas is significant in itself in suggesting that llamas are an extremely infrequent carrier of the M paratuberculosis organism, these



findings also illustrate another important issue. In the interaction between infectious organisms and mammalian hosts, there are typically strong associations between a given host and a given pathogen species. When an organism invades a host to which it is not optimally adapted, it will usually not develop an endemic infection and rather will tend to occur in a sporadic and somewhat unusual pattern as compared with the disease in the more typical host. This appears to be a common phenomenon in llamas in North America. **To date, there are no identified pathogens that are specifically adapted to llamas as a host species. That is to say, that if you scour the veterinary literature, you will find reports of llamas that have contracted viral and bacterial problems from horses, cattle, sheep and goats. But there are no reported incidences of diseases contracted by these other species specifically from contact with llamas.** This may not be surprising given that llamas are not standard ruminants. While they possess a forestomach for fermentation of vegetative foodstuffs, they have evolved separate from the common hoof stock ruminants, which include our domestic and wild ruminant species in North America.

... **[O]ur current knowledge demonstrates that Johne's disease is uncommon in llamas and is likely contracted by llamas from contact with other species and is not an endemic llama problem. On that basis, it is inappropriate to view llamas as posing a substantial threat as a vector specifically for Johne's disease transmission to wildlife species.**

As we stated in our letter to Mr. Dabney on February 16, we understand that there may be significant reasons to justify banning nonindigenous species from Canyon Lands Park and possibly other park systems based upon diseases, biological, behavioral and ecological arguments. **It is scientifically unsound, however, to formulate a Policy about llama use based specifically on a concern about Johne's disease spread by these animals.** We hope the information we have tried to clarify here is some use in your discussions with the park service about policy.

Ex. 7 at 2-3 (emphasis added).

The fact that Dr. Spraker joined in the May 5, 1995 letter is of course fatal to the scientific validity of the original September 1994 Dabney decision. Dr. Spraker's clarification of his prior statements, a clarification echoed by his co-signing and eminently well-respected CSU veterinary colleagues, demonstrates that the Dabney decision -- again, which Mr. Dabney himself concedes was "based largely upon" his interpretation of Dr. Spraker's 1994 statements -- is not founded on any credible scientific linkage between llamas and the transmission of paratuberculosis. For reasons apparently having nothing to do with science, however, Mr. Dabney has steadfastly refused to reverse his 1994 decision, despite the now effectively retracted, pseudo-scientific basis for that decision.

Scientific truth, of course, is not specific to any geographic area. No less than in Canyonlands, a policy prohibiting the entry of pack llamas in the Planning Area, predicated on an unfounded fear of paratuberculosis transmission by llamas to the wildlife present in the Planning Area, would be equally "scientifically unsound." Without scientific basis, such a ban would constitute arbitrary and capricious administrative decision-making, plainly subject to judicial nullification under applicable federal law.

Part 2 of Kofa Letter  
**Other Parks, Government Agencies, And Scientists  
Have Categorically rejected The Dabney Decision**

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The view expressed by the CSU veterinarians in their May 1995 letter is echoed by Oregon State University Veterinarian Dr. Stanley Snyder.

As a reason for keeping llamas out of areas of our national forests, etc., the threat of llamas disseminating John's disease to wild ruminants is quite remote. In Oregon, where John's disease in cattle, sheep and goats is quite common and where llama raising is extremely popular, we have not had even a single confirmed case of John's disease in llamas....

It is my opinion that reintroduction of wolves into the American West represents a threat to wild ruminants of many orders of magnitude greater than the remote possibility of spreading John's disease from llamas.

Ex. 9.

Since the prohibition on llama use was instituted in Canyonlands, other federal government officials have considered prohibiting llama access to public lands. To date, the Associations are unaware of any other prohibitions, with the exception of the prohibition proposed in the instant Draft Plan.

In April 1995, the National Park Service determined not to ban llamas in Glacier National Park. In an April 24, 1995 letter, Chief Park Ranger Stephen J. Frye explained that the available scientific evidence would not support such a ban.

**After several months of information gathering, consultation and evaluation, Park officials have decided not to prohibit the use of llamas as pack animals in the park's backcountry.** This measure was being considered due to the possibility that llamas could transmit John's Disease (a paratuberculosis) to native mountain goats and bighorn sheep.

Initial concern was raised by a Colorado State University veterinary pathologist at the 1994 Desert Bighorn Council Meeting. The occurrence of John's disease in a herd of bighorn sheep on Mt. Evans in Colorado resulted in some mortality and prevented that herd from being used as transplantation stock for other areas. The disease was also found in a domestic llama breeding operation in Colorado.

The spread of disease from domestic animals to native wildlife populations is a serious concern for park officials. The Superintendent of Arches and Canyonlands National Parks decided to ban llamas last summer to protect their bighorn populations, some of which are used for transplantation stock and others which are struggling due to various other diseases.

**The overwhelming response to inquiries by Glacier National Park officials was that the actual threat posed to indigenous species by llamas was not significant. John's disease is very rare in llamas and the risk of transmission is considered minimal.**

Ex. 10 (emphasis added).

In response to a June 27, 1995 memorandum from the Director of the National Applied Resource Sciences Center recommending a ban on the use of llamas on public lands based, at least in significant part, on information received from Mr. Dabney and officials at the National Park Service's Southeastern Utah Group, John Fend, the Area Manager of the Cascade Resource Area in Idaho, wrote a February 2, 1996 letter to the Director of the National Applied Resource Sciences Center. Mr. Fend's letter explained in great detail the genesis and spread of misinformation regarding the alleged paratuberculosis transmission by llamas. Mr. Fend urged that the BLM issue a policy statement that "the BLM does NOT intend to ban llamas from public lands based on disease conflicts or risks." Ex. 12. In his letter, Mr. Fend, who has spent the first 15 years of his career as a Range Conservationist, stated:

I must take professional exception to the recommendations to the Director on this subject. I strongly believe the National Park Service, and now the Applied Sciences Center, has misrepresented the extent of the threat/risk of Johne's disease associated with llamas being spread to wild ungulates. Further, I believe this document should have had internal peer review, as it certainly has national implications.

While the National Park Service may have legitimate reasons for restricting the use of non-native species within its boundaries to preserve the integrity of its contained ecosystems, **the Park Service should not be using Johne's disease as the vector for it ban ... it's just not scientifically sound land management (see attached letters from the Colorado State University Veterinary Teaching Hospital and Oregon State University College of Veterinary Medicine.) Similar statements/positions have been offered by the Wyoming State Veterinarian, Dr. Beth Williams, the Idaho Fish and Game State Veterinarian, Dr. Dave Hunter, and Dr. LaRue Johnson of Colorado State University who is the leading Veterinary researcher on llamas in North America.**

Your memo to the Director found its way into the hands of the Wildlife Management Institute, and an article was released in their Outdoor New Bulletin (10/27/95), indicating the BLM and BLM biologists have proposed a Public Lands ban on llamas because the llamas are carriers of Johne's disease. Since release of the Wildlife Management Institute's Outdoor Bulletin, a newspaper article appeared in the Salt Lake Tribune (1/24/95). Other papers have subsequently carried the story citing the Bulletin as the source.

**These stories have lead to the rampant spread of misleading information which can have devastating economic effects on the llama industry.** The Bureau must not be the source of such information, yet it appears it is.

Ex. 12 at 1-2 (emphasis added).

On February 2, 1996, Regional Forester Dale N. Bosworth issued a letter, after conferring with the Manti-LaSal National Forest, which has administrative responsibility for United States Forest Service ("USFS") lands in southeastern Utah. Mr. Bosworth reported that the USFS:

currently (has) no plans to restrict llama use on the Forest or to take permit action on outfitters and guides who provide llama services. They are aware of the concerns expressed by the NPS with disease transmission, but feel **that there currently is not sufficient scientific information to warrant such a restriction** on National Forest System lands in southeast Utah.

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Ex. 13 (emphasis added).

Further, on February 7, 1996, Utah State Veterinarian Michael R. Marshal responded to an inquiry regarding the prohibition of llama use in the Utah national parks (presumably Canyonlands), memorializing his belief that the Canyonlands decision was not based on credible science.

...I have been told the reason [the National Park Service is] prohibiting llamas from the national parks is because of a perceived disease threat from John's disease to the animals in the park. **If I understand the current research material correctly, there is a grand total of four llamas in the United States which have been shown to have John's disease. Likewise to the best of my knowledge, there is no research that shows this disease transmissible to big horn sheep or elk from llamas.**

**Speaking in terms of risk assessment and epidemiology, I believe the ban of llamas from national parks is a poor decision on behalf of the National Park Service.** It is my impression that the National Park Service prefers to have llamas banned from the park for other reasons, and is using this medical statement about John's disease as an excuse to do so. It is difficult for me to understand why such medical decisions are reached for the state of Utah, without the input from Utah veterinary medical regulatory officials.

In summary, **I do not believe that medical science support the ban of llamas in national parks.**

Ex. 14 (emphasis added).

Finally, the Associations have recently learned that the Superintendent of the Glen Canyon National Recreation Area, which is adjacent to the Canyonlands National Park, will shortly issue a public reversal of the pack llama access ban that Glen Canyon instituted simultaneously with Mr. Dabney in September 1994 and based on information supplied by Mr. Dabney. The Glen Canyon Superintendent has indicated that he will state, as the basis for his reversal, that there is no credible scientific basis for his previously taken action. Promptly upon receipt, the Associations will submit to the Agencies a copy of the Glen Canyon reversal.

Part 3 of the Kofa letter

### **Congressional Concern Over The Dabney Decision**

On February 20, 1996, United States Representative Michael D. Crapo sent a letter to Secretary of the Interior Bruce Babbitt in which he expressed his concern about BLM's consideration of a prohibition of llama use on public lands. Congressman Crapo specifically requested any and all

information relating to any proposed bans. Ex. 16. Mr. Tipton's April 3, 1996 letter informing Congressman Crapo of BLM's new policy regarding llamas on public lands was in response to Congressman Crapo's letter. Ex. 2.

In addition to Representative Crapo, at least three other United States Representatives are concerned with the spread of inaccurate information concerning paratuberculosis and have recently written letters questioning the prohibition of llamas in Canyonlands and expressing their fear that the decision would be followed by other managers of public lands. On April 9, 1996, United States Representative James V. Hanson, in his capacity as the Chairman of the House Subcommittee on National Parks, Forests and Lands, sent a letter to the Director of the National Park Service, Mr. Roger Kennedy, in which he specifically noted the lack of science used in the Canyonlands decision. Representative Hanson asked Mr. Kennedy to "intercede and reverse [the Canyonlands] policy" because it was not justified by science. Ex. 17. He wrote:

Several months ago, the Superintendent of Canyonlands adopted a ban on the use of llamas as pack animals in the park. In correspondence to me dated June 26, 1995, he stated that the primary justifications for that action were based on the regulatory definition of "pack animals" as contained in 36 CFR 1.4 and 2.16, and in order to prevent transmission of disease (ruminant paratuberculosis of Johne's Disease) to desert bighorn sheep. Neither of these arguments have merit.

....The second justification for the llama ban, the threat of the spread of Johne's disease to bighorn sheep, is even more questionable. According to scientists at Colorado State University (see attached letter), there have only been 4 cases of Johne's disease reported as occurring in llamas. These scientists go on to state, "It is scientifically unsound, however, to formulate a policy about llama use based specifically on a concern about Johne's disease spread by these animals." The Utah Department of Fish and Game concurs in this analysis and has refused to endorse the policy adopted by the Superintendent, even though they fully share in any concern about disease transmission to the bighorn sheep. I must also point out the inconsistency with this policy compared to the bison management issue at Yellowstone National Park, where the Park Service has argued for years that no action to control bruceallods was necessary because there has never been a documented case of the transmission of that disease from bison to cattle.

In further discussions with the Superintendent, he has stated that he adopted this approach because he believes he should "err on the side of protecting the resource." **We do not hire park managers to make mistakes, we hire them to make sound judgments on the basis of the best available scientific information.**

**...However, [the] concern I have is the precedent which would be established if this decision is permitted to stand. It will be a signal to other public land managers that they can adopt similar bans on the use of llamas, without a thorough review, or based on a mistaken assumption of the potential of disease transmission to wildlife populations.**

Ex. 17 (emphasis added).

In a February 5, 1996 letter to Mr. Dabney, United States Representative Wayne Allard, himself a veterinarian, wrote:

I have been informed by Llama organizations in my district of the action taken by yourself to ban llamas from the Canyonlands National Park. I have studied the history of this particular situation stemming from the original commentary by Dr. Terry Spraker of Colorado State University that seemingly was misquoted by a news reporter.

I am a veterinarian and have recently finished some continuing education courses at Colorado State University. I spent some time discussing with my colleagues paratuberculosis in domestic animals. **In this case it seems as there is no scientific basis for banning llamas in National Parks or BLM land based solely on the remote possibility of Johne's disease.**

Ex. 18 (emphasis added).

Finally, United States Representative Helen Chenoweth dispatched her own letter on February 24, 1996 to the Director of the BLM's National Applied Resource Sciences Center, Mr. Lee Barcow, requesting that the Center provide "any and all information relating to [the] proposed [llama] ban." . " Ex. 19.

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#### [The Scientific Evidence Presented At The CSU Workshop](#)

The March 12, 1996 CSU Workshop is the most comprehensive gathering of scientific experts and noted authorities on the transmission and epidemiology of Johne's disease to date. Participants in the Workshop included Dr. LaRue Johnson and Dr. Terry Spraker from Colorado State University as well as featured scientists Dr. Ellen Belknap from Colorado State University, Dr. David Getzy from Colorado State University, Dr. Beth Williams from the University of Wyoming, Dr. Sue Stehman from Cornell University and Dr. Harley Moon from Iowa State University. In addition, representatives from the BLM, USFS, ILA, American Sheep Industry, the American Association of Small Ruminant Practitioners, the National Park Service and the FWS also participated in the CSU Workshop. The CSU Workshop was recorded and memorialized by transcript ("CSU Transcript") so that the scholarly presentations and discussions regarding the transmission and epidemiology of Johne's disease, as well as the conclusions arrived at by the participants in the Workshop, could be memorialized for future policy-making decisions. See CSU Transcript, Ex. 20.

At the Workshop, the transmission of Johne's disease by pack llamas in National Parks or on public lands was discussed at length by the featured scientific speakers and the attendees. Throughout the discussion, there was almost universal agreement as to the scientific evidence regarding Johne's disease and its transmission by llamas.

The incidence of Johne's disease in llamas appears to be virtually non-existent. At most, there have been only two (2) confirmed and two (2) more suspected cases of Johne's disease diagnosed llamas in North America during this century. Ex. 20 - Belknap at 21; Stehman at 101. Two of

those four cases came from a herd of approximately 200 llamas in Colorado. After the discovery of Johne's disease in the two llamas in the herd, the entire herd was systematically tested with no new cases in the several succeeding years. There was no evidence that paratuberculosis had been transmitted to any other llama in the herd. Ex. 20 - Belknap at 23-24. The only epidemiology or pathogenesis study on llamas with Johne's disease could not find any infected adult llamas to include in the study. Dr. Tim Deveau, who works with the U.S. Department of Agriculture's APHIS unit in Wisconsin, tried to determine the incidence of diarrhea in adult llamas with Johne's disease. He interviewed over 75 llama owners and breeders and could find no diseased animals to incorporate into his investigation. Ex. 23, Ex. 20 - Belknap at 30.

Johne's disease has been isolated in at least one Rocky Mountain Big Horn Sheep herd in Colorado. Ex. 20 - Williams at 46. However, it has not been diagnosed in Desert Big Horn Sheep. Ex. 20 - Williams at 66. As noted below, there are many factors which influence the transmission of Johne's disease, and it is quite possible that Desert Big Horn Sheep behavior may reduce the breed's susceptibility to paratuberculosis, relative to the Mountain Big Horn Sheep variant. Ex. 20 - Williams at 66.

Johne's disease is transmitted between animals primarily by fecal/oral transmission. Ex. 20 - Stehman at 75; Williams at 52.4 However, even animals that ingest substantial quantities of fecal material may not necessarily become infected with paratuberculosis. Ex. 20 - Stehman at 85. There are numerous animal behavioral characteristics and ambient environmental conditions that influence the likelihood of Johne's disease transmission. Each of these factors constitutes a discrete, independent probability condition. Unless enough of these independent conditions are present, the transmission of paratuberculosis between AU animals is simply impossible, let alone transmission between occasionally traversing pack llamas and free-ranging wildlife in an expansive refuge. These factors include:

Footnote (4)... Indicating their special resiliency to paratuberculosis, llamas have been identified as one of the few species that are relatively immune from what is the secondary paratuberculosis transmission mechanism: *in utero* transmission. Ex. 20 - Getzy at 4 1.

#### FACTOR SOURCE (Ex. 20)

##### 1. High Dose -- extremely high concentration of organisms required for transmission

*Stehman at 75, 14849, 157;*  
*Williams at 53, 68. (108)*

##### 2. Continuous/Repeated Exposure exposure for weeks is required for transmission to sheep

*Stehman at 148-49;*  
*Williams at 53, 68,*  
*Moon at 187-188.*

**3. High-Shedding ("Clinical") Llama --only terminal or clinical animals will likely introduce a sufficient concentrated dose into the environment for transmission to occur**

*Stehman at 151, 158;*  
*Williams at 53-54, 68-69.*

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**4. Healthy Pack Llama -- a clinical, high-shedding llama is emaciated, wasted, and generally not athletic enough to serve as a pack animal.**

*Moon at 192-193,*  
*Stehman at 148-149*  
*Williams at 48-49; 54-55;*  
*Getzy at 39-40.*

**5. Alkalinity of soil -- acidic soil is more conducive to organism survival**

*Williams at 67;*  
*Stehman at 115.*

**6. Humidity -- areas that are damp, foggy and rainy are more conducive to organism survival**

*Williams at 57, 67-68;*  
*Stehman at 122.*

**7. Temperature -- colder areas are more conducive to organism survival; sunlight and heat tend to kill the organism**

*Williams at 67;*  
*Stehman at 122-23*

**8. Elevation -- low elevation (sea level) is more conducive to organism survival**

<

|>Williams at 57

**9. Density -- a high density of animals is more conducive to transmission**

*Williams at 53, 57*

**10. Light -- shade is more conducive to organism survival**

*Williams at 67;*  
*Stehman at*



**11. Water -- pooling of water is more conducive to organism survival**

*Stehman at 97.*

**12. Animal behavior/preferences -- Big Horn Sheep are unlikely to ingest fecal material of other species**

*Williams at 68.</P>*

**13. Animal age - higher organism concentrations are required to infect older individuals**

*Stehman at 76, 78*

*Williams 49-50.*

While all these factors variously influence transmission of Johne's disease from one animal to another, some factors make the risk of the transmission of Johne's disease from a pack llama to a desert big horn sheep in the Planning Area particularly negligible. First, a llama that is capable of packing is highly unlikely to have a clinical case of Johne's disease and shed enough of the organism to infect a big horn sheep or any other animal.. Transmission requires a high dosage of the organism and llamas classified as "clinical" are the high-shedding animals. However, a clinical llama is a very sick animal and certainly physically unable to pack due to emaciation, wasting, and lack of strength. Therefore, were a llama first trained and ultimately selected for packing in the Planning Area, or any other area, it would, almost by definition, not be an individual capable of transmitting a sufficiently concentrated dosage of organism to pose a credible threat of transmitting *paratuberculosis* to native wildlife or to Big Horn Sheep.

Second, the unique and specific environmental conditions of the Planning Area make it a hostile environment for paratuberculosis and paratuberculosis transmission. The organism survives best in an ambient environment that has: a relatively wet climate, no ultraviolet light, acidic soil conditions, lower elevation, and moderate temperatures. Conversely, the organism's survival rate is significantly inhibited by heat, dryness, alkaline soil conditions, elevation and exposure to ultraviolet light. It is our understanding from telephone conversations with Milton Haderle, the Refuge Manager at the Planning Area, that the environmental characteristics at the Planning Area include:

**Characteristic Planning Area Condition**

**1. Temperature**

Mean Average = 72.91

Mean High = 84.6 0

Mean Low = 6 1.1 0

Extreme High = 1221

Extreme Low = 23 1

## 2. Moisture

Average Yearly Precipitation = 6.15"

Range = 3.00" to 8.5"

## 3. Sunlight

350 Days of Full Sunlight

The environmental characteristics of the Planning Area thus discourage Johne's organism survival. A climate such as that present at Point Reyes, California presents a more conducive (damp, foggy, rainy, at sea level) environment, although even there the risk of paratuberculosis transmission from a pack llama to another animal would still be negligible as a result of nonclimatic (i.e. animal behavioral) factors. Ex. 20 - Williams at 57-61. Further, animal density is a key epidemiological factor. The classic Johne's disease "incubator" is a densely packed dairy farm or shed where cows are proximate to one another, to a stationery food source and to fecal matter. Ex. 20 - Stehman at 1 12. The vast expanse of the Planning Area and the transient behavior of native species located there militate strongly against paratuberculosis transmission.

Big horn sheep, both mountain and desert, are unlikely to ingest any fecal matter from other species, much less the large quantity necessary to contract Johne's disease. Specifically, the behavior and nature of the desert big horn sheep make them even less likely animals to become infected with paratuberculosis than their mountain-inhabiting cousins. Ex. 20 - Williams at 66.

In sum, the scientific evidence presented at the Workshop establishes that the risk of the Johne's disease transmission from llamas to big horn sheep (Rocky Mountain or Desert) or any other native, North American ungulate is infinitesimal and does not justify a ban on pack llamas from public lands. Ex. 20 - H. Moon at 193; Stehman at 148; Ex. 21 (Statement by Dr. Harley Moon); Ex. 22 (Statement by Dr. Elizabeth Williams); see schematic representation of risk factors at the end of this comment. Mike Miller, a veterinarian with the Fish & Wildlife in Colorado, has specifically worked with and studied the Colorado herd of Rocky Mountain Big Horn Sheep that has been infected with Johne's disease. It was his assessment that "the likelihood of [transmitting] Johne's disease through fecal/oral transmission] requires a tremendous number of coincidences that just aren't going to lend themselves to happening in very many places. The fact that we don't have Johne's all over the west in the Big Horn Sheep or anything else lends a lot of credence to just how unlikely that scenario would be." Ex. 20 - Miller at 166.

Since the risk of llama paratuberculosis transmission is near zero, in order to sustain a pack llama ban based on a perceived threat of such transmission, the Agencies would effectively have to adopt a zero-risk tolerance policy with respect to the Planning Area. The folly of such a policy -- with its attendant surrealistic view of costs and benefits and its resultant degradation in public confidence in administrative decision-making -- was addressed by nationally respected scientist Dr. Harley Moon at the CSU Workshop. Dr. Moon noted that a policy of zero tolerance is not sustainable in today's society and is not a goal that can be practically followed by those charged with managing the Nation's wildlife and environmental heritage. Ex. 20 - H. Moon at 193-94.

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### Other Research And Studies Regarding The Transmission Of Diseases By Livestock

Other research and studies corroborate the conclusions of the scientific panelists at the CSU Workshop and the Associations have included, as Exhibits to these comments, several scientific journal articles reporting on research and epidemiological studies that have been conducted in this area. Ex. 24 - 35. These articles consider the transmission of various diseases, including paratuberculosis, by livestock, llamas, goats, cattle, horses and sheep, not merely whether those diseases have been diagnosed in certain species. These scholarly monographs document the incredible resiliency of llamas to paratuberculosis and other diseases, as compared to other livestock animals, and their manifestly unlikely role as paratuberculosis transmitters.

Further, it appears that the primary scientific authority relied upon by the Agencies in crafting the Draft Plan's proposed llama prohibition is the very well-respected scholarship of Dr. Beth Williams of the University of Wyoming, one of the scientific panelists at the CSU Workshop. The Draft Plan states, in pertinent part:

Johne's Disease (paratuberculosis) transmission from domestic llamas has been identified as a potential threat to North American native ungulate species (Williams et. al., 1979, 1985).

Ex. 1 at 35.

In fact, nothing in either the 1979 or 1985 monographs published by Dr. Williams and her colleagues supports the above statement in the Draft Plan. The 1979 Williams article, entitled "Paratuberculosis (Johne's disease) in Bighorn Sheep and a Rocky Mountain Goat in Colorado," Ex. 3 1, essentially reports that paratuberculosis had been isolated and diagnosed in three Bighorn Sheep and a Rocky Mountain goat. In a brief introductory paragraph and as an aside, the 1979 monograph quite accurately mentions that paratuberculosis: has been reported in captive wild species, including white-tailed deer, roe deer, European red deer, moose, aoudad, mouflon, camel, bighorn sheep, reindeer, Japanese sika deer, water buffalo, yak, gnu, and llama.

Ex. 31 at 1 (citations omitted). Thus, while the 1979 Williams study acknowledged that paratuberculosis had been reportedly *diagnosed* in one llama, **the 1979 Williams monograph says absolutely nothing about whether llamas are remotely likely transmitters of paratuberculosis to "North American native ungulate species." as the Draft Plan represents to the public.**

Nor does the 1985 Williams study support the bald statement contained in the Draft Plan that "(paratuberculosis) transmission from domestic llamas has been identified as a potential threat ...  
11 Entitled "Lymphocyte blastogenesis, complement fixation, and fecal culture as diagnostic tests for paratuberculosis in North American wild ruminant and domestic sheep," Ex. 29, the 1985 American Journal of Veterinary Research article by Dr. Williams and her co-authors **does not even mention the word "llama."** Indeed, one of the co-authors of the 1985 Williams study is Oregon State University Veterinarian Dr. Stanley Snyder who, as noted above, finds the risk of llama paratuberculosis transmission to be "quite remote." Ex. 9. Rather, the 1985 study discusses various methodologies for *diagnosing* the presence or absence of paratuberculosis in deer, elk, domestic sheep and Bighorn hybrid sheep, makes several recommendations about

methodological approaches to diagnosis, and suggests further study. As with the 1979 monograph before it, Dr. Williams' 1985 article could not fairly be read to support any view -- one way or the other -- about the transmission of paratuberculosis by llamas to any other animal, wildlife or domestic.

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Further, notwithstanding the silence of her 1979 and 1985 articles on the subject, Dr. Williams does have a strong view on the transmission issue: she categorically rejects precisely the interpretation of her scholarship being touted in the Draft Plan to support the proposed llama prohibition based on the risk of paratuberculosis transmission to Bighorn Sheep and native North American ungulate wildlife.

The rationale for prohibiting use of llamas and domestic goats in these areas is based on the statement "Johne's Disease (paratuberculosis) transmission from domestic llamas has been identified as a potential threat to North American native ungulate species (Williams et al., 1979, 1985)". **As author of the scientific papers cited as justification for prohibiting goats and llamas from these areas, I wish to point out that neither paper mentions llamas or domestic goats as "a potential threat to North American native ungulate species". In fact, the 1985 paper does not even mention llamas. Use of these citations, in the context of rationale for prohibiting llamas and domestic goats due to the potential transmission of paratuberculosis, is a gross misinterpretation of their context.**

**It is my opinion, based on years of studying mycobacterial diseases of wild species and knowledge of the scientific literature concerning paratuberculosis in a variety of wild and domestic species, that the risk of introduction of paratuberculosis (Johne's disease) via infected llamas into National Parks in the southwestern United States is insignificant.**

Ex. 22 (emphasis added).

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### **Resolutions And Policy Statements Of Other Governmental Agencies And Private Organizations**

BLM is not the first organization to determine that the scientific evidence concerning the transmission of Johne's disease does not justify a ban of llamas on public lands. In response to the Canyonlands decision, veterinarians in the Western States Livestock Health Association and the Western District United States Animal Health Association both passed a resolution recommending that no public lands be closed to llamas without sufficient scientific evidence indicating that disease transmission will occur. Ex. 36. The American Association of Small Ruminant Practitioners has also put forth a policy statement which states that the scientific evidence does not justify a ban of llamas on public lands. Ex. 37.

### **Regulatory Authority To Prohibit Llamas On Public Lands**

BLM's authority, as found in FLPMA, Executive Order No. 11987 (1977), 43 CFR

§ 8560. 1-1, and 50 CFR §§ 25.21, 25.31, 27.52, and 35.7, to regulate public lands is admittedly broad and discretionary. Obviously, and as the Agencies are aware, that broad discretion must nonetheless be exercised reasonably, rationally, and in the public interest. The Associations believe a prohibition on llama access to the Planning Area -- at the very least one based on the threat of paratuberculosis transmission to Bighorn sheep or other wildlife -- would be patently unreasonable and unjustified in light of the available scientific evidence.

In addition, the Draft Plan's implied classification of llamas as an "exotic species" is exceedingly inappropriate in light of other federal animal classification regulations, as well as the llama's long history in North America. First, the United States Department of Agriculture has classified llamas as farm animals, even when they are used solely as pack animals:

Farm animal means any domestic species of cattle, sheep, swine, goats, llamas, or horses, which are normally and have historically, been kept and raised on farms in the United States, and used or intended for use as food or fiber, or for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. This term also includes animals such as rabbits, mink, and chinchilla, when they are used solely for purposes of meat or fur, and animals such as horses and llamas when used solely as work and pack animals.

See, generally, 9 CFR § 1. 1. Further, llamas are the oldest domesticated farm animal in the New World and, in fact, the common ancestor of all camelids was indigenous to North America. See Ex. 35. Given this history, it is inaccurate to label llamas as "exotic" to the United States.

Since the authority granted by Executive Order No. 11987 (1977), 43 CFR § 8560. 1-1, is expressly limited to "exotic" animals, the Associations believe the Agencies would be acting ultra vires were they to rely on that Executive Order in taking any regulatory action respecting llamas, especially in light of the aforementioned USDA classification, as well as the "historic" presence of llama ancestors in North America.

### Conclusion

The Associations recognize that the protection of wildlife in the Planning Area is critical to maintaining the integrity and beauty of the Kofa wilderness area for future generations. The Associations also understand the additional, particularized importance of the Planning Area wildlife, since the Kofa wilderness serves as a vast resource for wildlife transplantation throughout the southwestern United States. The Agencies' legitimate and vital mission to protect our national wildlife heritage in the Planning Area and elsewhere is best served, however, by administrative decision-making that is transparent, open, and -- most important -- well founded in science, fact, and truth. In the important effort to protect precious wildlife, any reliance on speculation based on off-the-cuff remarks would taint any eventual regulation. Reliance on such "junk science" would serve only to undermine the legitimacy and credibility of the regulatory decision-making process itself. The Associations strongly urge the Agencies to weigh carefully and deliberately the available scientific data, which demonstrates a powerful disconnection between llamas and paratuberculosis transmission, before acting to implement the Draft Plan.

The Associations are confident that, following such a serious and fair-minded review, the Agencies will determine that there is no credible scientific basis for prohibiting pack llama

access to the Planning Area, as proposed in the Draft Plan and for the reasons stated therein. Finally, the Associations stand ready to assist the Agencies in obtaining any additional scientific information and testimony that might be necessary to fairly conclude this matter.

Very truly yours,

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A handwritten signature in black ink, appearing to read "Robert E. Casey". The signature is written in a cursive, slightly slanted style.

For GIBSON, DUNN & CRUTCHER

BEC/cvr

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*This proposal was considered by the Board of Game at the 2012 Statewide Regulations meeting. The board deferred it to the Interior Region meeting scheduled for March, 2012 for the purpose of reviewing additional information provided by ADF&G and the expectation that it be scheduled for the 2014 Statewide Regulations meeting.*

**PROPOSAL 40 - 5 AAC 92.037. Permits for falconry.** Allow nonresident falconers to capture raptors.

1. Nonresident falconers would be allowed to capture 3 gyrfalcons, 3 Peale's peregrines, 2 anatum peregrines, 2 tundra peregrines, 3 merlins, 3 goshawks, 3 red-tailed hawks and 3 sharp-shinned hawks. While there is no biological justification for such a limited capture according to the "*Final Environmental Assessment: Take of Raptors from the Wild Under The Falconry Regulations...*, USFWS June 2007 (FEA)" concerning the insignificance of falconry harvest on raptor populations), an initial conservative capture quota may allay some Alaska falconers' concerns over non-resident take. However, should the Alaska falconers and the Alaska Board of Game agree that the proposed non-resident, raptor capture quota is unnecessarily restrictive, AFC would support more liberal allowances.
2. Nonresident falconers would not be allowed to capture: eyass gyrfalcons in Game Management Units 13, 14 and 22; eyass goshawks in Unit 14C; eyass Arctic peregrines along the Sagavanirktok River; and eyass Anatum peregrines in Unit 20. Although AFC understands that very few wild raptors are captured by Alaska falconers, we believe the Unit restrictions reflect Alaska falconers' concerns over outside competition in areas favored by residents.
3. Applications for a nonresident capture lottery would be submitted between February 1st and March 31st. A nonresident quota on take may necessitate a lottery.
4. Unless other concerns surface, all other take provisions or limitations applicable to residents, such as capture seasons and off limit areas like the Colville River corridor, would also apply to non-residents.
5. Native Tribal Lands within Alaska's borders would be off limits for non-resident raptor capture unless authorized by the Native Corporation. Some Alaska falconers have voiced concerns about non-residents attempting to capture raptors on Native Lands. This is no different from other States and we propose that such activities be clarified in Alaska's provisions. To assist capture, AFC is willing to create maps depicting all Alaska areas closed to non-resident capture of raptors.

**ISSUE:** For reasons outlined herein, the American Falconry Conservancy (AFC) respectfully requests that the Alaska Board of Game adopt provisions to allow non-resident falconers to capture raptors in Alaska and bring them to their home States for falconry.

AFC is an association of North American falconers dedicated to the right of practicing the art and sport of falconry and to the conservation of raptors based on sound science and the rule of law. AFC has actively pursued opening the doors to non-resident U.S. falconers for wild raptor take in the handful of States that previously did not or presently do not have such provisions.

Over the last several years AFC was successful in convincing resident falconers in Minnesota, South Dakota, Montana, Nebraska and Colorado to open their doors to non-residents, and

provided technical assistance in achieving those ends. North Dakota has a legislative provision for non-resident take, but the Fish & Game Department needs to work out a regulatory framework for such provisions. To AFC's knowledge, the only States that do not have non-resident, raptor take provisions are West Virginia, Connecticut, Alaska and Hawaii. Hawaii is unique in that it has no falconry laws or regulations.

It is to Alaska that the falconry community now looks in hopes that the people of Alaska will invite their neighbors from other States to further share in Alaska's bountiful resources.

AFC has communicated with Alaska falconers to better understand their position on this subject. Some feel it is too complicated a proposition to undertake or are concerned about competition by non-residents in traditional resident capture areas; others are indifferent; and some agree that Alaska should be open to non-residents. This mirrors the same sentiments experienced in other States who recently adopted or are in the process of adopting non-resident, raptor capture provisions. The only difference AFC has observed between Alaska and other States is complacency within the falconry community in spearheading the process; to our knowledge neither Alaska nor at-large falconers have ever asked the Alaska Board of Game to open wild raptor take to non-residents.

Based on our conversations with members of the Alaska falconry community, AFC believes that if non-resident falconers were to concede to certain limits, Alaska falconers would be more comfortable embracing a non-resident, raptor capture program. With Alaska falconers' concerns in mind, AFC presents this proposal with the supporting justification for raptor capture by non-resident falconers:

The following points are presented in an effort to answer the broad question: If non-resident raptor take were to be implemented, what would this mean to the State of Alaska and Alaska falconers?

1.) No harm would come to raptor populations. Alaska has the largest populations of breeding raptors (among other raptor species, over 400 pairs of breeding gyrfalcons and 1000 pairs of breeding peregrine falcons) in the U.S., so non-resident capture of a few birds is a biological non-issue. There are approximately 4250 authorized falconers in the United States (FEA, p. 34), compared to millions of fisherman and hunters. The majority are flying captive bred raptors. The demand for wild raptors by falconers is far too small to have any effect on raptor populations (See tables 1, 2, and 3 on, respectively, pages 10, 29, and 33 of the attached FEA). Also, FWS has a wild raptor take limit of 2 birds per falconer per year. In addition, to our knowledge no State has experienced harvest pressures from resident and/or non-resident falconers to the point where intervention was warranted by State fish & game departments. What is more, the Alaska Board of Game has emergency powers to restrict or eliminate harvest should a particular raptor population experience a decline to the point where it is threatened. Owing to our long history of devotion to the conservation and protection of raptors, AFC in particular and the falconry community in general would be the first to support such restrictions where and when warranted. Historically, falconers have been a valuable resource for raptor knowledge and conservation and actually lead the charge in saving the peregrine falcon from extinction in the lower 48 when the peregrine became endangered; it was a falconer who discovered how to breed raptors in captivity and it was predominately falconers who then bred and released peregrines in reintroduction and restoration efforts.



2.) Considering Alaska's large size and its vast and robust raptor populations, and taking into account the proposed raptor quota numbers in this proposal, AFC is confident non-resident capture of raptors would have no negative effect on either the raptor resource or the resident falconers of Alaska. If anything, the adoption of non-resident take provisions would broaden Alaska falconers' liberties and opportunities for the following reasons:

a. Currently Alaska falconers are prohibited from capturing wild raptors from States that have non-resident, raptor capture reciprocity - you can capture in our State only if we can capture in yours - provisions (e.g. New Mexico, Montana, Alabama and Texas). Texas just recently adopted such reciprocity provisions, and other States are in the process of adopting such provisions. AFC is aware of at least one Alaska falconer who previously captured a red-tailed hawk from Texas. Also, around 2009-2010 Alaska falconers Mike Houser and Rio Bergman were warmly received by Oregon falconer Richard Hoyer who helped them trap red-tailed hawks in Oregon, which were then taken back to Alaska. Alaska would need to be open to falconers residing in reciprocity States if Alaska falconers wish to enjoy the raptor resource benefits of such States.

b. Nonresidents are able to provide locations of raptors taken in Alaska, which provides additional data (e.g. eyrie (nesting) locations when eyasses (nestlings) are taken) on Alaska's raptor resource at no cost to the Alaska Department of Fish & Game.

c. Additional revenue to the Department of Fish & Game would be beneficial. Like a nonresident big game permit, a \$200 permit fee would not be unreasonable. It should be noted, however, that most States' fees for non-resident, raptor capture are significantly lower and generally are on par with the administrative costs associated with issuing a capture license.

d. As in all tourist type activities, additional revenue would be brought into Alaska's economy by visiting falconers, which would benefit Alaska small businesses and increase Alaska State tax revenues.

e. One good turn often earns another – it is human nature that the prospect of reciprocity often compels one to go out of their way to assist ones neighbor. This is especially true and invaluable in falconry, where more often than not a neighboring state falconer possesses a more intimate knowledge of the raptor resources in his or her State and is more inclined to share such knowledge with and offer assistance to a non-resident if that non-resident is able and willing to reciprocate.

In an effort to further investigate the effects of non-resident take, AFC's Non-resident Take Liaison, Dr. Jim Ingram, contacted a number of State wildlife agencies and reports the following: "I contacted several of the most popular states for non-residents to trap raptors to see how many permits were given out on average. Texas – 8-15 permits per year, most resulted in taking a Harris' Hawk; Kansas – 15 permits per year, mostly redtails, and sometimes prairie falcons; Wyoming – 21 permits per year issued on average with only 12 resulting in a take (average annual take for goshawks is 3; for merlins 1.8; and for gyrs 0.16); Wisconsin – 4-5 permits per year, mostly Cooper's hawks; Florida – 3 permits per year, mostly merlins. None of these states, or their falconry communities, reported problems with their raptor populations as a result of nonresident take."

In general AFC proposes that the same rights and privileges provided to residents be provided to non-residents, as the Privileges and Immunities Clause of the U.S. Constitution instructs; unless some State difficulty arises where a less discriminatory method is unavailable to the State, in which case the State has the right to serve its residents' interests above non-residents. The various States manage non-resident capture in a variety of ways. The following are offered for the Alaska Board of Game's consideration:

1. The State of New York requires a hunting license and the submission of a "Raptor Capture Authorization" form, along with a copy of the permittee's falconry license.
2. Oregon provides a State capture permit. The applicant merely submits a completed form, a copy of his falconry permit, and \$10.
3. Kansas, which AFC believes is a very good model for non-resident take regulations, requires a Kansas hunting license and authorization, in the form of a letter from the fish & game department.
4. Alabama requires a hunting license and that the non-resident's home State also provides the same opportunity to Alabama falconers.
5. Wyoming charges a fee of \$201.00 to nonresidents and requires authorization from the fish & game department.
6. Upon submission of an application and a copy of a valid falconry permit from the applicant's home State, Minnesota issues a raptor capture permit at no charge to the applicant.

One might ask why Alaska should adopt non-resident take provisions. The simple answer is that access to our natural resources is a national issue in the sense that all Americans wish to be able to enjoy the outdoors in any State of the union. It is understood that we are one country, with a Constitution that obligates us to one another. Each region of our nation has features that provide unique opportunities and all Americans would like to have access to resources that appeal to them.

Alaska has very large numbers of, among others, 3 raptor species falconers are interested in accessing: gyrfalcons, peregrine falcons and goshawks. Table 1 on page 10 of the FEA informs us that the average annual nationwide harvest of these raptor species from 2003-05 was quite low (52.66 goshawks, 11.33 gyrfalcons and 10.66 peregrines) in relation to FWS's recommended annual harvest levels of 5 percent of the populations (450 goshawks, 82 gyrfalcons and 150 peregrines) and extremely low in relation to FWS's determination that "... many raptor populations can sustain eyass [nestling] or passage [juvenile] harvest rates of 10 percent to 20 percent, and sometimes higher" (See page 24 of Draft Environmental Assessment: Take of Raptors from the Wild Under The Falconry Regulations..., USFWS June 2006 (DEA)). The DEA also points out on page 5 that the take of nestling raptors by falconers provides "higher survival rates" compared to nestlings from unharvested nests. In addition, FWS falconry regulations only allow falconers to capture first year (juvenile) wild raptors, and individual general and master class falconers can take no more than two wild raptors per year.

It has been demonstrated that a non-resident capture of raptors would have no effect on the raptor resource or the falconers of Alaska. Since the raptor resource of Alaska far exceed any demand

that falconers would place on it, and since the mortality rate (or surplus) of first year raptors is high, the adoption of non-resident, raptor take provisions would conform with the sustainable yield principles expressed in the preamble of the Alaska Department of Fish & Game's Mission. Also, it is clear that non-resident, raptor take conforms to the Department's mission of developing the use of natural resources "in the best interest of the economy and the well being of the people" no differently than other presently allowed non-resident activities; such as outdoor tourism and all other forms of wildlife harvest.

Beyond the unique resources Alaska possesses, non-residents are often just as interested in pursuing the adventure Alaska has to offer for the same reasons non-resident fisherman and hunters expend thousands of dollars to travel to one of the most beautiful regions in the world. Falconers can purchase readily available goshawks, peregrines and gyrfalcons from raptor breeders at a lower cost than travel expenses to Alaska, so the reason falconers desire a trip to Alaska is not solely for a bird, it is for the adventure. Like many field sports, the art and sport of falconry embraces the magic in the journey as much or more than the destination or the outcome, - it is the means, not the ends that counts. Experiencing nature and spending time in the wild regions is at the very core of the art of falconry and nowhere is this more evident than in Alaska. Non-residents will feel the cost of this experience is money-well-spent with fond and lifelong memories. Like the sport fisherman, who does not relate the value of the experience on a cost per pound basis, falconers view the taking of wild raptors as an exceptional experience to be cherished with awe.

Presently, Alaska falconers are welcome in most of the lower 48 to take raptors and to travel with their trained falconry birds to hunt quarry not readily available to them in Alaska, or when the winter is too harsh to fly raptors in their home territory. It is our hope that Alaska will welcome non-residents falconers to their State to more fully enjoy their bountiful raptor resource.

AFC thanks the Alaska Board of Game for their consideration and we continue to offer our assistance in this important matter.

**WHO IS LIKELY TO BENEFIT?**

**WHAT WILL HAPPEN IF NOTHING IS DONE?**

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED?**

**WHO IS LIKELY TO SUFFER?**

**OTHER SOLUTIONS CONSIDERED:**

**PROPOSED BY:** American Falconry Conservancy

**LOG NUMBER:** EG052011501

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*This proposal was considered by the Board of Game at the 2012 Statewide Regulations meeting. The board deferred it to the Interior Region meeting scheduled for March, 2012.*

**PROPOSAL 44 - 5 AAC 92.052. Discretionary permit hunt conditions and procedures.**

Add a new discretionary authority that would allow the department to define specific seasons and methods and means of hunting for recipients of Governor's tags.

**ISSUE:** The Alaska Legislature established a Governor's tag program that authorizes the Department of Fish and Game to provide up to two big game harvest tags for Dall sheep, musk oxen, brown bear, moose, caribou and wolf for sale through auction. This program is intended to generate revenue for both the wildlife conservation organization that auctions the tags and the department. As currently designed the recipients of these tags hunt within the general season dates associated with the specific hunt. It has been recommended to the department that the value of these tags would be significantly enhanced if these hunters were allowed to hunt during a period when the general seasons were not open, or other modifications to methods and means were allowed for use of these tags. Since the primary beneficiary of the revenue from these tags is the general conservation of Alaska's game species, all hunters benefit indirectly from this program. Because the annual harvest is limited to two animals of each species, the population impacts of any adjusted seasons is insignificant relative to the opportunities available to other hunters.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** The Department of Fish and Game will continue to use the same seasons and dates that have been established for recipients of Governor's tags.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED?** Only two tags per species are awarded as Governor's tag and the harvest of these animals will have no impact on population or harvest management.

**WHO IS LIKELY TO BENEFIT?** Individuals that have received a Governor's tag.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED:** Seeking change to the legislation that created the program.

**PROPOSED BY:** Alaska Department of Fish and Game

**LOG NUMBER:** ADFG042811W

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*This proposal was considered by the Board of Game at the 2012 Statewide Regulations meeting. The board deferred it to the Interior Region meeting scheduled for March, 2012.*

**PROPOSAL 46 - 5 AAC 92.200. Purchase and sale of game.** Allow the sale of big game trophies.

Once a trophy is prepared for preservation as a trophy, the owner may sell, barter, or trade that trophy which the Board of Game recognizes as his personal property.

**ISSUE:** Restricting the sale of prepared trophies might have some prehistoric meaning to protect resources, cut down illegal harvest, etc. However, in 2012 trophies are tracked on paper by the hunter, then the commercial business preparing the trophy. Most have unique numbers. The likelihood that restricting sale of trophies will affect the same issue is very low.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Recognize a prepared trophy as personnel property and allowing the owner to do whatever he wishes to do.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED?** No.

**WHO IS LIKELY TO BENEFIT?** Hunters, taxidermists, others who wish to limit the interference with the use and disposal of private property

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED:** None

**PROPOSED BY:** Fairbanks Advisory Committee

**LOG NUMBER:** EG042811355

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*This proposal was considered by the Board of Game at the 2012 Statewide Regulations meeting. The board deferred it to the Interior Region meeting scheduled for March, 2012.*

**PROPOSAL 47 - 5 AAC 92.200. Purchase and sale of game.** Allow the sale of trophies acquired through legal action such as divorces.

Any game taken in Alaska that becomes the property of a person through legal action, i.e. divorce, death or other civil actions is allowed to dispose of the game through sale.

**ISSUE:** I inherited trophies from a divorce. I did not want them. I would like to sell them. I have a Dall sheep and a black bear hide. Please change your regulations for this category of owner of Alaska game.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Women who acquire game in a divorce are stuck with them or the disposal of them which is not cheap.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED?** Yes. Less illegally taken game because they will be available from these sales of owners who acquired the game parts to resolve a debt or other unfortunate circumstance.

**WHO IS LIKELY TO BENEFIT?** Women and children and debtors.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED:** Tax write offs do not feed children of divorced women.

**PROPOSED BY:** Mary Jane Sutliff

**LOG NUMBER:** EG032411289

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*This proposal was considered by the Board of Game at the 2012 Statewide Regulations meeting. The board deferred it to the Interior Region meeting scheduled for March, 2012.*

**PROPOSAL 109 - 5 AAC 85.015. Hunting seasons and bag limits for black bear.** Clarify and remove complicated or excessively restrictive regulations and ADF&G discretionary provisions pertaining to black bear hunting.

**Units 6-26 (except Unit 6C & D and 14C) Residents and nonresidents: No Closed Season**

**Units 6-26 (except 6D & C and the coastal areas of 15&7 as defined at the March 2011 Board of Game meeting) Residents and nonresidents:**

**Bag Limit - 3 bears**

**All intensive management areas where black bears are recognized as contributing to the decline of prey species;**

**Bag Limit - No Limit**

**ISSUE:** Black bear seasons and bag limits should be standardized as much as possible. Black bears are the most underutilized big game species in most areas of greater Alaska. Healthy populations harvested far below maximum sustained yield should allow for liberalization in most areas. Liberalization of black bear seasons and bag limits has shown to have little or no effect on sustainability in non-coastal areas. A three bear bag limit leaves enough room for the board to draw attention to areas in which bear numbers need to be reduced by establishing “no limit” bag limit in certain Intensive management areas.

This proposal consists of several consensus items from a black bear resource users’ group held at the March 2011 Board of Game meeting. All of these suggestions were approved by ALL members of the group. We have not included any items or suggestions that were not supported by all members of the group.

The intent of this group is to clarify and remove complicated or excessively restrictive regulations and ADF&G discretionary provisions pertaining to black bear hunting in Alaska Statewide but especially greater Alaska. Over the years bear hunting and baiting regulations have accumulated many unnecessary restrictions. We realize Southeast Alaska has unique issues pertaining to black bear hunting. Many of our suggestions are intended to be statewide. If Southeast Alaska is intended to be excluded we will state a specific area for the regulation (Units 6-26, etc.).

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Regulations will be needlessly complicated. Opportunities will not be realized for hunters that wish to take more bears than currently allowed. Increased harvest in some IM areas will continue only by burdensome predator control permits.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED?** No

**WHO IS LIKELY TO BENEFIT?** Bear hunters will have less confusing regulations and more options as to the time and numbers of bears they may take.

**WHO IS LIKELY TO SUFFER?** Those opposed to bear hunting. Those opposed to unlimited take in Intensive Management areas. Those that prefer complicated regulations.

**OTHER SOLUTIONS CONSIDERED:** No limit on black bears in all non-coastal areas. Five bear bag limit.

**PROPOSED BY:** The Greater Alaska Black Bear Committee

**LOG NUMBER:** EG051911496

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*This proposal was considered by the Board of Game at the 2012 Statewide Regulations meeting. The board deferred it to the Interior Region meeting scheduled for March, 2012.*

**PROPOSAL 119 - 5 AAC 92.044. Permit for hunting black bear with the use of bait or scent lures.** Establish a codified location for permitted black bear bait stations and establish seasons for all of Alaska.

(b) (xx) Bear baiting permits are valid for the following seasons.

**(A) In Units 1-5 spring black bear baiting permits will be valid April 15 - June 15 as long as there is an open black bear hunting season and unless baiting has been prohibited in an area by the Board of Game.**

**(B) In Units 6-26 spring black bear baiting permits will be valid April 1 - June 30 as long as there is an open black bear hunting season and unless baiting has been prohibited in an area by the Board.**

**(C) In Units 6-26 fall black bear baiting permits will be valid August 1 - October 15 as long as there is an open black bear hunting season and the board has authorized a fall baiting season.**

**ISSUE:** This regulation may be better served as a new 5AAC number of its' own. Although the board has recently passed modifications to black bear bait seasons in several Units there does not appear to be a place in codified regulations for these season dates. Black bear baiting seasons were traditionally set by ADF&G as a discretionary permit condition. In recent years the public has taken interest in black bear baiting seasons and presented several proposals to the board. Most of these proposals were presented as modifications to 5AAC 85.015 although bait seasons are not hunting seasons but permit dates. The board has passed several of these proposals in the last four years but it appears they have not been included in regulation. These modifications to regulation, presented by the public and passed by the board should be included somewhere in regulation.

This regulation will align spring and fall bear baiting season in most of Alaska. Spring seasons will be standardized in Southeast Alaska and in Greater Alaska. Fall seasons will also be standardized. Since fall baiting seasons are somewhat unusual in Alaska the board must authorize seasons in specific areas. All four areas where fall baiting is allowed currently have very different seasons.

This Proposal consists of several consensus items from a black bear resource users' group held at the March 2011 Board of Game meeting. All of these suggestions were approved by ALL members of the group. We have not included any items or suggestions that were not supported by all members of the group.

The intent of this group is to clarify and remove complicated or excessively restrictive regulations and ADF&G discretionary provisions pertaining to black bear hunting in Alaska statewide but especially greater Alaska. Over the years bear hunting and baiting regulations have accumulated many unnecessary restrictions. We realize Southeast Alaska has unique issues pertaining to black bear hunting. Many of our suggestions are intended to be statewide. If

Southeast is intended to be excluded we will state a specific area for the regulation (Unit 6-26, etc.).

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Hunters will continue to be confused by the disparity between codified regulations and “requirements” in the annual “handy-dandy” version of the regulations. The public will continue to come to the Board with proposals that do not have a proper place in regulation. Baiting seasons will be variable and confusing.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR THE PRODUCTS PRODUCED BE IMPROVED?** No

**WHO IS LIKELY TO BENEFIT?** Bear hunters that choose to hunt bears with the use of bait.

**WHO IS LIKELY TO SUFFER?** No one.

**OTHER SOLUTIONS CONSIDERED:** None.

**PROPOSED BY:** The Greater Alaska Black Bear Committee

**LOG NUMBER:** EG051911494

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*This proposal was considered by the Board of Game at the 2012 Statewide Regulations meeting. The board deferred it to the Interior Region meeting scheduled for March, 2012.*

**PROPOSAL 259 - 5 AAC 92.010. Harvest tickets and reports; 92.165. Sealing of bear skins and skulls; and 92.220. Salvage of game meat, furs, and hides.** Streamline the reporting, sealing and salvage of black bears.

**5AAC 92.010. Harvest tickets and reports.**

...

(l) For black bear, a person may not hunt black bear in Units 1-~~5~~[7, 11-17, 19(D), AND 20], except when a permit is required, unless the person has in possession a harvest ticket for the species and has obtained a harvest report (issued with the harvest ticket); **in Units 6-26 a person must first obtain a harvest report card (harvest tickets are not required).**

**5 AAC 92.165. Sealing of bear skins and skulls.** (a) Sealing is required for brown bear taken in any unit in the state, black bear of any color variation **need not be sealed unless sealing is required in designated areas for biological purposes by ADF&G area staff** [TAKEN IN UNITS 1 - 7, 11, 13 - 17, AND 20(B)], and a bear skin or skull before the skin or hide is sold. A seal must remain on the skin until the tanning process has commenced. A person may not possess or transport the untanned skin or skull of a bear taken in a unit where sealing is required, or export from the state the untanned skin or skull of a bear taken anywhere in the state, unless the skin and skull have been sealed by a department representative within 30 days after the taking, or a lesser time if requested by the department, except that

**5 AAC 92.220. Salvage of game meat, furs, and hides.** (a) Subject to additional requirements in 5 AAC 84 - 5 AAC 85, a person taking game shall salvage the following parts for human use:

...

(3) statewide from January 1 through May 31, the hide[, SKULL,] and edible meat as defined in 5 AAC 92.990, from June 1 through December 31, **either** the hide **or meat must be salvaged, in addition, the** skull of a black bear taken in a game management unit in which sealing is required, [AND FROM JUNE 1 - DECEMBER 31, THE SKULL AND EITHER THE HIDE OR EDIBLE MEAT OF A BLACK BEAR TAKEN IN UNIT 20(B);]

**ISSUE:** These changes are intertwined enough that we decided they should all be included in a single proposal even though they address three separate regulations. There are currently areas of the state that require sealing but not harvest reports or tickets; harvest tickets/reports but not sealing; some require both; and some require neither. There are also varying salvage requirements. These changes will not eliminate all reporting and salvage differences across all regions and units but it will greatly simplify the requirements to the public. Public compliance with regulations and reporting will be increased due to simplified regulations. This regulation change will clean up the current disparity in salvage, sealing, and harvest ticket/reporting.

**Reporting:** Black bear hunting in greater Alaska (GMU 6-26) will require a harvest report card but not harvest tickets. Sealing will be required only in those areas in which ADF&G area staff need biological data that can only be obtained by sealing. Units 1-5 will not change.

**Salvage:** Salvage requirements will be standardized statewide to require salvage of meat, and hide January 1-May 31 and meat or hide June 1-December 31. Skulls only need to be salvaged in areas where sealing is required.

This Proposal consists of several consensus items from a black bear resource users' group held at the March 2011 Board of Game meeting. All of these suggestions were approved by ALL members of the group. We have not included any items or suggestions that were not supported by all members of the group.

The intent of this group is to clarify and remove complicated or excessively restrictive regulations and ADF&G discretionary provisions pertaining to black bear hunting in Alaska Statewide but especially Greater Alaska. Over the years bear hunting and baiting regulations have accumulated many unnecessary restrictions. We realize Southeast Alaska has unique issues pertaining to black bear hunting. Many of our suggestions are intended to be statewide. If Southeast is intended to be excluded we will state a specific area for the regulation (unit 6-26, etc.).

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Hunters will continue to be confused by the sealing/harvest ticket/none situation in greater Alaska. Hunters will be required to salvage poor quality hides while meat hunting in the late spring, summer and fall.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCT PRODUCED BE IMPROVED?** Possibly; a hunter that is not required to salvage a hide and skull may be able to take better care of bear meat.

**WHO IS LIKELY TO BENEFIT?** Bear hunters will have less confusing regulations and more options as to the salvage of their animals.

**WHO IS LIKELY TO SUFFER?** No one

**OTHER SOLUTIONS CONSIDERED?** Allow the salvage of the meat OR hide year-round. Require sealing statewide but no harvest ticket/report.

**PROPOSED BY:** The Greater Alaska Black Bear Committee

**LOG NUMBER:** ADFGBOG259

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*The Board of Game approved an agenda change request to consider this proposal at the March 2012, Interior Region meeting.*

**Proposal 260 - 5 AAC 85.020. Hunting seasons and bag limits for brown bear.** Open brown bear season yearly and lengthen spring season in Unit 9B.

Units and Bag Limits	Resident Open season (Subsistence and General Hunts)	Nonresident Open season
(8)		
...		
Unit 9B		
1 bear every regulatory year by registration permit	Sept. 1-May 31 (Subsistence hunt only)	No open season.
1 bear every 4 regulatory years by registration permit only	Sept. 20-Oct. 21 [(ODD YEARS ONLY)] May 10- <b>31</b> [25] [(EVEN YEARS ONLY)]	Sept. 20-Oct. 21 [(EVEN YEARS ONLY)] May 10- <b>31</b> [25] [(EVEN YEARS ONLY)]
1 bear every regulatory year by registration permit only within 5 miles of the communities of Port Alsworth, Nondalton, Iliamna, Newhalen, Pike Bay, Pedro Bay, Pope Vanoy Landing, Kakhonak, Igiugig, and Levelock	July 1-June 30 (General hunt only)	No open season.
...		

**ISSUE:** This proposal was submitted as a companion proposal for the board to consider while reviewing intensive management options to increase moose harvests in Unit 9B. The proposal liberalizes the brown bear season in Unit 9B by allowing resident and nonresident hunters to take brown bear every year (the current season only occurs every other year) and by extending the spring season by 6 days.

Brown bears in Unit 9 are a highly sought after species that are managed to maintain high density and a high quality population. However these management goals are at odds with

other mandates to provide harvest opportunity for moose because of the effect brown bear predation has on moose calf survival. Brown bears in Unit 9B occur at a lower density (50 brown bears per 1000 sq. km) than other portions of Unit 9 and do not achieve the same skull size as bear populations that are more coastal. In this regard, the Unit 9B brown bear population is more similar to the brown bear population observed in Unit 17.

Moose occur at low densities in Unit 9B, and the reported moose harvest has declined to 26 moose in 2010. Unreported harvests are difficult to assess, but appear to be variable and may be significant in some years. The reported harvest is below the intensive management harvest objective of 100-250 moose.

The moose population in Unit 9B is limited in part by the availability of moose habitat, predation, poor calf recruitment, and unreported harvests; however the relative importance of each of these factors is unknown at this time. Much of Unit 9B is poor moose habitat, however, where moose occur, they appear to be in excellent nutritional status based on winter calf weights and pregnancy rates obtained from a study near Lake Clark. While there are many factors that likely limit the moose population in Unit 9B, predation by brown and black bears is thought to be the most important source of mortality affecting moose calf survival and recruitment based on the low calf:cow ratios in autumn and comparison with similar areas (Unit 16).

Liberalizing the brown bear season in Unit 9B would provide hunters with additional opportunity to harvest brown bears and could benefit moose calf survival, particularly if bears are taken during the spring calving season.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Moose harvest objectives for Unit 9B will not be achieved.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** This proposal may reduce the potential to harvest large brown bears from Unit 9B over time, but it is not expected to reduce the overall brown bear population significantly as observed in other areas. However if moose calf survival can be increased, more moose will be available for harvest in Unit 9B.

**WHO IS LIKELY TO BENEFIT?** Those who want to harvest more brown bears in Unit 9B.

**WHO IS LIKELY TO SUFFER?** Those who want brown bears to be managed as a trophy species in Unit 9B.

**OTHER SOLUTIONS CONSIDERED?** None

**PROPOSED BY:** Alaska Department of Fish and Game

**LOG NUMBER:** ADFGBOG260

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*The Board of Game approved an agenda change request to consider this proposal at the March 2012, Interior Region meeting.*

**PROPOSAL 261 - 5 AAC 85.020. Hunting seasons and bag limits for brown bear.** Modify the hunting season and bag limit for brown bear in Unit 9C.

Allow 1 brown bear per year (residents, no tag required; nonresidents, tag required.)  
Registration permit required for residents and nonresidents.  
Season dates for nonresidents: May 1 - June 30, and September 1 – October 31.  
Season dates for residents: Open year round.

**ISSUE:** Predator to game ratio. When consideration was made to create a problem bear permit hunt along the Naknek drainage there was no discussion of reducing the present brown bear hunting season in the Naknek River drainage. What happened was the elimination of the yearly spring/fall hunt in the Naknek River drainage. (Previously the brown bear season in the Naknek River drainage ran from may 1 – June 30 and September 1 – October 31.) Reducing the bear hunting season is a step backwards in trying to correct the predator situation in Unit 9C. Because of Katmai national Park we are being over-run with bears as they spill out of the protected park.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Continued low number of big game animals (moose and caribou).

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCT PRODUCED BE IMPROVED?** No

**WHO IS LIKELY TO BENEFIT?** Increased moose and caribou numbers.

**WHO IS LIKELY TO SUFFER?** Bears.

**OTHER SOLUTIONS CONSIDERED?** Getting rid of brown bear trophy area designation.

**PROPOSED BY:** The Naknek/Kvichak Advisory Committee

**LOG NUMBER:** ADFGBOG261

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*Note: The Board of Game approved an Agenda Change Request to consider this proposal at the 2012 Interior Region meeting.*

**PROPOSAL 262 - 5 AAC 92.003. Hunter education and orientation requirements.** Require hunter education for sheep hunting in the Red Sheep Creek and Cane Creek area in Unit 25A.

**5 AAC 92.003. Hunter education and orientation requirements**

(a) Beginning August 1, 2002, a person born after January 1, 1986 that is

...

**(h) A person hunting within the RED SHEEP CREEK / CANE CREEK PORTION OF ARCTIC VILLAGE SHEEP MANAGEMENT AREA (AVSMA) OF GMU 25A must possess proof of completion of a department-approved hunter ethics and orientation course (to include land status and trespass information) upon hunting in this area.**

**ISSUE:** Following the acceptance of the Agenda Change Request, the Federal Subsistence Board acted to close this area to non-federally qualified hunters.

Longstanding user conflicts between local and non-local users of the Red Sheep and Cane Creek drainages of the Arctic Village Sheep Management Area (AVSMA) in Unit 25A have resulted in repeated requests to close the area to sheep hunting to non-federally qualified subsistence hunters. Currently, proposals to close this area have been submitted to the Federal Subsistence Board and to the State Board of Game (Proposal 178) by the Eastern Interior RAC. Although the Department cannot support a closure under ANILCA as there is no conservation issue the Department has heard overwhelming testimony regarding user conflicts at recent Eastern Interior and North Slope Regional Advisory Council meetings. Conflicts the Department is aware of are primarily centered on trespass and littering on private allotments, and perceptions that non-local hunters using aircraft have displaced sheep from private allotments.

The Department of Fish and Game proposes to require an ethics and orientation class be completed prior to hunting in this area with the goal of minimizing user conflicts and retaining a state general season sheep hunt. This recommendation is the result of a mutually acceptable solution developed between the Department, the Eastern Interior Regional Advisory Council (EI-RAC), the Council of Athabascan Tribal Governments (CATG), and the Tanana Chiefs Conference (TCC). The goals of this proposal would be the following:

- Maintain a state general season sheep hunt in the Red Sheep and Cane Creek drainages of Unit 25A.
  - Provide information to users, including notification of land status to minimize user conflicts
  - Provide tools to law enforcement officials to cite for trespass and litter
- The Department currently envisions the following:
    - A onetime class modeled after the GMU23 Caribou requirement
    - Class delivered online
    - Required for all hunters
    - A curriculum developed in coordination with multiple entities including state and federal managers, subsistence division, enforcement, tribal, private land owners, users, and members of the affected RACs and ACs



- CATG has agreed to maintain a list of land owners and serve as a published point of contact for the general public to seek permission to use these lands. This solution serves to meet statutory requirements for notification of the public while protecting the privacy of landowners.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Ongoing user conflicts are expected to continue or escalate and calls to close the area to hunting will persist even in the absence of conservation concerns. Public trust in both state and federal staff will continue to erode causing negative perceptions. The Federal Subsistence Board recently closed this area for issues absent conservation concerns. This poor precedent erodes public trust in the process. If nothing is done the area is likely to remain closed unnecessarily resulting in lost opportunity.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** No change is expected to the quality of resources or products by adoption of this proposal.

**WHO IS LIKELY TO BENEFIT?** Land owners, Alaska residents who intend to exercise their right to access resources by hunting in this area.

**WHO IS LIKELY TO SUFFER?** Unethical hunters who are cited and fined for illegal activity may consider their experience suffering. Ethical hunters will incur a limited burden by taking a one hour one time class.

**OTHER SOLUTIONS CONSIDERED?** Do nothing: Solution rejected due to public outcry for resolve. Increase of enforcement efforts without changes to statute: Solution rejected due to expense of enforcement and complications associated with proper notice. Travel for enforcement is extremely expensive in this area. Upon contact by enforcement uncooperative violators may simply be notified of possible violation requiring further follow up. Require a permit to hunt and attach orientation to the permit: Solution rejected as unnecessary and burdensome. Absent conservation concerns, a yearly permit structure proves burdensome for both staff and users. A onetime class may easily be required absent a permit. Close the area to hunting to non-local or non-federally qualified subsistence users: Solution rejected given the absence of a conservation concern to warrant a closure under state or federal statutes or regulations within the jurisdiction of either the Federal Subsistence Board or Alaska Board of Game.

**PROPOSED BY:** Alaska Department of Fish and Game

**LOG NUMBER:** ADFGBOG262

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