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## Ahtna Tene Nene' Supports a Tier II Any Bull Hunt Under the Following Conditions

If the Board's fails to take actions that reduce the number of groups to a number far below the current number;

Then Ahtna Tene Nene' supports a Tier II hunt for any bulls on the condition that:

**Tier II permits are only available to those households participating in the Copper Basin CSH for moose.**

Ahtna Tene Nene' believes a Tier II hunt for any bulls that is limited to households in the CSH are consistent with the current law. The Alaska Supreme Court held in *Alaska Fsh and Wildlife Conservation Fund v. State of Alaska and Ahtna Tene Nene'*, 347 P.3d 97, 104 (Alaska 2015):

"AS 16.05.258(b)(2) not only grants the Board the authority to differentiate between subsistence uses, it requires the Board to adopt regulations that "provide a reasonable opportunity for subsistence uses" of those game populations that are " customarily and traditionally taken or used for subsistence." Here, after the Board identified the two customary and traditional subsistence use patterns of moose and caribou in the Copper Basin -- the community use pattern and the individual use pattern -- it was statutorily required to " provide a reasonable opportunity" for these subsistence uses of the relevant game populations. The Board's findings described two very different use patterns, with different hunting areas and seasons, different parts of the animal consumed, and different cultural and social traditions associated with the hunt. Because both patterns are " subsistence uses," the Board was required to provide "reasonable opportunity" for each of them."

The BOG has found that an "any bull" and early August season is necessary to provide the CSH with a reasonable opportunity. The Alaska Supreme Court confirmed this in its ruling, 347 P.3d 97, 106 (Alaska 2015):

"We conclude, however, that the Board made findings sufficient to support some season and size differences between community and individual hunts.

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Simply put, the community hunts are more likely to occur close to home, where it is harder to find moose; a longer season and fewer size restrictions help counter this difficulty. During a 2011 Board of Game proceeding, a supporter of community hunts testified that the " 50-inch antlered moose is. .. pretty scarce around where I hunt and it's usually pretty warm. They're usually way up in the mountains. Having a restriction for 50-inch antlers. .. makes [it] a hardship for. .. getting a moose.. .. I took my daughter there last year, and. .. we saw a lot of bull moose, but. .. they aren't. .. 50-inch moose. All small antlers." At an earlier hearing in 2010, there was testimony that in early fall " all the moose are high during that time and the three brow tine and four brow tines are up high.. .. [Y]ou might find a spike fork near a road, but. .. people didn't really get any moose." The community use pattern may require a longer hunting season because community harvest hunters traditionally " keep hunting as close to home as reasonably possible," " travel[ ] shorter distances to hunt," and " still prefer to walk in to hunting areas and maintain permanent camps." If the community harvest permit holders hunt in the same areas each year and do not travel in search of better hunting opportunities, it is reasonable to conclude that they will need a longer season in order to find legal moose. In addition, the Board found in 2006 that community harvest hunters hand " down the hunting and fishing knowledge, values and skills through family oriented experiences," which require " relatively long summer and fall camping trips." Although the Board heard evidence that the individual hunt would also benefit from a longer season, we cannot say that the Board's adoption of a regulation setting a longer season and fewer size restrictions for the community hunt is arbitrary or unreasonable."

These quotes demonstrate that the Board is:

- mandated to provide a reasonable opportunity for those communities and households in the Copper Basin CSH for moose;
- That the requirement to provide a reasonable opportunity for the CSH is different and distinct from what the BOG determines is necessary for the other subsistence use pattern for moose in GMU 13.
- That the BOG has determined that the opportunity to take any bull moose and to have an extended season is necessary to provide a reasonable opportunity for the CSH;

It is clear also that the BOG determined that 100 any bull was the number and opportunity needed based on an assessment of what the original eight Ahtna communities needed to meet their needs.

Since the BOG made that 100 any bull determination in 2009, the CSH has expanded beyond anyone's expectation; from 447 eligible households in 2009 to 1,527 in 2016.

*There is simply no way that 100 any bull can provide a reasonable opportunity for 1,527 households.*

This is easily demonstrated by a few undisputable facts:

- In 2009, the communities that established the community pattern of use and the CSH for moose in the Copper basin area harvested 68 any bulls. In 2016 the same communities harvested 9 any bulls;
- In subunit 13E, the subunit quota of 26 was closed after being open only 4 days; In subunit 13B quota of 30 and the 13D subunit quota of 14 were closed on September 2. Therefore, 70 of the 100 quota was filled far too soon to provide a reasonable opportunity. During the short period the hunt was open, the hunting grounds were crowded and unsafe and the success rate was low.

*If there is not a reasonable opportunity for the any bull hunt, there must be a Tier II hunt for those who are subsistence users that are eligible for the CSH.*

- The 100 any bull are clearly to provide reasonable opportunity for those in the CSH
- The 100 any bulls ADFG has in the past determined can be taken from the GMU 13 moose population are clearly are not enough to provide a reasonable opportunity for all those eligible for the CSH.
- Therefore, a Tier II hunt is necessary if the number of eligible households in the CSH is not significantly reduced;
- If a Tier II hunt is necessary, it must be open only to those in the CSH, because it is these households that are not being afforded a reasonable opportunity.

*A Tier hunt within the Ahtna CSH group will result in youth participating in the hunt.*

Ahtna elders and others who receive a Tier II permit will incorporate the youth into the hunt to fill their Tier II permits.