

*Submitted by ADF&G for the purpose of discussion if the Board of Game determines an emergency exists.*

*DRAFT*

FINDING OF EMERGENCY

The Board of Game finds that an emergency exists and that the attached regulations are necessary for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency are as follows:

During the November 2010 Board of Game meeting, the Board passed proposal 26, dealing with the controlled use area (CUA) for fall black bear hunting in GMU 3. Due to a misinterpretation of the proposal, the intent of the proposal that was before the Board and passed in 2010 is not consistent with the regulation that was ultimately codified and implemented.

The analysis and recommendation presented by the department to the Board at the November 2010 meeting was not consistent with the wording in the proposal under consideration. When the proposal was submitted, the intent of the wording was to exclude certain road systems from the CUA. The department's presentation focused on excluding entire islands.

The department's original failure to accurately interpret and evaluate proposal 26 (as submitted) went undetected during several pre-Board reviews, and the error persisted through the Board's deliberations. As a result, the department presentation to the Board prior to deliberations on Proposal 26 inaccurately evaluated excluding "islands serviced by the ferry system" from the CUA, rather than excluding "road systems serviced by the ferry system." Had it been the intent of the department to replace "road systems" with "islands," such a change would have required a recommendation to amend and adopt the proposal. This did not occur.

In the case of Kupreanof Island, which has three independent road systems, two of which are isolated from the ferry system, the change in wording had noteworthy implications. The effect of the proposal (as written and appeared in the 2010 Board book) would have retained the CUA on that portion of the Kupreanof road system originating in Kake (which has ferry access), while excluding from the CUA the Tonka and Portage Bay road systems, which do not have direct ferry access.

If the regulation is not corrected, it will preclude black bear hunting on these isolated road systems with the use of off-road vehicles, limiting hunting access.

DATE: \_\_\_\_\_  
Juneau, Alaska

\_\_\_\_\_  
Cora Campbell, Commissioner  
Alaska Department of Fish and Game

FILING CERTIFICATION

I, Mead Treadwell, Lieutenant Governor for the State of Alaska, certify that on \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ a.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

\_\_\_\_\_  
Mead Treadwell  
Lieutenant Governor

Effective: \_\_\_\_\_.

Register: \_\_\_\_\_.