

A photograph of a deer with small antlers standing in a lush green field with trees in the background.

ALASKA BOARD OF GAME

Meeting Workbook

RC1

Southeast Region Meeting

January 23-27, 2026

Wrangell, Alaska

ALASKA BOARD OF GAME
Southeast Region Meeting
Wrangell, AK | January 23 – 27, 2026

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ALASKA BOARD OF GAME
Southeast Region Meeting
James and Elsie Nolan Center
296 Campbell Drive, Wrangell, Alaska
January 23-27, 2026

TENTATIVE AGENDA

Note: This Tentative Agenda is subject to change throughout the course of the meeting. It 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.

Friday, January 23, 8:30 a.m.

OPENING BUSINESS

Call to Order / Purpose of Meeting
Introductions of Board Members and
Staff Board Member Ethics Disclosures

AGENCY AND OTHER REPORTS

PUBLIC & ADVISORY COMMITTEE TESTIMONY upon conclusion staff reports

THE DEADLINE TO SIGN UP TO TESTIFY WILL BE 10:00 a.m. Saturday, January 24. Public testimony will continue until persons who have signed up before the deadline, and who are present when called by the Chair to testify, are heard.

Saturday, January 24, 8:30 a.m.

PUBLIC AND ADVISORY COMMITTEE ORAL TESTIMONY continued

BOARD DELIBERATIONS upon conclusion of public testimony

Sunday, January 25, 10:30 a.m.

BOARD DELIBERATIONS upon conclusion of public testimony

Monday, January 26 8:30 a.m.

BOARD DELIBERATIONS continued

Tuesday, January 27, 8:30 a.m.

BOARD DELIBERATIONS continues/conclude

MISCELLANEOUS BUSINESS, including petitions, findings and policies, letters, and other business

ADJOURN

Agenda Notes

1. Meeting materials, including a list of staff reports, a roadmap, and schedule updates, will be available prior to the meeting at: <https://adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo%20> or by contacting ADF&G Boards Support Section in Juneau at 465-4110.
2. A live audio stream for the meeting is intended to be available at: <https://boardofgame.adfg.alaska.gov>
3. 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 465-6098 no later than two weeks prior to start of the meeting to make any necessary arrangements.



Alaska Board of Game

P.O. Box 115526

Juneau, AK 99811-5526

(907) 465-4110

<https://www.boardofgame.adfg.alaska.gov>

**ALASKA BOARD OF GAME
Southeast Region Meeting
January 23-27, 2026
James and Elsie Nolan Center, Wrangell, Alaska**

Tentative List of Oral Reports

Friday, January 23, 2026

1. Agency Updates/Reports
2. Southeast Region Overview for the Division of Wildlife Conservation, Anthony Crupi, ADF&G
3. Sitka Black-Tailed Deer Research, Tessa Hasbrouck, ADF&G
4. ADF&G Wolf Research in Southeast Alaska, Gretchen Roffler, ADF&G
5. Subsistence Overview – Lauren Sill and Emily Doll, ADF&G

Reports to be Provided during Deliberations

Regionwide

- Customary and Traditional Use Worksheet Presentation, Grouse and Ptarmigan, Units 1-5 – Emily Doll, ADF&G

Sitka Area – Unit 4

- Management Area Overview (Unit 4) – Steve Bethune, ADF&G

Juneau, Haines, Skagway & Yakutat Areas – Units 1C, 1D and 5

- Management Area Overview – and Carl Koch and Hannah Manninen, ADF&G

Ketchikan Area and Prince of Wales Island – Units 1A & 2

- Management Area Overview– Ross Dorendorf and Mark Williamson, ADF&G

Petersburg & Wrangell Area – Units 1B & 3

- Management Area Overview – Frank Robbins, ADF&G

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 for the Southeast and Southcentral Regions. The board will also address additional topics for other Game Management Units and statewide provisions including statewide reauthorization of antlerless moose hunts and brown bear tag fee exemptions as described below:

The following subject matter areas to be addressed for the Southeast and Southcentral Region, Game Management Units 1, 2, 3, 4, 5, 6, 7, 8, 14C, and 15 are:

- A. TRAPPING SEASONS AND BAG LIMITS for furbearers, including: Mink, beaver, fox, fisher, otter, wolf, lynx, and cougar/mountain lion.
- B. HUNTING SEASONS AND BAG LIMITS for all species, including: Moose, caribou, deer, black bear, brown bear, elk, goat, Dall sheep, wolf, lynx, cougar/mountain lion, small game including waterfowl, migratory game birds, ptarmigan, and grouse. In addition, restrictions to bag limits including skull size and sex for brown bear, and wounded animals, and the potential Tier I or Tier II subsistence hunting for each population; and the reauthorization of antlerless moose hunts.
- C. LICENSES, HARVEST TICKETS, HARVEST REPORTS, TAGS, FEES, AND PERMITS, including: Discretionary and required permit hunting and trapping conditions and procedures including requirements for nonresidents hunting elk, mountain goat and brown bear to be accompanied by a guide; special provisions for Dall sheep, mountain goat, moose, and brown bear drawing permit hunts including resident and nonresident permit allocation, and brown bear permit application requirements for nonresidents. Additionally, permits for hunting black bear with the use of bait or scent lures including same day airborne take of bear, restrictions near roads, and definitions for “permanent dwelling,” “publicly maintained trail/road”, and “developed recreational facility.”
- D. METHODS AND MEANS FOR TAKING BIG GAME, GAME, FUR ANIMALS, AND FURBEARERS, including: Lawful methods of taking big game and game including restrictions for taking big game between civil twilights , from boats, and the same day airborne take of goats; lawful methods of taking furbearers and fur animals including trap identification, signage, breakaway mechanisms, minimum size for jaw spread, use of night vision and cameras or other wireless communication devices, and restrictions for trapping near trails, trailheads, beaches, roads, and dwellings.
- E. POSSESSION, TRANSPORTATION AND THE USE OF GAME, including: Salvage requirements for black bear, sealing requirements for beaver, and evidence of sex and identity for moose.
- F. GENERAL PROVISIONS, including: Harvest guideline levels for wolves, requirements for trapping education, and requirements for hunter orientation and safety education.

- G. RESTRICTED AREAS, including: Areas closed to hunting and trapping including the Petersburg, Sitka, Thane, and Juneau Road Systems, Blind Slough, Anchorage River and Deep Creek drainages; proposed areas closed for trapping near roads, trails, beaches, structures, and campgrounds; controlled use areas including the Northeast Chichagof and Lower Kenai Controlled Use Area; and management areas including the Petersburg Management Area.
- H. INTENSIVE MANAGEMENT AND PREDATOR CONTROL IMPLEMENTATION PLANS including: Prey populations and populations having a positive finding as identified big game prey populations including sheep in Units 7, 14, and 15, and deer in Unit 2; and predator control of wolves to benefit deer in Unit 2.
- I. ADDITIONAL TOPICS: The board will address methods for taking beaver statewide (Proposal 272) at the Southeast Region meeting, January 23-27, 2026, and annual reauthorization of antlerless moose hunts and brown bear tag fee exemptions for other game management units (Proposals 249 – 261) at the Southcentral Region meeting, March 20-25, 2026.

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.

The board will also consider non-regulatory items during this meeting such as findings, letters, and delegations. Miscellaneous actions occur typically at the end of the meeting under miscellaneous business, but action may occur earlier in the meeting.

The proposed regulation changes are available on the Board of Game meeting websites at <https://adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo> or by contacting the ADF&G Boards Support Section Office at (907) 465-4110. Additional meeting information such as the roadmap, agency reports, and advisory committee and public comments will be added to the website as they become available.

Anyone interested in, or affected by, the subject matter contained in this legal notice should make written or oral comments to have their views considered by the board. You may comment on the proposed regulation changes, including the potential costs to the private persons of complying with the proposed changes, by submitting written comments by the announced deadlines listed below, limited to no more than 100 single-sided or 50 double-sided pages.

Written comments can be submitted to the Board of Game online at <https://boardofgame.adfg.alaska.gov>; by fax to (907) 465-6094; or mailed to the Alaska Board of Game, ADF&G Boards Support Section at P.O. Box 115526, Juneau, AK 99811-5526. **Comments must include a first and last name, community of residence, and the proposal numbers for which the comments pertain.** Comments without this information will not be indexed or included in the board meeting workbook, but they will be compiled and posted on the meeting information website. Written comments that are submitted are public records and are subject to public inspection.

The deadlines for receiving comments are January 9, 2026, for the Southeast Region meeting, and March 6, 2026, for the Southcentral Region meeting. Once the meetings begin, comments will be accepted online as record copies, by hand delivery at the meeting, or via fax to (907) 465-6094. Comments submitted during the meetings are limited to ten single-sided or five double-sided pages in length from any one individual or group.

As a practical matter, comments submitted after the board begins deliberations on relevant proposals are likely to receive less consideration than comments submitted earlier. Additionally, groups of people submitting numerous, form-like comments containing similar language during the meeting is not advisable, and Boards staff will be unable to process and distribute the comments to the board during the meeting. These types of comments will be grouped together or summarized for the board in a single submission.

The Board of Game shall consider all factual, substantive, and relevant comments in accordance with the Administrative Procedure Act, Alaska Statute 44.62.210. Comments having disparaging statements or personal attacks or information, will be withheld or redacted.

The public hearing portion of the meetings is scheduled for the beginning of each meeting following staff reports and will 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 and federal regional advisory council representatives may elect to provide testimony at a later portion of the meeting. Additional public hearings may be held throughout the meeting just before consideration and adoption of proposed changes in the regulations. The board will take oral testimony only from those who register before the cut-off time which will be announced by the board chair prior to the meeting. The length of oral testimony may be limited to three to five minutes or less for members of the public and 10 to 15 minutes or less for fish and game advisory committee and federal regional advisory council representatives. Everyone interested in, or affected by, the subject matter contained in this legal notice should make written or oral comments if they wish to have their views considered by the board.

TENTATIVE BOARD OF GAME MEETING DATES & LOCATIONS

Southeast Region Meeting

January 23-27, 2026

The James & Elsie Nolan Center

296 Campbell Drive

Wrangell, AK

Southcentral Region Meeting

March 20-25, 2026

Kodiak Marketplace

111 Rezanof Drive

Kodiak, AK

Any changes to meeting location, dates or times, or rescheduling of topics or subject matter will be announced by news release and posted on the board's website. Please watch for these announcements

or call (907) 465-4110. Please carefully review the **PROPOSAL INDEX and the additional proposal listing on the above-mentioned website** for all specific proposal issues to be addressed by the board.

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. 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 ARE ENCOURAGED TO COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

If you are a person with a disability who may need special accommodations in order to participate in this process, please contact ADF&G, Boards Support Section at (907) 465-4110 no later than two weeks prior to the beginning of the meeting to ensure that any necessary accommodations can be provided.

The ADF&G, Boards Support Section keeps a list of individuals and organizations interested in receiving emails for regulatory changes and board activities. Those on the list will automatically be emailed a copy of all of the board's notices of proposed regulation changes. To be added to the list, visit the website at <https://boardofgame.adfg.alaska.gov> or contact ADF&G Boards Support Section at (907) 465-4110.

Statutory Authority: AS 16.05, AS 16.30.

Statutes Being Implemented, Interpreted, or Made Specific: AS 16.05.255; AS 16.05.256; AS 16.05.258; AS 16.05.270; AS 16.05.315; AS 16.05.330; AS 16.05.340; AS 16.05.346; AS 16.05.405; AS 16.05.407; AS 16.05.780; AS 16.05.783; and AS 16.30.010 – .030.

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

DATE: December 5, 2025

/ S /

Kristy Tibbles, Executive Director
ADF&G Boards Support Section
(907) 465-6098

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(g))

1. Adopting agency: Alaska Board of Game
2. General subject of regulation: Hunting and trapping regulations for the Southeast and Southcentral Regions, and other miscellaneous provisions.
3. Citation of regulations: 5 AAC 84, 85, 92, 98, and 99
4. Department of Law file numbers (if any):
5. 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 and other miscellaneous provisions for the Board of Game Southeast and Southcentral Regions. Implement, interpret, or make specific the provisions of AS 16.05-16.30.
6. Appropriation/Allocation: Natural Resources and all RDUs; OMB Component Number 2048.
7. Cost of implementation to the state agency and available funding: It is not possible to estimate costs. However, this action is not expected to require an increased appropriation.
8. The name of the contact person for the regulations:

Name: Kristy Tibbles
Title: Executive Director, Board of Game
Address: Boards Support Section
Alaska Dept. of Fish and Game
PO Box 115526
Juneau, AK 99811-5526
Telephone: (907) 465-6098
E-mail: Kristy.tibbles@alaska.gov

9. The origin of the proposed action:

☒ staff of state agency
☒ federal government
☒ general public

10. Date: December 5, 2025,

Prepared by:

/S/

Kristy Tibbles, Executive Director
ADF&G Boards Support Section
(907) 465-6098

ALASKA BOARD OF GAME
Southeast Region Meeting
The James and Elsie Nolan Center | Wrangell, Alaska
January 23 – 27, 2026

TENTATIVE ROADMAP

Regionwide & Multiple Units (18 proposals)

- _____ **PROPOSAL 1:** Prohibit the take of big game animals between civil twilight of sunset until civil twilight of sunrise the following day in Units 1-5.
- _____ **PROPOSAL 2:** Prohibit the take of deer between civil twilight of sunset until civil twilight of sunrise the following day in Units 1-5.
- _____ **PROPOSAL 3:** Allow the same day airborne take of goats in Units 1-5.
- _____ **PROPOSAL 4:** Amend the definition of a "taken" mountain goat in Units 1-5 to align with the definition of a "taken" brown bear in Units 1-5.
- _____ **PROPOSAL 5:** Increase the brown bear bag limit in Unit 1 Remainder, to one bear every regulatory year instead of one bear every four regulatory years.
- _____ **PROPOSAL 6:** Align the wolf hunting seasons in Unit 1 by extending the seasons for Units 1B, 1C and 1D to May 31.
- _____ **PROPOSAL 7:** Align the wolf hunting seasons in Unit 1 by extending the seasons in Units 1A, 1B & 1C to May 31.
- _____ **PROPOSAL 8:** Establish an open season for hunting cougar in the Southeast Region.
- _____ **PROPOSAL 9:** Establish hunting and trapping regulations for taking mountain lion in the Southeast Region.
- _____ **PROPOSAL 10:** Remove the sealing requirement for beaver in Units 1-5.
- _____ **PROPOSAL 11:** Allow the use of cameras or other sensory devices that can send messages through wireless communication for trapping furbearers in Units 1-5.
- _____ **PROPOSAL 12:** Prohibit the use of night vision devices for taking furbearers in Units 1-5.
- _____ **PROPOSAL 13:** Prohibit the use of night vision for taking furbearers in Units 1-5, during state and federal deer seasons.
- _____ **PROPOSAL 14:** Change the bag limit for taking fisher from one to three per season in Southeast Region Units.

- _____ **PROPOSAL 15:** Remove the bag limit for trapping fisher in Units 1-5.
- _____ **PROPOSAL 16:** Shift the season dates for hunting migratory birds and waterfowl in Units 1-5 to October 8-January 22.
- _____ **PROPOSAL 17:** Change the bag limit for grouse in the Southeast Region.
- _____ **PROPOSAL 18:** Shift the hunting season for grouse in Units 1-5 to August 10 through May 31.

Sitka Area – Unit 4 (7 proposals)

- _____ **PROPOSAL 19:** Extend the resident hunting season for brown bear in Unit 4 to May 31.
- _____ **PROPOSAL 20:** Extend the season for the RB088 brown bear registration hunt from May 20 to May 31, to align the season for all of Lisianski Inlet in Unit 4.
- _____ **PROPOSAL 21:** Extend the season for the RB088 brown bear hunt in Unit 4, to align the season for all of Northeast Chichagof Island.
- _____ **PROPOSAL 22:** Lengthen the hunting season for brown bear in Unit 4.
- _____ **PROPOSAL 23:** Increase the nonresident bag limit for deer in Unit 4.
- _____ **PROPOSAL 24:** Modify the Northeast Chichogof Controlled Use Area in Unit 4, to exclude drainages near Tenakee Inlet.
- _____ **PROPOSAL 25:** Clarify the northern and southern boundaries of the Sitka Road System Closed Area in Unit 4.

Juneau, Haines, Skagway & Yakutat – Units 1C, 1D, & 5 (11 proposals)

- _____ **PROPOSAL 26:** Restrict hunters who take nanny goat in Unit 1C from hunting goat in Unit 1C for the following four regulatory years, and require nonresidents to forfeit nanny goats taken.
- _____ **PROPOSAL 27:** Change the bag limit for deer in Unit 1C, Douglas Island to four bucks.
- _____ **PROPOSAL 28:** Change the bag limit for deer in Unit 1C, Douglas Island to two bucks.
- _____ **PROPOSAL 29:** Require an antler restriction for bucks harvested in Unit 1C, Douglas Island to at least one forked antler on one side.
- _____ **PROPOSAL 30:** Establish a moose hunt for disabled hunters on state lands in Unit 5A, the Yakutat Region.
- _____ **PROPOSAL 31:** Expand the RB063 and RB073 brown bear resident hunt area in Unit 1C to include the Chilkat Range, and change the bag limit to one bear every year.

- _____ **PROPOSAL 32:** Expand the RB063 and RB073 brown bear hunt area in Unit 1C to include the Chilkat Range, and change the bag limit to one brown bear annually.
- _____ **PROPOSAL 33:** Change the bag limit for hunting brown bear in Unit 5, to one bear every regulatory year instead of one bear every four regulatory years.
- _____ **PROPOSAL 34:** Allow archery only hunting for big game in the Juneau Road System Closed Area in Unit 1C.
- _____ **PROPOSAL 35:** Open the area within 1/4 mile of Thane Road in Unit 1C, to taking big game by archery only.
- _____ **PROPOSAL 36:** Shift the ptarmigan season in Unit 1C to start August 15 instead of August.

Ketchikan Area & Prince of Wales Island – Units 1A & 2 (20 proposals)

- _____ **PROPOSAL 37:** Reduce the bag limit for deer in Unit 2 from four to three bucks.
- _____ **PROPOSAL 38:** Reduce the resident bag limit for deer in Unit 2 from four bucks to three.
- _____ **PROPOSAL 39:** Reduce bag limit for deer in Unit 2 from four bucks to two.
- _____ **PROPOSAL 40:** Reduce the nonresident bag limit for deer in Unit 2 from four bucks to one.
- _____ **PROPOSAL 41:** Reduce the nonresident bag limit for deer in Unit 2 from four bucks to one.
- _____ **PROPOSAL 42:** Change the nonresident start date for the deer hunting season in Unit 2 to August 15.
- _____ **PROPOSAL 43:** Increase the deer bag limit and extend the season length for residents and nonresidents on the Cleveland Peninsula.
- _____ **PROPOSAL 44:** Limit the nonresident permit allocation for the Unit 1A goat drawing hunt DG005, to “up to” 20% of the available permits.
- _____ **PROPOSAL 45:** Limit the nonresident permit allocation for the Unit 1A goat drawing hunt DG006, to “up to” 20% of the available permits.
- _____ **PROPOSAL 46:** Limit the nonresident permit allocation for the Unit 1A goat drawing hunt DG008, to “up to” 20% of the available permits.
- _____ **PROPOSAL 47:** Eliminate the Unit 2 meat salvage requirements for resident black bear hunting in May.
- _____ **PROPOSAL 48:** Increase the Unit 2 wolf population objective.

- _____ **PROPOSAL 49:** Change the season start date for wolf trapping in Unit 2 to December 15 or January 1.
- _____ **PROPOSAL 50:** Move the start date of the wolf trapping season in Unit 2 to December 15.
- _____ **PROPOSAL 51:** Extend the wolf trapping season to 45 days on Prince of Wales Island, Unit 2.
- _____ **PROPOSAL 52:** Add Unit 2 as an area for intensive management of wolves.
- _____ **PROPOSAL 53:** Require an online trapping education course for trapping wolves in Unit 2.
- _____ **PROPOSAL 54:** Require identification tags be attached to traps and snares in Unit 2 .
- _____ **PROPOSAL 55:** Prohibit the use of night vision and infrared devices for taking furbearers in Unit 2.
- _____ **PROPOSAL 56:** Prohibit the use of night vision and infrared devices for taking furbearers in Unit 2, during state and federal deer seasons.

Petersburg & Wrangell Areas – Units 1B & 3 (13 proposals)

- _____ **PROPOSAL 57:** Change the season, bag limit, and permit requirement for hunting elk on the Zarembo Island in Unit 3.
- _____ **PROPOSAL 58:** Open a registration hunt for elk on Zarembo Island in Unit 3.
- _____ **PROPOSAL 59:** Limit the nonresident permit allocation for the Unit 3, elk drawing hunt DE318, to “up to” 10% of the available permits.
- _____ **PROPOSAL 60:** Limit the nonresident permit allocation for the Unit 3 elk drawing hunt DE321, to “up to” 10% of the available permits.
- _____ **PROPOSAL 61:** Limit the nonresident permit allocation for the elk drawing hunt DE323, to “up to” 10% of the available permits.
- _____ **PROPOSAL 62:** Limit nonresident permit allocation for the Unit 3 elk drawing hunt DE324, to “up to” 10% of the available permits.
- _____ **PROPOSAL 63:** Adjust the season dates for the DE318 elk hunt in Unit 3, and open a new drawing hunt in September.
- _____ **PROPOSAL 64:** Eliminate the regulation that excludes broken, damaged, or altered antlers from the definition of spike-fork antlers for Units 1B, 1C and 3.
- _____ **PROPOSAL 65:** Remove the antler restriction for the moose hunt in Units 1B and 3 and replace with a shorter, any bull hunt in October.

- _____ **PROPOSAL 66:** Change the bag limit for hunting brown bear in Unit 3 to one bear every regulatory year.
- _____ **PROPOSAL 67:** Repeal the Petersburg Road System Closed Area in Unit 3, and add the area to the Petersburg Management Area, to allow for big game hunting by archery only.
- _____ **PROPOSAL 68:** Repeal the Blind Slough Closed Area in Unit 3, and add the area to the Petersburg Management Area, to allow for big game hunting by archery only.
- _____ **PROPOSAL 69:** Extend the grouse hunting season in Unit 3, to close June 15 instead of May 15.

Proposals for other Regions

- _____ **PROPOSAL 272:** Remove conflicting and redundant methods and means for taking beavers during trapping seasons across the state.

Proposals for the Southeast Region outside the Board of Game's Authority

The Board of Game may discuss the following proposals but does not have authority to take regulatory action.

- _____ **PROPOSAL 262:** Moose harvested under the horn restriction in Units 1B and 3, will be judged for legality by a committee.
- _____ **PROPOSAL 263:** Include elk in the list of species requiring a nonresident to be accompanied by a guide in Unit 3.
- _____ **PROPOSAL 264:** Modify the Unit 3 management goals for black bear to include a "trophy" quality objective by adjusting the average skull size harvest target to 19 inches.
- _____ **PROPOSAL 266:** Require ADF&G to use a plastic non-metallic sealing tag on hides and furs for trapping in Units 1-5.



Alaska Board of Game

P.O. Box 115526

Juneau, AK 99811-5526

(907) 465-4110

<https://www.boardofgame.adfg.alaska.gov>

Alaska Board of Game Members

| NAME AND ADDRESS | TERM EXPIRES |
|---|--------------|
| Jake Fletcher, Talkeetna, Chair Jacob.fletcher@alaska.gov | 6/30/2026 |
| Stosh (Stanley) Hoffman, Bethel, Vice Chair Stosh.hoffman@alaska.gov | 6/30/2026 |
| Allen (Al) Barrette, Fairbanks Allen.barrette@alaska.gov | 6/30/2028 |
| David Lorrington, Fairbanks David.lorrington@alaska.gov | 6/30/2026 |
| James Baichtal, Thorne Bay Jim.baichtal@alaska.gov | 6/30/2027 |
| Jake Garner, Anchorage Jake.garner@alaska.gov | 6/30/2027 |
| Carri Ann Mueller, Palmer Carriann.mueller@alaska.gov | 6/30/2028 |

Alaska Board of Game members may also be reached by contacting

Kristy Tibbles, Executive Director, Alaska Board of Game

Email: kristy.tibbles@alaska.gov | Phone: (907) 465-6098

<https://www.boardofgame.adfg.alaska.gov>

**Alaska Board of Game**

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Juneau, AK 99811-5526

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<https://boardofgame.adfg.alaska.gov>**ALASKA BOARD OF GAME****2025/2026 Cycle****Tentative Meeting Dates**

| Meeting Dates | Topic | Location | Comment Deadline |
|--|---|--|-----------------------------|
| January 22, 2026 (1 day) | Work Session | Wrangell James & Elsie Nolan Center | January 16, 2026 |
| January 23-27, 2026 (5 days) | Southeast Region Game Management Units 1, 2, 3, 4, and 5 | Wrangell James & Elsie Nolan Center | January 9, 2026 |
| March 20-25, 2026 (6 days) | Southcentral Region Game Management Units 6, 7, 8, 14C, and 15 | Kodiak Kodiak Marketplace | March 6, 2026 |

The Board of Game will meet via web conference to consider Agenda Change Requests following the November 1 deadline.

Total Meeting Days: 13

Proposal Deadline: Thursday, May 1, 2025

Agenda Change Request Deadline: Saturday, November 1, 2025

5 AAC 96.625. JOINT BOARD PETITION POLICY

(effective September 19, 2019)

(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. Annually, the boards solicit regulation changes through regulatory proposals described in 5 AAC 96.610(a). 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, and to other interested individuals.

(c) Copies of all proposals are available at local Department of Fish and Game offices and on the boards support section's website. When the proposal books are available, the advisory committees and 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 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 received under (a) of this section 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. It is the policy of the boards that a petition will be denied and not scheduled for hearing unless the problem outlined in the petition justifies a finding of emergency under AS 44.62.250(a). In accordance with state policy expressed in AS 44.62.270, emergencies will be held to a minimum and are rarely found to exist. Except for petitions dealing with subsistence hunting or subsistence fishing, 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. Petitions dealing with subsistence hunting or subsistence fishing will be evaluated under these criteria:

- (1) the petition must address a fish or game population that has not previously been considered by the board for identification as a population customarily and traditionally used for subsistence under AS 16.05.258; or
- (2) the circumstances of the petition otherwise must require expedited consideration by the board, such as where the proposal is the result of a court decision or is the subject of federal administrative action that might impact state game management authority.

(Eff. 9/22/85, Register 95; am 8/17/91, Register 119; readopt 5/15/93, Register 126; am 2/23/2014, Register 209; am 9/19/2019, Register 231)

Authority: AS 16.05.251, AS 16.05.255, AS 16.05.258

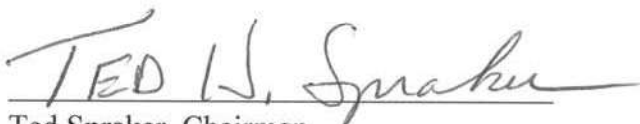
ALASKA JOINT BOARDS OF FISHERIES AND GAME

CRITERIA FOR DEVELOPMENT OF BOARD-GENERATED PROPOSAL

It has been suggested that criteria need to be established to guide the Alaska Joint Boards of Fisheries and Game, Board of Fisheries, and Board of Game (boards) members when deliberating on whether or not to develop a board-generated proposal. The boards will consider the following criteria when deliberating the proposed development and scheduling of a board-generated proposal:

1. Is it in the public's best interest (e.g., access to resource, consistent intent, public process)?
2. Is there urgency in considering the issue (e.g., potential for fish and wildlife objectives not being met or sustainability in question)?
3. Are current processes insufficient to bring the subject to the board's attention (e.g., reconsideration policy, normal cycle proposal submittal, ACRs, petitions)?
4. Will there be reasonable and adequate opportunity for public comment (e.g., how far do affected users have to travel to participate, amount of time for affected users to respond)?

Findings adopted this 16th day of October 2013.



Ted Spraker, Chairman
Alaska Board of Game
Vote: 6-0



Karl Johnstone, Chairman
Alaska Board of Fisheries
Vote: 7-0

Findings of the Alaska Board of Game
2023-227-BOG
BOARD OF GAME BEAR CONSERVATION, HARVEST,
AND MANAGEMENT POLICY
(Expiration Date: July, 2028
This policy supersedes BOG Policy #2016-214-BOG)

Purposes of Policy

1. To clarify the intent of the Board and provide guidelines for Board members and the Department of Fish and Game (Department) 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 a harvestable opportunity, food, predatory, and furbearer species.
3. To recognize the importance of bears for customary and traditional uses, 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, a unique species opportunity for nonresident and resident hunters, furbearers, , 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, the Department , and the Alaska Wildlife Troopers will continue to discourage people from feeding bears to provide viewing and will continue to enforce laws against persons who feed bears illegally.

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.

Bears can pose a threat to humans in certain situations. The Department has the regulatory authority to address human/bear conflicts and has developed a detailed approach to investigating incidents involving bears and humans. In addition, the Department has developed a detailed wildlife safety curriculum for use internally and by the public, with considerable focus on bears. The Department and the Board will continue to educate people about ways to minimize threats to humans and the resulting need to remove 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. The brown bear harvest has remained stable over the last 10 years, despite more liberal regulations governing take. 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 take an 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, and 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 62nd 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 by hunters for the unique hunting opportunity generally only found in Alaska and for viewing and photography. Bears found north of this line in Interior and Arctic Alaska; where densities are lower and which are usually 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 km² (450 bears/1,000 mi²). A population in Katmai National Park on the Alaska Peninsula was measured at 550 bears/1,000 km² (1,420 bears/1,000 mi²). In most interior and northern coastal areas, densities do not exceed 40 bears/1,000 km² (100 bears/1,000 mi²). Mean densities as low as 4 grizzly bears/1,000 km² (12 bears/1,000 mi²) 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 km² (175 bears/1,000 mi²) on the Yukon Flats to 289 bears/1,000 km² (750 bears/1,000 mi²) 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 km² (4,000 black bears/1,000 mi²).

In most areas of the state, black bears are viewed primarily as food animals, but they are also sought after for their fur/hides, and as predators of moose calves. The Board 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 mature bears are 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. Ensure subsistence uses of bears are provided in accordance with state law.
3. Ensure public safety near population centers.
4. 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.
5. Continue to provide for and encourage non-consumptive use of bears without causing bears to become habituated to human food.
6. Favor conventional hunting seasons and bag limits to manage bear numbers.
7. Encourage the human use of bear meat as food.
8. Employ more efficient harvest strategies, if necessary, when bear populations need to be substantially reduced to mitigate conflicts between bears and people.
9. 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.
10. Simplify hunting regulations for bears and increase opportunity for incidental harvest of grizzly bears in Interior Alaska by eliminating resident tag fees.
11. Recognize the increasing value of mature brown bears, especially in Units 1-6 and 8-10, and generate increased revenue from sales of brown bear tags.
12. Review and recommend revision to this policy as needed.

Conservation and Management Policy

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 all non-subsistence areas, the priority is to ensure continued subsistence uses of bears in accordance with state law. In some areas, such as the Kodiak Archipelago, portions of Southeast Alaska and the Alaska Peninsula, brown bears will generally be managed for mature adult bears for hunting, and for viewing opportunities. In Southeast Alaska and Prince William Sound, black bears will generally be managed as for sustainable populations for harvest, food animals, and viewing opportunities. In Interior and Arctic Alaska, black bears and grizzly bears will be managed primarily for sustainable populations, food animals, and predators of moose and caribou. Near population centers bears will be managed to ensure for public safety. 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 age class 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, drawing, or registration 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 provide for 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 promulgate regulations that allow the Department to 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 with the exception of baiting, 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. The Board allows baiting of black bears as a normal method of take in broad areas of the state and will consider allowing brown bear baiting as a normal method of take in select areas.

Vote: 7-0
January 19, 2023
Ketchikan, Alaska



Jerry Burnett, Chairman
Board of Game

**Findings of the Alaska Board of Game
2023-228-BOG
BOARD OF GAME WOLF MANAGEMENT POLICY
(Policy duration: Date of finding through July 2028
This policy supersedes BOG policy #2016-215-BOG))**

Background and Purpose

Alaskans are proud that wolves occur throughout their historic range in Alaska. Wolves are important to people for a variety of reasons, including as furbearers, big game animals, competitors for ungulate prey animals, for customary and traditional uses for Alaskans, and as subjects of enjoyment, curiosity, and study. Wolves are important components in the natural functioning of northern ecosystems. Over time, many people have come to appreciate wolves as exciting large carnivores that contribute significantly to the quality and enjoyment of life in Alaska.

The primary purpose of this policy is to provide guidance to the public, the Department, and the Board of Game on wolf management issues as the Board and the Department implement constitutional and statutory direction and respond to public demands and expectations. The Board recognizes the need for ongoing responsible wolf management to maintain sustainable wolf populations and harvests, and to help maintain sustainable ungulate populations upon which wolves are largely dependent. The Board also recognizes that when conflicts arise between humans and wolves over the use of prey, wolf populations may have to be managed more intensively to minimize such conflicts and comply with existing statutes (e.g. AS 16.05.255). Under some conditions, it may be necessary to greatly reduce wolf numbers to aid recovery of low prey populations or to arrest undesirable reductions in prey populations. In some other areas, including national park lands, the Board also recognizes that non-consumptive uses of wolves may be considered a priority use. With proper management, non-consumptive and consumptive uses are in most cases compatible but the Board may occasionally have to restrict consumptive uses where conflicts among uses are frequent.

Wolf/Human Use Conflicts

Conflicts may exist between wolves and humans when priority human uses of prey animals cannot be reasonably satisfied. In such situations, wolf population control will be considered. Specific circumstances where conflicts arise include the following:

1. Prey populations or recruitment of calves into populations are not sufficient to support existing levels of existing wolf predation and human harvest;
2. Prey populations are declining because of predation by wolves or predation by wolves in combination with other predators;
3. Prey population objectives are not being attained; and
4. Human harvest objectives are not being attained.

Wolf Management and Wolf Control

The Board and the Department have always distinguished between wolf management and wolf control. Wolf management involves managing seasons and bag limits to provide for general public hunting and trapping opportunities. These seasons provide for both subsistence and other traditional economic harvest opportunities and, as a side benefit, allow for participants to directly aid in mitigating conflicts between wolves and humans or improving ungulate harvest levels. In most cases trapping seasons will

be kept to times when wolf hides are prime. However, some hunters are satisfied to take wolves during off-prime months including August, September, April, and May. Opportunity may be allowed for such harvest.

Wolf control is the planned, systematic regulation of wolf numbers to achieve a temporarily lowered population level using aerial shooting, hiring trappers, denning, helicopter support, or other methods which may not normally be allowed in conventional public hunting and trapping. The purpose of wolf control is not to eradicate wolf populations. Under no circumstances will wolf populations be eliminated or reduced to a level where they will not be able to recover when control efforts are terminated, and wolves will always be managed to provide for sustained yield.

In some circumstances it may be necessary to temporarily remove a high percentage (>70%) of wolf populations to allow recovery of prey populations. In other situations, it may be necessary to temporarily remove a smaller percentage of wolf populations (40-70%) to allow prey populations to increase or meet human harvest objectives. Once prey population objectives have been met, wolf populations will generally be allowed to increase to or above pre-control levels.

During the 1997 review of predator control in Alaska by the National Research Council of the National Academy of Sciences (National Research Council 1997), only two clearly successful cases were found where increased harvests of ungulates resulted from control in the Yukon and Alaska. In the last 13 years since that review, several other programs have been successful, including programs in GMUs 9, 13, 16 and 19. In addition, there is now a thirty-year history of intensive wolf and moose management and research, including 2 periods of wolf control in GMU 20A. It is clear, and well documented, that periodic wolf control has resulted in much higher harvests of moose than could be realized without control (Boertje et al., 2009). Biologists now have considerable experience successfully managing moose at relatively high density (Boertje et al., 2007). The GMU 20A case history has provided a great deal of information on what biologists can expect from intensive management programs and these programs are scientifically well founded. However, GMUs are different ecologically and new information on which areas are best suited to intensive management programs will continue to be gathered.

Decisions by the Board to Undertake Wolf Control

Generally, there are two situations under which the Board will consider undertaking wolf control (implementing extraordinary measures outside normal hunting and trapping). In rare cases, control may be implemented where sustained yield harvests of ungulates cannot be maintained or where extirpation of ungulate populations may be expected. More commonly, the Board may implement wolf control to comply with Alaska Statutes (AS 16.05.255) where ungulate populations are declared “depleted” or where ungulate harvests must be significantly reduced, and these populations have been found by the Board to be important for “high levels of human harvest”. In most cases when wolf control is implemented, the Board will favor and promote an effective control effort by the public. Experience has shown that often a joint effort by the public and the Department has been most effective. However, the Board recognizes that there are areas and situations where the public cannot effectively or efficiently control predation and that the Department may, under its own authority and responsibilities, conduct the necessary wolf population control activities. Such situations arise in part because public effort to take wolves tends to diminish before an adequate level of population control is achieved. In areas where wolf reduction is being conducted, ungulate and wolf surveys should be conducted as frequently as necessary

to ensure that adequate data are available to make management decisions and to ensure that wolf numbers remain sufficient to maintain long-term sustained yield harvests.

Methods the Board Will Consider When Implementing Wolf Control Programs

- 1) Expanding public hunting and trapping into seasons when wolf hides are not prime.
- 2) Use of baiting for hunting wolves.
- 3) Allowing same-day-airborne hunting of wolves when 300 ft from aircraft.
- 4) Allowing land-and-shoot by the public.
- 5) Allowing aerial shooting by the public.
- 6) Allowing use of Department staff and helicopters for aerial shooting.
- 7) Encouraging the Department to hire or contract with wolf trappers and other agents who may use one or more of the methods listed here.
- 8) Allowing denning by Department staff and use of gas for euthanasia of sub-adults in dens.

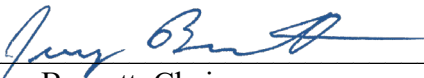
Terminating Wolf Control

Depending on the response to wolf control and ungulate population and harvest objectives, control may either be of short or long duration. In some cases, control may last less than five years. In other cases it may be an ongoing effort lasting many years. As ungulate harvest objectives are met, the Board will transition from a wolf control program to a wolf management program, relying to a greater extent on public hunting and trapping. In cases where ungulates respond very well and hunting is ineffective at controlling ungulate numbers for practical reasons, it may be necessary for the Board to restrict the taking of predators.

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Vote: 7-0
January 19, 2023
Ketchikan, Alaska



Jerry Burnett, Chairman
Board of Game

Findings of the Alaska Board of Game
2017-222-BOG
Alaska Board of Game Nonresident Hunter Allocation Policy
(This policy supersedes BOG policy #2007-173-BOG)

In consideration that Article 8 of the Alaska Constitution states that:

§ 2. General Authority — The legislature shall provide for the utilization, development, and conservation of all-natural resources belonging to the state, including land and waters, for the maximum benefit of the people.

§ 3. Common Use — Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use.

§ 4. Sustained Yield — Fish, forests, wildlife, grasslands, and all other replenishable resources belong to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses.

And, Alaska Statute 16.05.020 states that one of the primary functions of the commissioner of the Department of Fish and Game is to:

(2) manage, protect, maintain, improve, and extend the fish, game, and aquatic plant resources of the state in the interest of the economy and general well-being of the state.

And further, that; AS16.05.255 directs that the Board of Game, among other duties, may adopt regulations for:

(10) regulating sport hunting and subsistence hunting as needed for the conservation, development, and utilization of game.

(13) promoting hunting and trapping and preserving the heritage of hunting and trapping in the state.

The Alaska Board of Game establishes this document as a general statement of its views related to nonresident hunter participation in the State of Alaska.

The Alaska Board of Game finds that:

1. Carefully controlled hunting and trapping have been used since statehood to assure that Alaska's wildlife populations are healthy and sustainably managed. Alaska's wildlife populations are minimally impacted by the hunting pressure experienced today, and most hunted populations are either stable or growing. There are few remaining opportunities in North America where a hunter can experience both the quality of largely uninhabited and undeveloped environment, minimal private land ownership boundaries, or the type of hunting opportunities that Alaska has to offer. Alaska is the

only place in the United States where coastal brown bears, caribou and Dall sheep can be hunted, for instance, and there has been great demand for hunting opportunities of these species by U.S. and foreign citizens for many generations.

2. Alaska is one of the last remaining places in the United States where there are large segments of public lands open for general season hunting opportunities. The State of Alaska maintains authority for wildlife management across multiple land ownership designations yet the board recognizes that approximately 60% of the state remains in Federal ownership and is managed for the benefit of all U.S. citizens equally. In recognition of our state's constitutional mandate to manage the state's wildlife for the "common use" and "maximum benefit" of the people, the board has maintained a resident priority for hunting opportunities through management actions such as longer seasons, less restrictive antler requirements, resident tag fee exemptions, and lower licensing fees. The board has also maintained general season opportunity to the greatest degree possible for the benefit of all hunters, resident and visitor alike.
3. Under the Common Use Clause of the Alaska Constitution, access to natural resources by any person's preferred method or means is not guaranteed, and protecting public access to those resources requires an adaptive and informed balancing of demands and needs consistent with the public interest. As such, the state has considerable latitude to responsibly, equitably, and sustainably establish priorities among competing uses for the maximum benefit of the public.
4. From region to region, Alaska often has differing patterns of use, values, and traditions related to the harvest of game. Some areas welcome nonlocal hunters more readily than others, and other areas have little concern regarding who else is hunting the area, so long as local needs are met. The board has recognized that there is no single simple allocation formula that adequately covers the needs, desires, and historical use patterns of the diverse regions of our state.
5. Nonresident hunters have played a crucial and often undervalued role in support of Alaska's wildlife conservation efforts since Territorial times. Early in the last century, nonresident hunters partnered with Alaskan sportsmen to advocate for the conservation of brown bear and grizzly populations, perhaps most notably on Kodiak Island, which reversed territorial, and later state policy that was at one point directed toward the complete elimination of some segments of these populations by any means available. Nonresident hunting groups and resident hunters successfully advocated for the creation of McKinley National Park to address market hunting depletions of Dall sheep populations in that region, and later played an important role in advocating that National Park Preserves and National Wildlife Refuges in Alaska would not only allow for hunting, in the Alaska National Interest Lands Conservation Act, but that hunting and fishing would be recognized in law as priority uses under the National Wildlife Refuge System Improvement Act of 1997. These cooperative actions substantially protected continued hunting opportunities across large areas of federally managed lands in Alaska. More recently, nonresident hunters have contributed meaningfully in the

effort to prevent disease introduction in Alaska, and continue to be knowledgeable allies in safeguarding both our resources and our access to these resources in the face of external pressures.

6. Nonresident hunters typically harvest wildlife at low levels across the state, with few known exceptions. While most big game animal populations are typically harvested at a rate of less than 10 percent by nonresidents, there are some areas where it can be higher (e.g. nonresident sheep harvests averages between 35 and 40% annually and brown/grizzly bear harvests typically exceed resident harvest in much of the state.
 - The board recognizes that, in recent years, there has been a renewed effort to restrict or eliminate nonresident hunter opportunity, especially in relation to Dall sheep harvest. The board conducted an extensive survey of sheep hunter perceptions and experiences; requested that the Alaska Department of Fish and Game gather all known data regarding hunter participation and harvest rates statewide; and, convened a Dall sheep working group made up of Alaskan residents to discuss the known data, survey results, and issues more broadly in an open setting.
 - Nonresident hunter numbers are restrained due to many factors, such as the guide requirement for Dall sheep, mountain goat and brown bear/grizzly, a law primarily addressing hunter safety issues. This requirement also results in higher success rates due to the greater experience and area familiarity of hunting guides. Nonresident sheep hunters have also been limited by federal guide concessions, which have capped the number of guides in large portions of sheep ranges and held them to predetermined numbers on 10-year cycles. The competitive bidding nature for obtaining rights in these areas requires that guides hold to the number of clients they have proposed during their tenure, allowing for predictable participation and anticipated harvest rates.
7. Despite comparatively low participation and harvest rates for most species due to restricted opportunity, nonresident hunters provide the majority of direct funding into Alaskan wildlife management programs through relatively expensive license and big game tag fees. This level of funding has allowed for stable wildlife management and educational activities for decades. The additional benefit to wildlife management from receiving Pittman-Robertson matching funds, which come primarily from nationwide weapon purchases, cannot be overstated. The level of funding that nonresident license sales have provided for department survey and inventory programs, among other programs, has allowed the board to have increased confidence in providing for higher levels of harvest opportunities under sustained yield principles. Alaskan hunters have benefited most from these management programs through generally avoiding harvest quotas, draw permits, antler restrictions, and shortened seasons for the majority of hunt opportunities in Alaska. This enhances our ability to satisfy our legal mandate to manage, preserve and promote hunting and trapping throughout the state, while

providing the maximum benefit for all the people as Alaskans take home an estimated 90% of the big game animals harvested for their meat value in the state each year.

8. Nonresident hunters contribute substantially directly to the Alaskan economy through contracting with service providers, equipment rentals, supply purchases from local vendors, hotel and tourism related expenses, and meat processing and trophy expediting services. Visiting nonresident hunters are typically comprised of 80% of unguided hunters, 20% guided nonresident hunters, or hunters accompanied by second degree of kindred relatives.

- Unguided nonresident hunters often contract with air-taxis or transporters for transportation services to remote hunting locations and primarily focus their efforts on moose, caribou, deer, and black bear. Nonresident hunter dispersal through transportation services provides benefit to both resident hunters who find the more accessible hunting areas less crowded, and nonresident hunters who often have access to more remote areas that provide unique hunting settings or access to migratory resources. Unguided nonresident hunters often donate meat through their service providers to remote villages, especially portions of their moose and caribou, due to prohibitive transportation costs. There have been numerous complaints over the years related to donated meat quality, hunter crowding, overbooked services, and competition with local hunters related to air-taxi and transporter operations – resulting in the creation of controlled use areas to limit hunting-related aircraft use in several areas of the state and most recently both modified state and new federal controlled use areas in northwest Alaska. The board recognizes that these issues are not typically driven by lack of resource availability, but at times due to variance in wildlife migrations or weather and at other times unchecked competition for limited access points by multiple service providers. The board believes that these conflicts can be best addressed through greater oversight of transportation related services in our state rather than strictly limiting general hunting opportunity where resources are in many cases stable or abundant.
- Approximately 86% of registered or master guides in Alaska are Alaskan residents and upwards of 66% of assistant guides are Alaskan residents. Guided hunt opportunity is generally disbursed across the state on both state and federal lands, and to a lesser degree on private lands. A recent economic analysis of the economic impact of the guide industry notes that 3,242 guided nonresident hunters contributed approximately 87.2 million dollars to Alaska's economy in 2015, and supported 2,120 Alaskan jobs. A significant amount of game meat was donated by guided hunters in communities across the state during this same period, providing both economic relief and direct dietary benefit to mostly rural Alaskans. The benefit this brings to Alaskan communities is supported by testimony from across Alaska. There has been complaint regarding hunter crowding or competition for Dall sheep resources on state owned lands in several regions for a number of years and the board

has recently taken a very detailed look at these and other issues with the aid of a resident-comprised Dall sheep working group, as noted above. The board has advocated for the restoration of guide-concessions on state lands to both provide a comprehensive program to address quality of hunt issues such as these, and to assure that stewardship-based guided-hunt opportunities are provided in these areas.

- Recent data and testimony indicate that the trend of nonresident hunters accompanied by second degree kindred resident relatives for Dall sheep, brown bear, and mountain goat appear to be increasing. The board recognizes the high value of continued opportunity for Alaskans to share unique hunting opportunities with nonresident family members. The board has heard complaints that, in portions of the state, strictly limited permit opportunities for nonresident guide-required hunts have at times been taken to a large degree by second degree kindred hunters accompanied by resident relatives, an effect unanticipated when allocations were established. The board desires to address these issues in a manner that both protects the careful allocation frameworks that the board has already anticipated and determined as appropriate, and provide continued or expanded opportunity for Alaskans to maintain family centered hunting traditions with nonresident relatives where possible.

The primary goals and efforts of the Alaska Board of Game are directed toward the management of stable and healthy wildlife populations capable of producing harvestable surpluses to provide for a variety of uses and, at times, differing values of the public. While many uses of wildlife do not directly conflict with one another, such as wildlife viewing and hunting, with some notable exceptions, some consumptive uses do require thoughtful allocation decisions. Historically, the board has viewed meeting the subsistence needs of the Alaskan populace as its primary goal, as directed by state law.

Preferences have been granted by the state in the following order:

- 1) Alaskan Resident subsistence hunting - for all species with a customary or traditional use classification
- 2) Alaskan Resident general season hunting – for moose, deer, caribou, elk
 - Residents have longer seasons, more liberal bag limit and antler restrictions, and lower license and tag fees
- 3) Resident and Nonresident general season hunting – for Dall sheep, brown/grizzly bear, and mountain goat. Typically managed for trophy-related values.
 - Guide-required species for nonresidents can be a limiting (financial) factor for many nonresident hunters, in addition to license and tag fees
- 4) Nonresident Alien hunting – same as nonresident hunting
 - Guide-required for all big game species and with higher license and tag fees

The Alaska Board of Game has recognized the above inherent preferences and general practices that benefit Alaskan hunters and will continue to do so. In addition, the board will address allocation issues in the following circumstances, if season and/or method and means adjustments are deemed insufficient:

- 1) When there is suitable harvestable surplus - it is the board's policy to allow maximum opportunity for all hunters, within the bounds of sustained yield management practices, regardless of residency.
- 2) In times of non-hunting-related population decline - it will be the board's policy to restrict all non-subsistence hunting if it is predicted to contribute to the decline or have the potential to slow the recovery of these populations appreciably. Nonresident hunters will be restricted first in these circumstances, unless their portion of the overall harvest is deemed insignificant.
- 3) In times of hunting-related population decline – it will be the board's policy to identify the potential causes and address each case individually. Nonresident hunters will be restricted first in these circumstances, unless their portion of the overall harvest is deemed insignificant or the restriction of nonresident hunters does not address the primary cause of decline.
- 4) Nonresident hunting will not be authorized for any moose, caribou or deer population under a current intensive management predator control program until the minimum intensive management population or harvest objectives are met unless the board determines that such hunting will not adversely impact resident opportunity, will not adversely impact the recovery of the target population, and is determined to provide for the maximum benefit of the people of Alaska.
- 5) The board may choose to address areas of conservation, hunter overcrowding, or conflict issues by placing limitations on or between commercial service-dependent hunts, or request that the appropriate regulatory body address the service provider issue if it is beyond the board's authority. This may be accomplished by guided-only or non-guided-only permit stipulations for any species, as the board has done in several places in the past. Sustained yield will be the first test in these circumstances, then subsistence obligations, historical use patterns, and quality of hunt experience will be considered.
- 6) When a draw hunt is deemed necessary, allocation will be determined on a case by case basis and will be based upon the historical data of nonresident and resident permit, harvest or participation allocation over the past ten or more years. When a guided nonresident hunter applies for a drawing permit, proof of having a signed guide-client contract is required and contracting guides shall be registered in the area prior to the drawing. When a guide signs a guide-client contract, the guide is providing guiding services and therefore must be registered for the use area at that time.

- 7) The board has supported the reestablishment of state-managed guide concessions to address user conflicts and hunt quality issues for more than a decade. The board continues to support this avenue to address known conflict areas. It will be the board's policy to address nonresident allocations under state or federal concessions that have overlaying draw requirements in a manner that cooperates with land management efforts and goals, as deemed appropriate by the board.

Vote: 5-1-1

Adopted: November 17, 2017

Anchorage, Alaska

A handwritten signature in black ink, reading "TED N. Spraker". The signature is written in a cursive, slightly stylized font. The first name "TED" is in all caps, and "N." is a small initial. "Spraker" is written in a more fluid, cursive script.

Ted Spraker, Chairman
Alaska Board of Game

**Alaska Board of Game
2016-213-BOG
Findings Related to Proposal 207: Restrictions on the
Use of Aircraft Associated with Sheep Hunting**

To address complaints concerning misuse of aircraft, particularly during sheep hunting season, the Board of Game drafted a proposal to limit aircraft use associated with sheep hunting, later identified as proposal 207. This proposal was deliberated on during the January 8, 2015 Work Session Meeting held in Juneau, where the Board agreed to schedule the proposal to be addressed at the February 2015, Central/SW Regional meeting in Wasilla. The Board also held an evening “town hall” style meeting in February where approximately 165 people participated in a discussion concerning the use of aircraft during sheep season.

Recognizing there was opposition from those using aircraft and support from hunters that did not use aircraft, the Board deferred the proposal to the March 2015, Southcentral Region Meeting held in Anchorage to facilitate additional public comment. Proposal 207 was approved at this meeting with six members in support and one opposed, following a lengthy public testimony process.

A special meeting was then held on April 24, 2015 for the purpose of scheduling a future meeting to rescind the action taken by the Board on proposal 207, at the request of two Board members. A special meeting was held on May 28, 2015 to discuss the merits of retaining proposal 207. The request to rescind failed; with a vote of two supporting rescinding and five supporting the proposal.

The adopted language now reads: 5 AAC 92.085. **Unlawful methods of taking big game; exceptions....(8) a person who has been airborne may not take or assist in taking a big game animal until after 3:00 a.m. following the day in which the flying occurred, and from August 10 through September 20 aircraft may not be used by or for any person to locate Dall sheep for hunting or direct hunters to Dall sheep during the open sheep hunting season, however, aircraft other than helicopters may be used by and for sheep hunters to place and remove hunters and camps, maintain existing camps, and salvage harvested sheep.**

The purpose of this finding is to clarify the Board’s intent when adopting this restriction and address some of the commonly heard misinterpretations brought to Board members’ attention since the regulation became effective July 1, 2015.

Passage of proposal 207 is intended to:

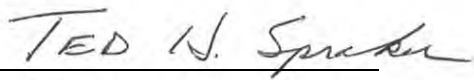
1. Specifically address public complaint that the Board of Game has heard for many decades regarding the controversial practice of hunting for wildlife from aircraft.
 - Since at least the 1970’s the Board of game has heard testimony regarding how hunting from an aircraft has both disrupted the efforts of other hunters through displacement of animals and also lowered the quality of experience for other hunters who do not use aircraft as a hunting tool.

- The Board recognizes that there has been increased complaint especially during the last decade regarding perceived crowding issues and increased competition among Dall sheep hunters in their efforts, despite less hunter participation than in previous decades, and that the practice of aircraft hunting may be contributing to these problems by disturbing both hunters and sheep populations themselves.
- Technological advances in small aircraft capability and the increasing popularity of short field performance educational videos have combined in recent decades, resulting both in increased aircraft dependent hunting methods and decreased number of areas where foot based hunters are able to go without competition from those who primarily hunt from the air and then land nearby in marginal conditions to pursue the sheep.

2. Prohibit the deliberate use of an aircraft for locating any Dall sheep for hunting purposes between August 10 and September 20. This precludes flying with the intention to generally locate Dall sheep and also making single or repeated passes to evaluate the location, type, or quality of specific animals. This prohibition is intended to apply to both the pilot and anyone that this information is communicated to during the open season, who has the intent to harvest a Dall sheep anywhere in the state.

- The prohibition is not meant to prevent the hunting of animals that were incidentally spotted while under the allowed provisions of this regulation (... **“to place and remove hunters and camps, maintain existing camps, and salvage harvested sheep”**.) so long as the aircraft is not being used for the purpose of locating Dall sheep for hunting purposes. **“From August 10 through September 20 aircraft may not be used by or for any person to locate Dall sheep for hunting or direct hunters to Dall sheep during the open sheep hunting season.**
- This prohibition was not intended to prohibit the hunting of Dall sheep in the present season, or following seasons, if the sheep were incidentally spotted by a pilot or passenger who are directly in route to or from a proposed camp or hunter drop-off or pick-up location, an existing camp or cache, or Dall sheep harvest location between the August 10 and September 20 hunting season.
- This prohibition does not preclude someone from legally harvesting any Dall sheep if it were incidentally spotted while directly in route to or from a proposed landing location.
- This prohibition does not intend to prevent any flight maneuvers that are necessary to make an informed and safe landing in the field.

Adopted: March 17, 2016
 Vote: 4-2-1
 Fairbanks, Alaska


 Ted Spraker, Chairman
 Alaska Board of Game

Alaska Board of Game
2013-200-BOG
Board Direction Concerning the Unit 4 Brown Bear Management Strategy
January 15, 2013

The Board of Game finds as follows, based on information provided by Department of Fish and Game staff, Alaska residents and other wildlife users:

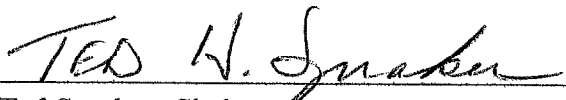
The Board directed the department to clarify the strategy with the following changes during the January 2013 meeting in Sitka:

- Base the bear population estimate on NE Chichagof Island on the most recent research data.
- Obtain a population estimate on South Admiralty Island.
- Wounding loss will not be included in the harvest mortality guidelines or calculations.
- Defense of Life and Property kills will be included in the estimate of total mortality and an effort to minimize these losses will be maintained.
- The department will develop minimum skull size for harvested females for use as a future tool to restrict guided hunter harvest of female brown bears, if and when necessary. The board intends for the department to inform the board of the department's intent to implement skull size guidelines before implementing them.

The Board acknowledges that the direction provided concerning these changes is the purview of the department under its discretionary and fiscal authority. The department will attempt to make the changes as directed, but may choose to exercise its authority in the future and make changes necessary to provide additional opportunity and cost savings.

The Board recognizes the need to have full cooperation by the USFS and private land owners in order for skull minimums to be successfully implemented. The Board will therefore send a letter to the USFS and private land owner leadership describing its intent and desire for the agency and NGOs to cooperate and work with the department.

Vote: 6-1
January 15, 2013
Sitka, Alaska

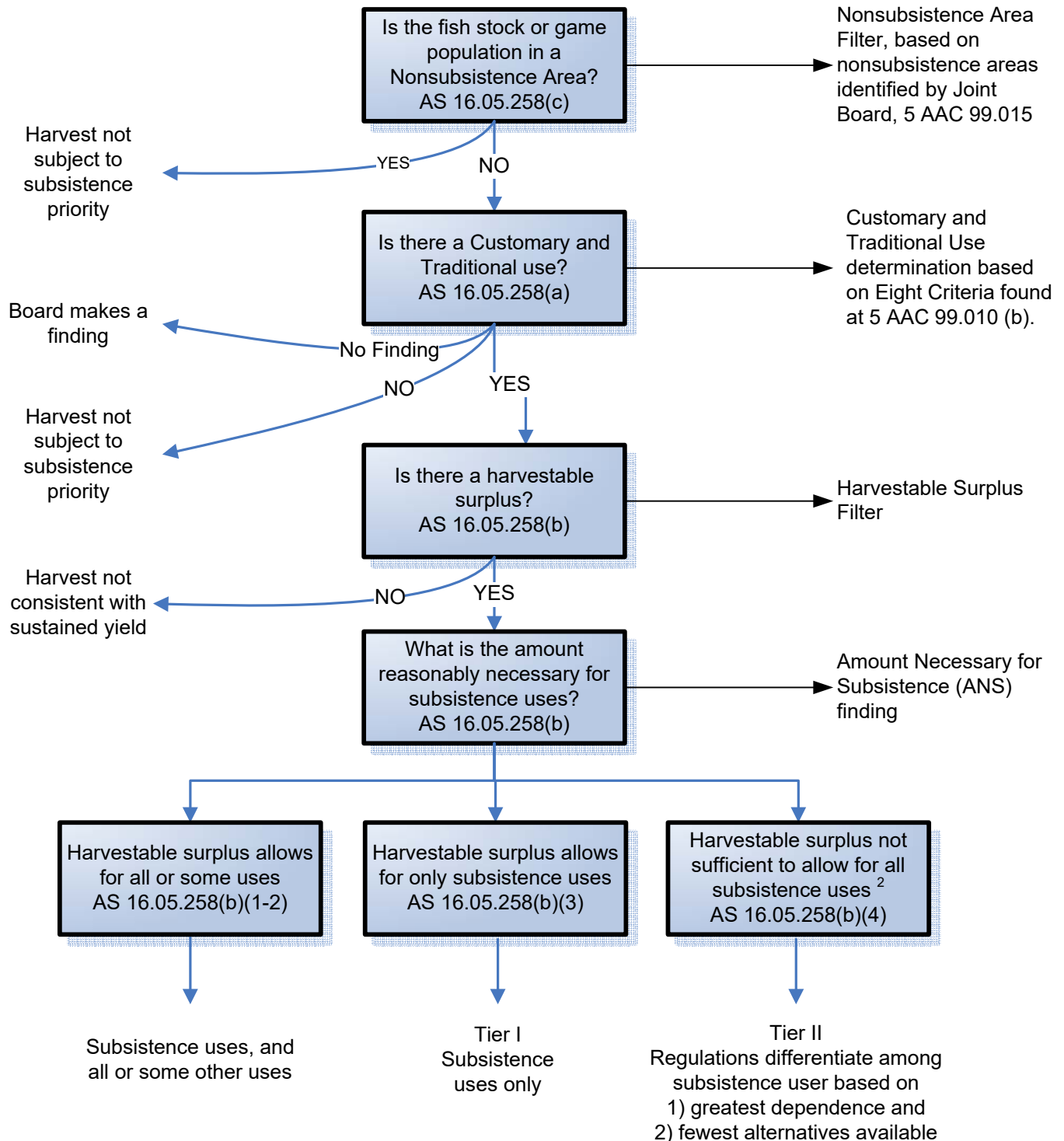

Ted Spraker, Chairman
Alaska Board of Game

State subsistence materials

1. Alaska Board of Fisheries and Game steps when considering regulations that affect subsistence uses (flowchart)
2. Board of Game subsistence regulatory process in six steps
3. Tier II or Not? Steps to analyze hunting opportunity, Board of Game
4. State subsistence statutes, with notes (AS 16.05.258, 16.05.259, 16.05.940)
5. State subsistence regulations (5 AAC 99)
6. Maps of the five current state nonsubsistence areas (Ketchikan, Juneau, Valdez, Anchorage-Matsu-Kenai Peninsula, Fairbanks)

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



² Harvestable surplus below lower end of ANS range

Alaska Department of Fish and Game
**Steps When the Board of Game is Considering Subsistence Uses and
Regulatory Proposals**

Note: these steps are based on those described in the state subsistence statute -- AS 16.05.258

1. Nonsubsistence Area Filter

Is the game population in the proposal in a nonsubsistence area? (*See* descriptions of these areas at 5 AAC 99.015; see also maps of these areas in board notebooks.) If all of the game population 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. To address game populations 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 game population by considering information about the use pattern or pattern(s) and applying the eight criteria found at 5 AAC 99.010. 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 uses further, unless the proposal is for reconsidering a negative finding. The board may periodically reconsider previous customary and traditional use findings.

3. Harvestable Surplus Filter

The board determines if a portion of the game population be harvested consistent with sustained yield, by considering biological information. If there is no harvestable surplus, then the board authorizes no harvest of the game under the sustained yield mandate, 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(s). If there has been a previous determination on the amount, then the board goes to Step 5. The board may periodically reconsider and update amounts reasonably necessary for subsistence.

5. Subsistence Regulations and Reasonable Opportunity Finding

The board determines and adopts subsistence regulations that provide a reasonable opportunity for subsistence uses, which is defined as an opportunity that allows a normally diligent participant with a reasonable opportunity for success in harvesting the game [AS 16.05.258(f)].

When the harvestable surplus meets or exceeds the amount determined by the board to provide a reasonable opportunity for success in harvesting, then further harvest restrictions are not necessary. Harvest regulations for other uses may be adopted by the board after subsistence regulations are adopted that provide a reasonable opportunity for success in harvesting.

If a proposal is for a reduction in subsistence harvest opportunity, regulations allowing harvest of the game population for other uses must be restricted first before restricting a reasonable opportunity for subsistence uses.

AS 16.05.258. Subsistence use and allocation of fish and game.

(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)

Administrative Code. — For subsistence uses, see 5 AAC 99.

Editor’s notes. — Sections 3 and 12, ch. 1, SSSLA 1992, which provided for a delayed amendment of this section, were repealed by §§ 1 and 2, ch. 1, FSSLA 1998 before the delayed amendment took effect.

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 or 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 areas 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).

Authority of Board of Game. — Section 1605.258(b)(2) not only grants the Alaska Board of Game 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. *Alaska Fish & Wildlife Conservation Fund v. State*, 347 P.3d 97 (Alaska 2015).

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).

Decision of the Alaska Joint Boards of Fisheries and Game to use the non-rural boundaries as starting points for their nonsubsistence determinations was not inconsistent with subsection (c) of this section. *State v. Kenaitze Indian Tribe*, 83 P.3d 1060 (Alaska 2004).

Decision of the Alaska Joint Boards of Fisheries and Game to use large nonsubsistence starting areas or even to combine two proposed areas did not exceed their discretion; although the boundaries encompassed relatively large areas, an “area or community” as the words are used in subsection (c) of this section may encompass several subdistricts grouped together. *State v. Kenaitze Indian Tribe*, 83 P.3d 1060 (Alaska 2004).

“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).

The state has a compelling interest in maintaining a healthy and sustainable king salmon population in the Kuskokwim River, and the population would be harmed if the court granted a religious exemption to allow all Yup'ik subsistence fishers to fish for king salmon according to their sincerely held religious beliefs without regard to emergency closures or gear restrictions. *Phillip v. State*, 347 P.3d 128 (Alaska 2015).

“Area or community.” — The term “area or community” is broad enough to encompass several subdistricts grouped together. *Native Village of Elim v. State*, 990 P.2d 1 (Alaska 1999).

The subsistence law leaves the determination of which geographic boundaries constitute a subsistence area or community to the discretion of the fisheries board. *Native Village of Elim v. State*, 990 P.2d 1 (Alaska 1999).

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).

Grouping of stock. — Since manageability is the key element in the classification of a category of fish as a “stock,” it was not unreasonable for the fisheries board to group salmon stocks together where it determined that subsistence users themselves “customarily and traditionally” took the species interchangeably. *Native Village of Elim v. State*, 990 P.2d 1 (Alaska 1999).

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).

In affirming the grant of summary judgment to the state in a management team’s challenge to 5 AAC 85.045, the court determined that the regulation violated neither the sustained yield principle of Alaska Const. art. VIII, § 4, nor AS 16.05.255 and this section; the Board of Game acted within its discretion in adopting the regulation that allowed for the issuance of “up to” 400 hunting permits in a controlled use area because creating a controlled use area did not necessarily amount to designating a relevant animal population for management purposes, and it was reasonable not to manage moose in the region as a distinct game population. *Koyukuk River Basin Moose Co-Management v. Bd. of Game*, 76 P.3d 383 (Alaska 2003).

Regulations held valid. — 5 AAC 99.010(b) is constitutional, consistent with its enabling statute, and reasonably necessary to carry out the purposes of the subsistence state. AS 16.05.251(a)(6) and 16.05.258(a) allow the Board of Fisheries, to create regulations for classifying fish, and for identifying the

particular fish stocks that align with subsistence use patterns; the subsistence statute provides a general definition of the requirements for subsistence use, but 5 AAC 99.010(b) provides definitions of each specific component, and guidelines for how they should be applied. *Alaska Fish & Wildlife Conservation Fund v. State, Dep't of Fish & Game*, 289 P.3d 903 (Alaska 2012).

Department of Fish and Game regulations promulgated by the Alaska Board of Game managing caribou hunting, were upheld because the Board's "amount reasonably necessary for subsistence" calculation did not implicate, or violate, the equal access, uniform application, or equal protection clauses of the Alaska Constitution; the Board included a broad variety of subsistence uses, and its definition applied equally to all citizens. *Manning v. State*, 355 P.3d 530 (Alaska 2015), cert. denied.

Summary judgment in favor of the Department of Fish and Game, upholding regulations promulgated by the Alaska Board of Game managing caribou hunting, was proper because considerable evidence justified the Board's "amount reasonably necessary for subsistence" calculation; the Board reasonably concluded that there was a reasonable opportunity for subsistence uses, and managing the Nelchina caribou hunt was consistent with the statute and was reasonable and not arbitrary. *Manning v. State*, 355 P.3d 530 (Alaska 2015), cert. denied.

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).

Board of Fisheries regulations that allowed the Department of Fish and Game to establish harvest limits through the permitting process held invalid; annual subsistence fishing harvest limit on sockeye salmon constitutes a "regulation" that was to be adopted by the Board of Fisheries in compliance with the Administrative Procedure Act. *Estrada v. State*, 362 P.3d 1021 (Alaska 2015).

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, 517 U.S. 1244, 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, 517 U.S. 1244, 116 S. Ct. 2499, 135 L. Ed. 2d 290 (1996).

AS 16.05.940. Definitions. In AS 16.05 — AS 16.40,

- (1) "aquatic plant" means any species of plant, excluding the rushes, sedges, and true grasses, growing in a marine aquatic or intertidal habitat;
- (2) "barter" means the exchange or trade of fish or game, or their parts, taken for subsistence uses
 - (A) for other fish or game or their parts; or
 - (B) for other food or for nonedible items other than money if the exchange is of a limited and noncommercial nature;
- (3) "a board" means either the Board of Fisheries or the Board of Game;
- (4) "commercial fisherman" means an individual who fishes commercially for, takes, or attempts to take fish, shellfish, or other fishery resources of the state by any means, and includes every individual aboard a boat operated for fishing purposes who participates directly or indirectly in the taking of these raw fishery products, whether participation is on shares or as an employee or otherwise; however, this definition does not apply to anyone aboard a licensed vessel as a visitor or guest who does not directly or indirectly participate in the taking; "commercial fisherman" includes the crews of tenders or other floating craft used in transporting fish, but does not include processing workers on floating fish processing vessels who do not operate fishing gear or engage in activities related to navigation or operation of the vessel; in this paragraph "operate fishing gear" means to deploy or remove gear from state water, remove fish from gear during an open fishing season or period, or possess a gill net containing fish during an open fishing period;
- (5) "commercial fishing" means the taking, fishing for, or possession of fish, shellfish, or other fishery resources with the intent of disposing of them for profit, or by sale, barter, trade, or in commercial channels; the failure to have a valid subsistence permit in possession, if required by statute or regulation, is considered prima facie evidence of commercial fishing if commercial fishing gear as specified by regulation is involved in the taking, fishing for, or possession of fish, shellfish, or other fish resources;
- (6) "commissioner" means the commissioner of fish and game unless specifically provided otherwise;
- (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;
- (9) "department" means the Department of Fish and Game unless specifically provided otherwise;
- (10) "domestic mammals" include musk oxen, bison, and reindeer, if they are lawfully owned;
- (11) "domicile" means the true and permanent home of a person from which the person has no present intention of moving and to which the person intends to return whenever the person is away; domicile may be proved by presenting evidence acceptable to the boards of fisheries and game;

- (12) “fish” means any species of aquatic finfish, invertebrate, or amphibian, in any stage of its life cycle, found in or introduced into the state, and includes any part of such aquatic finfish, invertebrate, or amphibian;
- (13) “fish derby” means a contest in which prizes are awarded for catching fish;
- (14) “fish or game farming” means the business of propagating, breeding, raising, or producing fish or game in captivity for the purpose of marketing the fish or game or their products, and “captivity” means having the fish or game under positive control, as in a pen, pond, or an area of land or water that is completely enclosed by a generally escape-proof barrier; in this paragraph, “fish” does not include shellfish, as defined in AS 16.40.199;
- (15) “fish stock” means a species, subspecies, geographic grouping, or other category of fish manageable as a unit;
- (16) “fish transporter” means a natural person who holds a fish transporter permit issued under AS 16.05.671;
- (17) “fishery” means a specific administrative area in which a specific fishery resource is taken with a specific type of gear; however, the Board of Fisheries may designate a fishery to include more than one specific administrative area, type of gear, or fishery resource; in this paragraph
- (A) “gear” means the specific apparatus used in the harvest of a fishery resource; and
- (B) “type of gear” means an identifiable classification of gear and may include
- (i) classifications for which separate regulations are adopted by the Board of Fisheries or for which separate gear licenses were required by former AS 16.05.550 — 16.05.630; and
- (ii) distinct subclassifications of gear such as “power” troll gear and “hand” troll gear or sport gear and guided sport gear;
- (18) “fur dealing” means engaging in the business of buying, selling, or trading in animal skins, but does not include the sale of animal skins by a trapper or hunter who has legally taken the animal, or the purchase of animal skins by a person, other than a fur dealer, for the person’s own use;
- (19) “game” means any species of bird, reptile, and mammal, including a feral domestic animal, found or introduced in the state, except domestic birds and mammals; and game may be classified by regulation as big game, small game, fur bearers or other categories considered essential for carrying out the intention and purposes of AS 16.05 — AS 16.40;
- (20) “game population” means a group of game animals of a single species or subgroup manageable as a unit;
- (21) “hunting” means the taking of game under AS 16.05 — AS 16.40 and the regulations adopted under those chapters;
- (22) “nonresident” means a person who is not a resident of the state;
- (23) “nonresident alien” means a person who is not a citizen of the United States and whose permanent place of abode is not in the United States;
- (24) “operator” means the individual by law made responsible for the operation of the vessel;
- (25) “person with physical disabilities” means a person who presents to the department either written proof that the person receives at least 70 percent disability compensation from a government agency for a physical disability or an affidavit signed by a physician licensed to practice medicine in the state stating that the person is at least 70 percent physically disabled;
- (26) “personal use fishing” means the taking, fishing for, or possession of finfish, shellfish, or other fishery resources, by Alaska residents for personal use and not for sale or barter, with gill or dip net, seine, fish wheel, long line, or other means defined by the Board of Fisheries;
- (27) “resident” means
- (A) a person who for the 12 consecutive months immediately preceding the time when the assertion of residence is made has maintained the person’s domicile in the state and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country;
- (B) a partnership, association, joint stock company, trust, or corporation that has its main office or headquarters in the state; a natural person who does not otherwise qualify as a resident under this

paragraph may not qualify as a resident by virtue of an interest in a partnership, association, joint stock company, trust, or corporation;

(C) a member of the military service, or United States Coast Guard, who has been stationed in the state for the 12 consecutive months immediately preceding the time when the assertion of residence is made;

(D) a person who is the dependent of a resident member of the military service, or the United States Coast Guard, and who has lived in the state for the 12 consecutive months immediately preceding the time when the assertion of residence is made; or

(E) an alien who for the 12 consecutive months immediately preceding the time when the assertion of residence is made has maintained the person's domicile in the state and who is neither claiming residency in another state, territory, or country nor obtaining benefits under a claim of residency in another state, territory, or country;

(28) "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;

(29) "seizure" means the actual or constructive taking or possession of real or personal property subject to seizure under AS 16.05 — AS 16.40 by an enforcement or investigative officer charged with enforcement of the fish and game laws of the state;

(30) "sport fishing" means the taking of or attempting to take for personal use, and not for sale or barter, any fresh water, marine, or anadromous fish by hook and line held in the hand, or by hook and line with the line attached to a pole or rod which is held in the hand or closely attended, or by other means defined by the Board of Fisheries;

(31) "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;

(32) "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;

(33) "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;

(34) "take" means taking, pursuing, hunting, fishing, trapping, or in any manner disturbing, capturing, or killing or attempting to take, pursue, hunt, fish, trap, or in any manner capture or kill fish or game;

(35) "taxidermy" means tanning, mounting, processing, or other treatment or preparation of fish or game, or any part of fish or game, as a trophy, for monetary gain, including the receiving of the fish or game or parts of fish or game for such purposes;

(36) "trapping" means the taking of mammals declared by regulation to be fur bearers;

(37) "vessel" means a floating craft powered, towed, rowed, or otherwise propelled, which is used for delivering, landing, or taking fish within the jurisdiction of the state, but does not include aircraft. (§ 2 art I ch 95 SLA 1959; § 9 art III ch 94 SLA 1959; am §§ 1 — 4 ch 131 SLA 1960; am § 23 ch 131 SLA 1960; am § 1 ch 21 SLA 1961; am §§ 1, 2 ch 102 SLA 1961; am § 1 ch 160 SLA 1962; am §§ 13, 14 ch 31 SLA 1963; am § 2 ch 32 SLA 1968; am § 3 ch 73 SLA 1970; am § 1 ch 91 SLA 1970; am § 4 ch 110 SLA 1970; am § 1 ch 90 SLA 1972; am § 5 ch 82 SLA 1974; am §§ 26, 82 ch 127 SLA 1974; am §§ 18 — 20 ch 206 SLA 1975; am § 12 ch 105 SLA 1977; am §§ 14, 15 ch 151 SLA 1978; am § 1 ch 78 SLA 1979; am § 1 ch 24 SLA 1980; § 4 ch 74 SLA 1982; am § 24 ch 132 SLA 1984; am §§ 9 — 11 ch 52 SLA 1986; am § 5 ch 76 SLA 1986; am § 1 ch 114 SLA 1988; am § 9 ch 145 SLA 1988; am § 3 ch 6 SLA 1989; am § 15 ch 211 SLA 1990; am § 18 ch 30 SLA 1992; am § 2 ch 49 SLA 1992; am § 3 ch 90 SLA 1992; am § 4 ch 1 SSSLA 1992; am § 4 ch 9 SLA 1994; am § 3 ch 38 SLA 1997; am § 4 ch 112 SLA 2003)

Revisor's notes. — Reorganized in 1983, 1986, 1989, 1992, 2003, and 2012 to alphabetize the defined terms and to maintain alphabetical order. Former paragraph (13) was renumbered as AS 16.05.662(b) in 1992.

Both § 2, ch. 49, SLA 1992, and § 3, ch. 90, SLA 1992 amended former paragraph (12), now paragraph (17) of this section, defining “fishery”. Because the latter amendment took effect first and included the former amendment, paragraph (17) is set out as amended by § 3, ch. 90, SLA 1992.

Editor's notes. — Sections 5 and 12, ch. 1, SSSLA 1992, which provided for a delayed repeal of former paragraphs (36) and (37), now paragraphs (7) and (8) of this section, defining “customary and traditional” and “customary trade” respectively, were themselves repealed by §§ 1 and 2, ch. 1, FSSLA 1998 before the delayed repeal took effect.

Legislative history reports. — For report on ch. 32, SLA 1968 (HCSCSSB 50 am), see 1968 House Journal, p. 169. For report on the 1974 amendment of former paragraph (2), now paragraph (4) of this section, defining “commercial fisherman,” ch. 127, SLA 1974 (SCSHB 817 am S), see 1974 House Journal, p. 657.

For legislative letter of intent in connection with the amendment to (4) of this section, defining “commercial fisherman,” by § 1, ch. 114, SLA 1988 (CSSB 309 (Res)), see 1988 Senate Journal 2027. For an explanation of the 1994 amendment of (10) of this section, defining “domestic mammals,” see 1994 House Journal Supplement No. 12, February 22, 1994, page 2.

Opinions of attorney general. — The paragraph defining “resident” did not grant special resident privileges to military personnel. 1964 Op. Att’y Gen. No. 2.

Term “customary trade” as used in the definition of “subsistence uses” allows for limited exchanges for cash other than for purely personal or family consumption. 1981 Op. Att’y Gen. No. 11.

Definition of “subsistence uses” in terms of “customary and traditional uses of wild, renewable resources” reflects the equating of “subsistence use” with use by rural residents. 1981 Op. Att’y Gen. No. 11.

A domestic or nondomestic animal becomes feral when it returns to a wild state. In the case of a partially domesticated or captive wild animal such as a fox that escapes, this generally means when the animal is no longer under the control of its owner or the owner is not in direct pursuit. In the case of a domestic animal such as a cow or pig that escapes, it is “feral” when it is living as a wild creature, and this may take more or less time depending on the circumstances. In the case of a domestic animal trespassing upon public lands, it could be declared “feral” under statute or regulation. July 30, 1987 Op. Att’y Gen.

The statutory term “feral domestic animal” found in the definition of “game” now (19) is a contradiction in terms; any regulatory clarification should focus on what is a “feral animal” and explain that the term “feral domestic animal” is interpreted to mean a domestic or domesticated animal that has become feral. July 30, 1987 Op. Att’y Gen.

If factual information supported the proposition that it is “customary and traditional” to make handicraft articles from sea otter skins, and if sea otters are or have been taken customarily and traditionally for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation, then skins of sea otters could be used for making handicrafts, even if the meat were not eaten. If sea otters were not customarily and traditionally taken for food, shelter, fuel, clothing, tools, or transportation, it would arguably not be permissible to harvest the animals only for handicraft purposes under subsistence regulations. Mar. 14, 1988 Op. Att’y Gen.

A member of the military who claims Alaska residency, and who is transferred to another state, may be allowed to obtain a “resident” rather than a “nonresident” hunting or fishing license in that state, based upon the service member’s military status. Alaska statutes allow for such a limited availability of resident licenses for military personnel who are stationed in Alaska but claim residency elsewhere. Determination of each service member’s status must be made on a case by case basis, but where the licensing and

residency laws of other jurisdictions mirror Alaska's, a service member may obtain a "resident" license in the other jurisdiction without forfeiting Alaska residency. 2003 Op. Att'y Gen. 14.

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).

Intent. — 5 AAC 99.010(b) is consistent with AS 16.05.940 because AS 16.05.940 is not intended to grant subsistence rights to any long-term users of an area, and it was proper to consider the cultural, social, and economic context in which a harvest takes place; even if personal use fisheries met the subsistence statute's consistency and duration requirements, they might not have carried the cultural, social, spiritual, and nutritional importance that the subsistence statute protects. *Alaska Fish & Wildlife Conservation Fund v. State, Dep't of Fish & Game*, 289 P.3d 903 (Alaska 2012).

"Customary and traditional." — 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 AS 16.05.258(a) and the definition of "customary and traditional" in this section. *Payton v. State*, 938 P.2d 1036 (Alaska 1997).

Since manageability is the key element in the classification of a category of fish as a "stock," it was not unreasonable for the fisheries board to group salmon stocks together where it determined that subsistence users themselves "customarily and traditionally" took the species interchangeably. *Native Village of Elim v. State*, 990 P.2d 1 (Alaska 1999).

Movement of bison. — In an appeal that challenged the efforts of the Board of Game to control, by regulation, the movement of bison that strayed outside the boundaries of two game ranches on Kodiak Island, the Board's failure to consider AS 16.05.940(10) fell short of what was required under the Supreme Court's standard, which examines whether the regulation conflicts with other statutes. *Ellingson v. Lloyd*, 342 P.3d 825 (Alaska 2014).

Single and multiple fisheries distinguished. — Alaska fisheries board erred in finding that the differences in equipment the board authorized for open and cooperative fishers did not create two distinct fisheries under the definition of "fishery" in this section; the fishery at issue was a single fishery within the statutory definition, and the board did not alter that fact by making detail changes to the type of equipment used by the cooperative fishers. *Alaska Bd. of Fisheries v. Grunert*, 139 P.3d 1226 (Alaska 2006).

Regulation held invalid because inconsistent with statutory law. — See *Madison v. Alaska Dep't of Fish & Game*, 696 P.2d 168 (Alaska 1985).

Quoted in *United States v. Skinna*, 915 F.2d 1250 (9th Cir. 1990); *Peninsula Mktg. Ass'n v. State*, 817 P.2d 917 (Alaska 1991); *Kodiak Seafood Processors Ass'n v. State*, 900 P.2d 1191 (Alaska 1995); *Koyukuk River Basin Moose Co-Management v. Bd. of Game*, 76 P.3d 383 (Alaska 2003). Stated in *State v. Carlson*, 65 P.3d 851 (Alaska 2003).

Cited in *Starry v. Horace Mann Ins. Co.*, 649 P.2d 937 (Alaska 1982); *State v. Eluska*, 698 P.2d 174 (Alaska Ct. App. 1985); *Arkanakyak v. State, Com. Fisheries Entry Comm'n*, 759 P.2d 513 (Alaska 1988); *Jurco v. State*, 816 P.2d 913 (Alaska Ct. App. 1991); *West v. State*, 248 P.3d 689 (Alaska 2010).

5 AAC 99.010. Boards of fisheries and game 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; and

(2) repealed 2/23/2014;

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

History: Eff. 5/30/82, Register 82; am 1/17/91, Register 117; am 5/15/93, Register 126; am 2/23/2014, Register 209

Authority: [AS 16.05.251](#)

[AS 16.05.255](#)

[AS 16.05.258](#)

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 Kalgin Island and 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) Repealed 2/23/2014.

History: Eff. 5/15/93, Register 126; am 4/28/94, Register 130; am 2/23/2014, Register 209; am 7/1/2016, Register 218

Authority: [AS 16.05.251](#)

[AS 16.05.255](#)

[AS 16.05.258](#)

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 or 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 subsistence fishing regulations will not be adopted by a board for a nonsubsistence area and the subsistence priority does not apply in a nonsubsistence area.

History: Eff. 5/15/93, Register 126; am 2/23/2014, Register 209

Authority: [AS 16.05.251](#)

[AS 16.05.255](#)

[AS 16.05.258](#)

5 AAC 99.021. Definitions

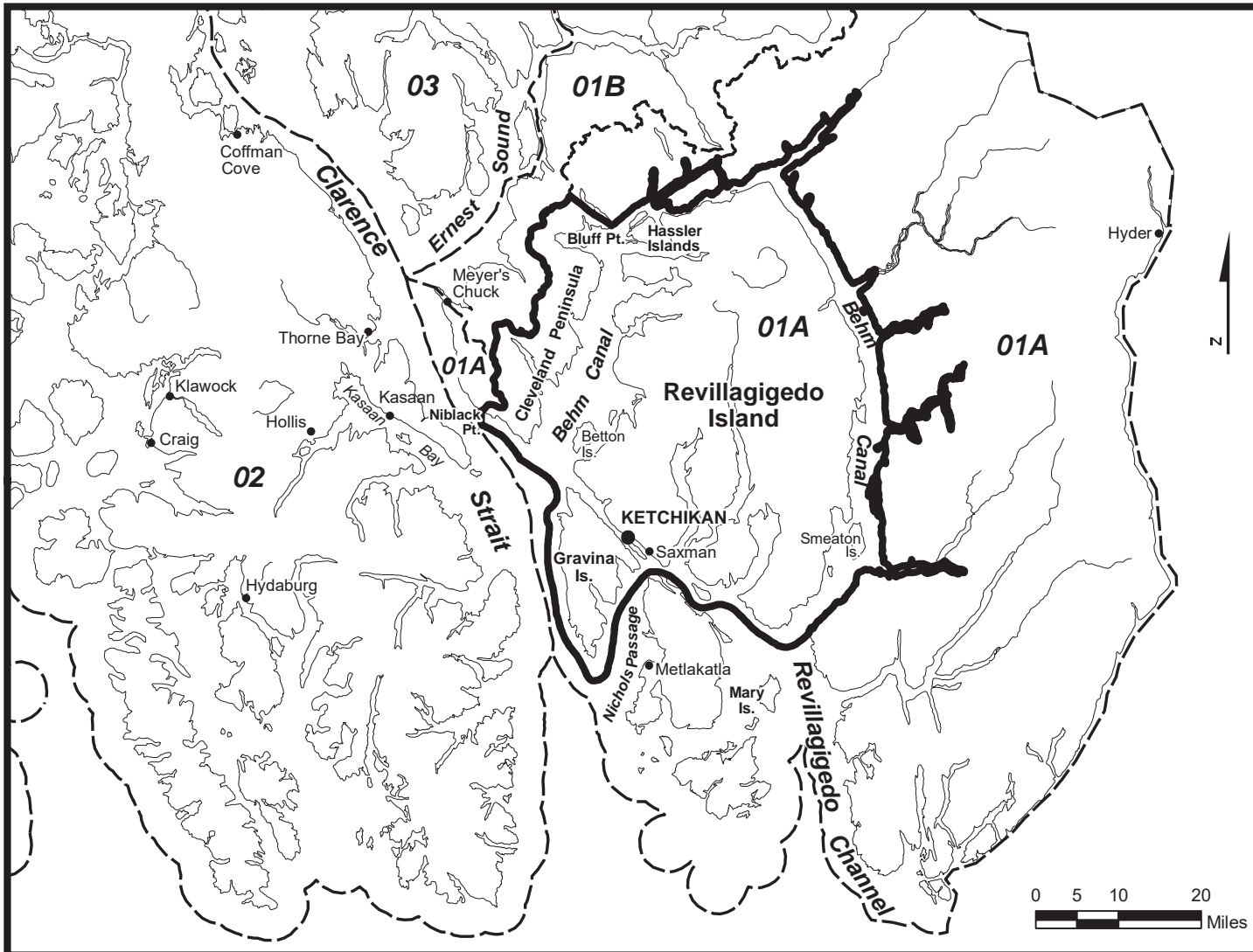
In addition to the definitions in [AS 16.05.940](#) , in this chapter,

- (1) "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 paragraph, "normally accessed" means that it is reasonably feasible to transport persons, food, and other supplies to domiciles by motorized highway vehicles;
- (2) "subsistence fishing" means the taking of, fishing for, or possession of fish, shellfish, or other fisheries resources by a resident of the state for subsistence uses with a gillnet, seine, fish wheel, longline, or other means defined by the Board of Fisheries;
- (3) "subsistence hunting" means the taking of, hunting for, or possession of game by a resident of the state for subsistence uses by means defined by the Board of Game;
- (4) "subsistence uses" means the noncommercial, customary and traditional uses of wild, renewable resources by a resident 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.

History: Eff. 7/31/87, Register 103; am 2/23/2014, Register 209

Authority: [AS 16.05.258](#)

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.

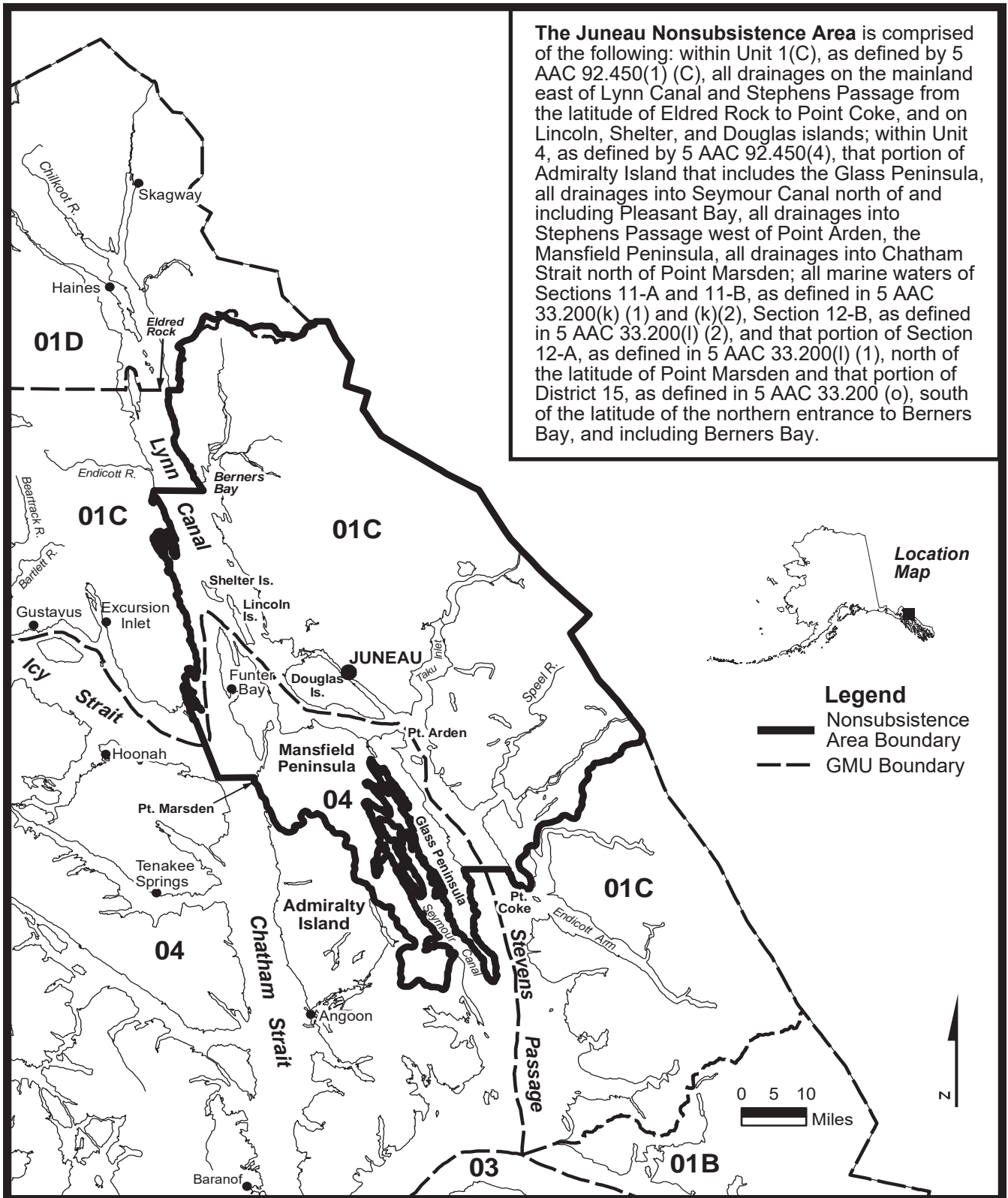


Legend

- Nonsubsistence Area Boundary
- GMU Boundary



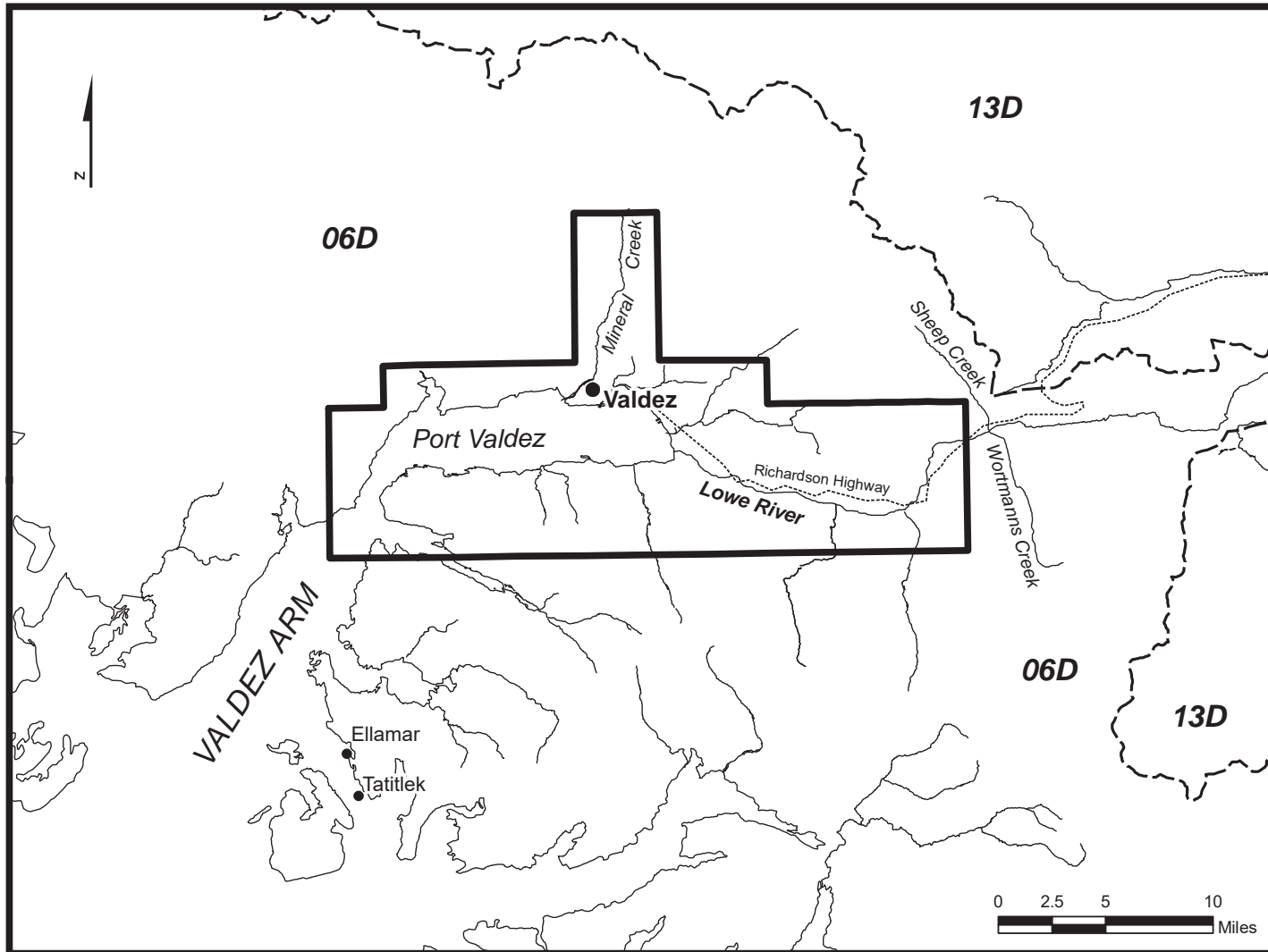
Juneau Nonsubsistence Area



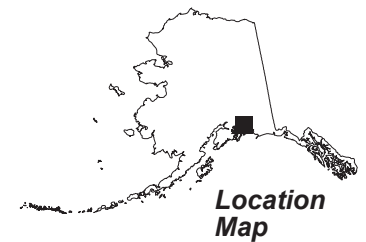
Alaska Department of Fish and Game
Division of Subsistence and Boards

September 2007

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.



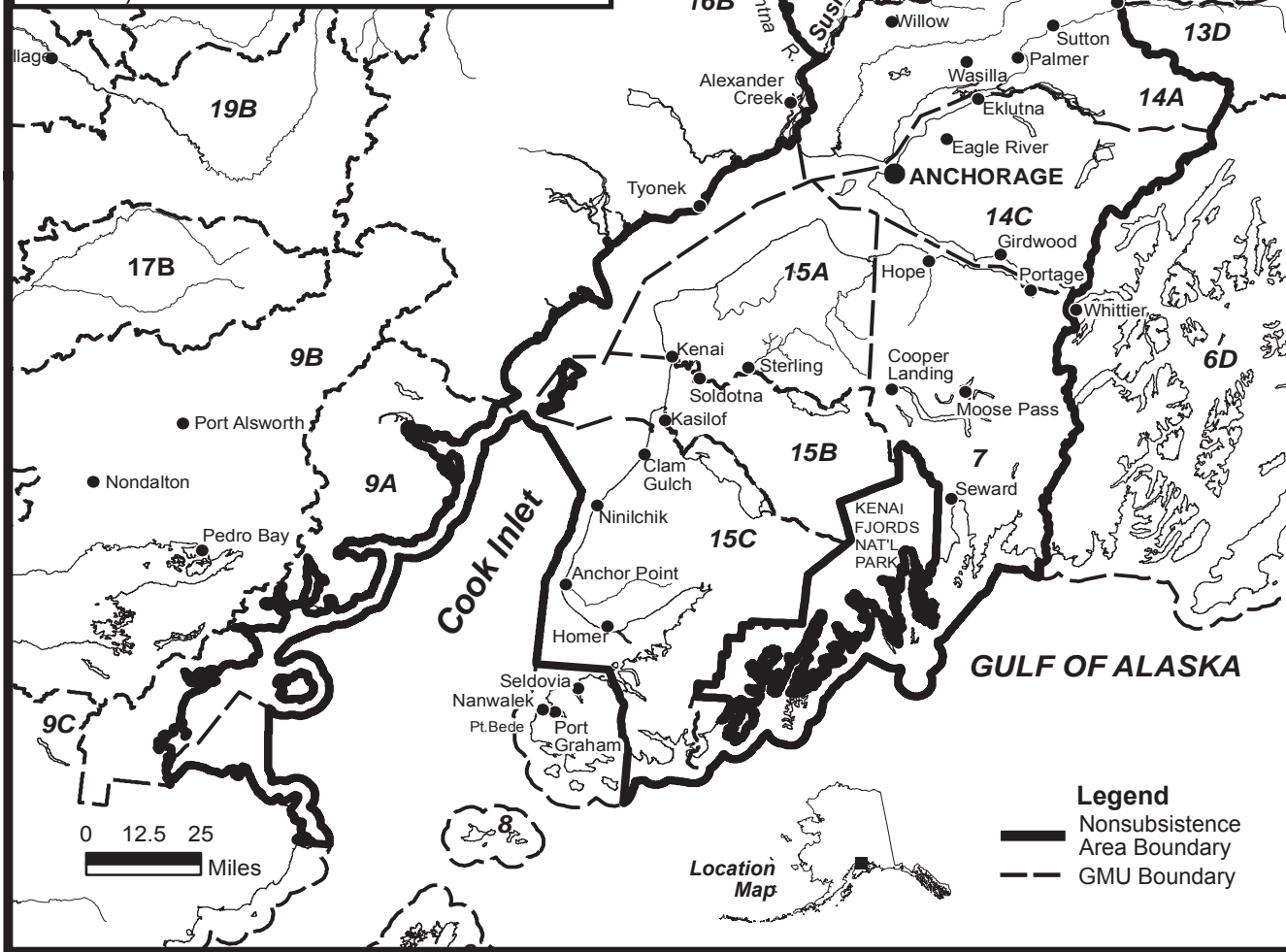
Legend

- Nonsubsistence Area Boundary
- GMU Boundary
- Roads



Anchorage Nonsubsistence Area

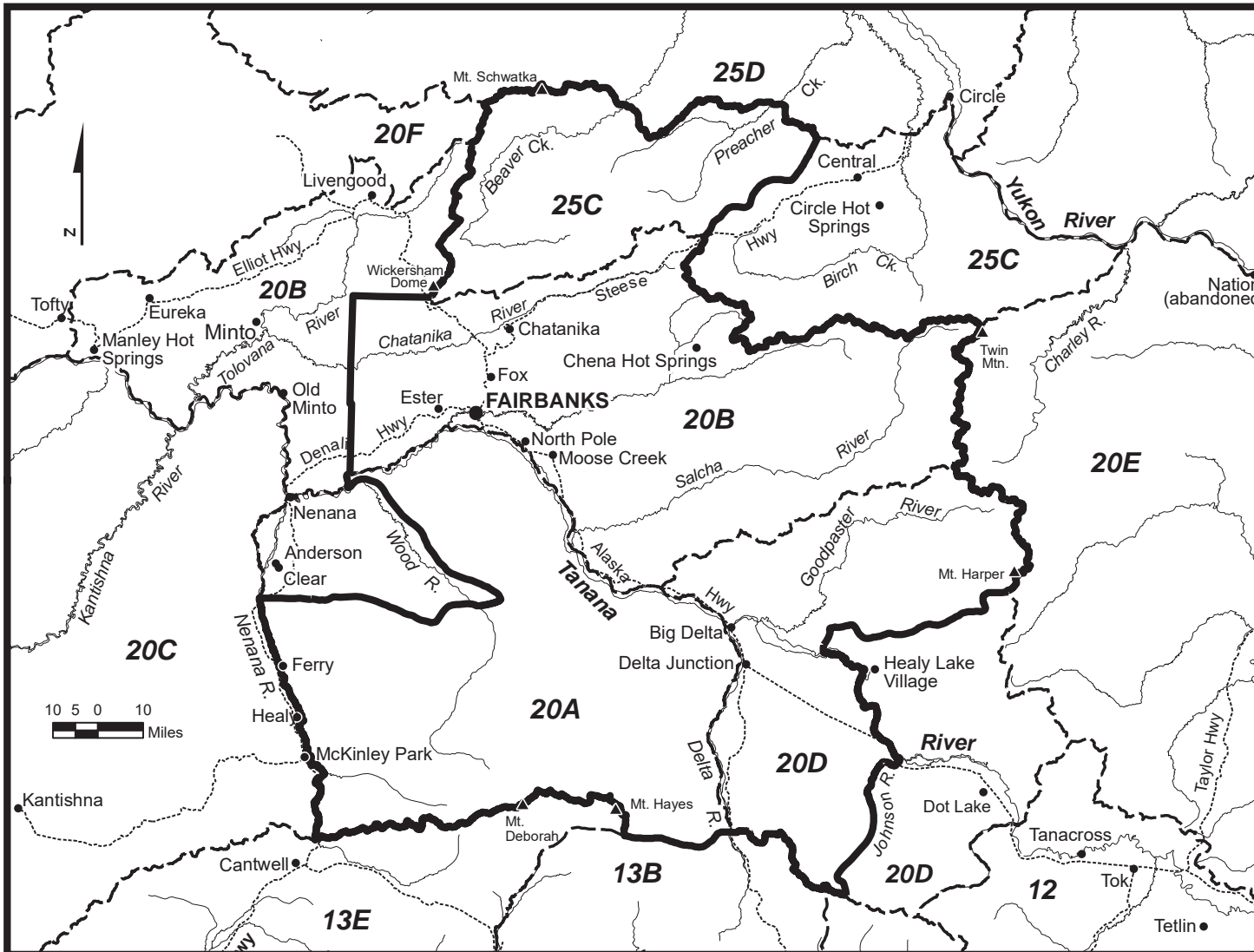
The **Anchorage-Matsu-Kenai Nonsubsistence Area** is comprised of the following: Units 7, as defined by 5 AAC 92.450(7) (except the Kenai Fjords National Park lands); 14, as defined by 5 AAC 92.450(14); 15, as defined by 5 AAC 92.450(15) (except Kalgin Island and that portion south and west of a line 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 easternmost point of Jakolof Bay and the easternmost 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 easternmost point of Jakolof Bay north to the westernmost 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 easternmost 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

December 2016

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 Goodpastor 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





THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Public
Safety

DIVISION OF ALASKA WILDLIFE TROOPERS
Office of the Director

5700 East Tudor Road
Anchorage, Alaska 99507-1225
Main: 907.269.5509

Mr. Jake Fletcher
Chairman – Alaska Board of Game

December 15, 2025

Mr. Chair and members of the board. Please see the attached comments from the Department of Public Safety, Division of Alaska Wildlife Troopers (AWT) concerning proposals before the board during the upcoming Southeast Alaska area Board of Game meeting. AWT recognizes that regulations are developed by the Alaska Boards of Fish and Game through the public process to support management plans. Management plans rely upon compliance with regulations to achieve success and enforcement is a crucial element 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 manpower, and any new regulation scheme or area restrictions may place an additional burden on AWT and directly impact enforcement efforts in other areas of concern. AWT generally is neutral in position on proposals having to do with allocation or biological concerns and will not have a written comment except when concerns exist in proposed language that may cause unintended enforcement challenges. AWT generally is opposed to changes which are viewed as having a negative impact on the divisions ability to enforce existing or future regulations.

PROPOSAL 1

5 AAC 92.085. Unlawful methods of taking big game; exceptions.

Prohibit the take of big game animals between civil twilight of sunset until civil twilight of sunrise the following day in Units 1-5 as follows:

5AAC 92.085 Unlawful methods of taking big game.

Add the following unlawful method of taking big game: In Units 1-5, its unlawful to take any big game animal from civil twilight of sunset until civil twilight of sunrise the following day.

AWT supports this proposal. There is genuine concern in the SE Alaska region surrounding the unlawful harvest of deer during hours of darkness using artificial light and/or thermal/night vision equipped weapons. From the perspective of enforcement, consistency is always preferable. Therefore having the same restriction related to hunting hours for all big game is preferred. The concern for AWT and many hunters is that a person could affix a thermal scope to a rifle and claim to be hunting wolf under a trapping license, which would currently be legal. That same weapon system could just as easily be used to harvest deer, and Troopers conducting a field check would have no way to prove what a person was targeting until after an animal had been harvested. While possessing that weapon setup would not be made illegal by this proposal, it would give enforcement the ability to detect and deter poachers intent on using these items to illegally harvest other big game species.

AWT has enforceability concerns with the proposed use of civil twilight as the legal shooting hours standard. Civil twilight is highly variable across different regions and terrain and is not easily pinpointed by most people. A better option would be a set amount of time before/after sunrise/sunset. If extended twilight hunting time is a concern that time could be up to an hour before/after sunrise/sunset. This would closely mirror the proposed legal hunting hours but be much easier for the general public and enforcement to determine for a given location.

PROPOSAL 2

5 AAC 92.085. Unlawful methods of taking big game; exceptions.

Prohibit the take of deer between civil twilight of sunset until civil twilight of sunrise the following day in Units 1-5 as follows:

5AAC 92.085 Unlawful methods of taking big game.

Add the following unlawful method of taking deer: In Game Management Units 1-5, its unlawful to take any deer from civil twilight of sunset until civil twilight of sunrise the following day.

AWT supports this proposal if proposal #1 is not adopted, however proposal #1 is preferred due to consistency of prohibiting take of all big game, not just a single species, during specified hours of darkness. Additional comments on #1 also apply to this proposal regarding the use of civil twilight.

PROPOSAL 3

5 AAC 92.085. Unlawful methods of taking big game; exceptions.

Allow the same day airborne take of goats in Units 1-5 as follows:

What solution do you recommend? In other words, if the board adopted your solution, what would the new regulation say?

The new regulation would state that same-day airborne hunting for mountain goats is allowed in Units 1-5.

AWT is opposed to this proposal for the reasons. If passed, this regulation would allow people to fly from lake to lake, looking for a trophy Billy to shoot. This could create user conflicts between walk in hunters and fly-in hunters. A walk-in hunter actively stalking a goat could have another hunter fly in and take the same animal that the walk in hunter had actively been attempting to stalk for hours or even days. This could also create legal issues for licensed transporters who currently are not allowed to assist in spotting or locating game under AS 08.54. If passed, there would be incentive for more pilots to fly in this rugged terrain in questionable weather in order to locate an animal and be able to quickly land and stalk it. This would likely increase air traffic and reduce safety. If inclement weather is the precursor to allow SDA hunting, then much of Alaska would qualify.

PROPOSAL 9

5 AAC 85.XXX. Seasons and bag limits for cougar/mountain lion.

5 AAC 84.270. Furbearer trapping.

Establish hunting and trapping regulations for taking mountain lion in the Southeast Region as follows:

What solution do you recommend? In other words, if the board adopted your solution, what would the new regulation say?

I ask the department of create a hunting and trapping regulation for mountain lions with a limit of one mountain lion, and no closed season.

AWT is opposed to this proposal as written. This proposal asks to create a year-round large animal trapping season. With no way to differentiate between a wolf trap or snare and a cougar trap or snare, enforcement would have a difficult time proving that a person was targeting another species. If passed, AWT recommends aligning season dates with the current wolf trapping season.

PROPOSAL 11

5 AAC 92.080. Unlawful methods of taking game; exceptions.

Allow the use of cameras or other sensory devices that can send messages through wireless communication for trapping furbearers in Units 1-5 as follows:

What solution do you recommend? In other words, if the board adopted your solution, what would the new regulation say?

Remove the section of the trapping regulations that prohibits the taking of furbearers with aid of "any camera or other sensory device that can send messages through wireless communication".

AWT is neutral on this proposal, as the original regulation that made it unlawful was board generated. There is no enforcement concern with a trapper utilizing a cellular enabled camera or similar devices to view a trap set location and determine if a harvest has occurred. There would actually be benefits to allowing this practice, such as a lower chance of fur loss caused by an animal remaining in a trap for longer periods in inclement/warmer weather. If the board considers passing this proposal, AWT would ask for an amendment to clearly note the cameras are only allowed to be at active trapping locations and not used merely to scout locations to later set traps.

PROPOSAL 13

5 AAC 92.080. Unlawful methods of taking game; exceptions.

Prohibit the use of night vision for taking furbearers in Units 1-5, during state and federal deer seasons as follows:

What solution do you recommend? In other words, if the board adopted your solution, what would the new regulation say?

Allow the use of electronically enhanced night vision and forward-looking infrared devices for taking furbearers statewide **except for Unit 1-5 during any open federal or state deer season.**

AWT supports this proposal. Both proposals 1 and 2 are more consistent in overall language, however they are written under the regulation for methods of taking big game (5AAC92.085). This proposal only would prohibit use of a thermal or night vision device for the harvest of furbearers during an open deer season in units 1-5. As state and federal deer seasons vary across the area and can change, this proposal's language would be less consistent for enforcement and for hunters and trappers to stay abreast of compared to language in proposals 1 and 2.

PROPOSAL 29

5 AAC 85.030. Hunting seasons and bag limits for deer.

Require an antler restriction for bucks harvested in Unit 1C, Douglas Island to at least one forked antler on one side as follows:

What solution do you recommend? In other words, if the board adopted your solution, what would the new regulation say?

Unit 1C Douglas Island: Four deer total only one of which may be a doe, **all bucks must have at least one forked antler on one side** Aug. 1 – Sept. 14 (bucks), Sept. 15 - Dec 31. (any deer).

AWT is neutral on this proposal. If passed this will be the first ever antler restriction for Deer. The board may want to consider if the existing definition of “point” will apply, or if separate definitions should be created specific to deer. Deer often will have an antler configuration that most hunters would refer to as a “fork” that would not be considered as such under the current regulatory definitions.

PROPOSAL 55

5 AAC 92.080. Unlawful methods of taking game; exceptions.

Prohibit the use of night vision and infrared devices for taking furbearers in Unit 2 as follows:

What solution do you recommend? In other words, if the board adopted your solution, what would the new regulation say?

Allow the use of electronically enhanced night vision and forward-looking infrared devices for taking furbearers statewide **except for Unit 2.**

AWT is opposed to this proposal due to much stronger and more consistent language found in proposals 1, 2 and 13.

PROPOSAL 56

5 AAC 92.080. Unlawful methods of taking game; exceptions.

Prohibit the use of night vision and infrared devices for taking furbearers in Unit 2, during state and federal deer seasons as follows:

What solution do you recommend? In other words, if the board adopted your solution, what would the new regulation say?

Allow the use of electronically enhanced night vision and forward-looking infrared devices for taking furbearers statewide **except for Unit 2 during any open federal or state deer season.**

AWT is opposed to this proposal due to much stronger and more consistent language found in proposals 1, 2 and 13.

PROPOSAL 64

5 AAC 92.150. Evidence of sex and identity.

Eliminate the regulation that excludes broken, damaged, or altered antlers from the definition of spike-fork antlers for Units 1B, 1C and 3 as follows:

What solution do you recommend? In other words, if the board adopted your solution, what would the new regulation say?

Remove portion of language under 92.150(c) [IN UNIT 1(B), THAT PORTION OF UNIT 1(C) SOUTH OF PORT HOBART, INCLUDING ALL PORT HOUGHTON DRAINAGES, AND UNIT 3, A DAMAGED, BROKEN, OR ALTERED ANTLER IS NOT CONSIDERED A SPIKE-FORK ANTLER AS DEFINED IN 5AAC 92.990.]

AWT is opposed to this change in regulation. This regulatory language came about as a means of preventing the circumvention of regulations that was actively occurring in these areas. The reason this regulation exists as it does is a result of some SE area hunters breaking antlers after the fact in order to make sublegal bulls into a legal antler configuration. If adopted this regulation will result in cheating as it existed previously. This regulation was passed by the Board in 2006 after a growing concern of antlers being intentionally altered into a spike-fork configuration after an animal had been harvested. The original proposal was a joint effort by AWT and ADF&G. Determining if an antler was damaged or broken before being harvested or altered after is difficult to prove for enforcement. The current regulation as written makes it so that if the antler is naturally broken/damaged or intentionally altered, it would not be considered a spike-fork. AWT sees on average very few antlers a year that are broken, damaged, or altered into a spike-fork configuration and are not lawful to take due to this regulation.

If the board is considering this change, then AWT would support Proposal 65 to simply establish a 15-day, any bull hunt in this area.

Thank you for the opportunity to offer comments to the board. A representative from AWT will be available throughout the board meetings and deliberations to answer questions from board members.

Sincerely,



Brent Johnson

Captain – Alaska Wildlife Troopers – AWT BOG Liaison

Note: Proposal 272 was accepted by the Board of Game as an Agenda Change Request for consideration at the Southeast Regulations meeting scheduled for January 2026.

PROPOSAL 272

5 AAC 92.095. Unlawful methods of taking furbearers; exceptions.

Remove conflicting and redundant methods and means for taking beavers during trapping seasons across the state as follows:

What solution do you recommend? In other words, if the board adopted your solution, what would the new regulation say?

The Department of Fish and Game requests the board reduce confusion by removing conflicting and redundant methods and means for taking beavers during trapping seasons.

Table 1. List of codified methods, means, restrictions, and applicable areas.

| | Method / Restriction | Applicable Units |
|-----------|--|--------------------------|
| 1. | 5 AAC 92.095(a)(3) Prohibits the take of beaver by any means other than a steel trap or snare. | Statewide |
| 2. | 5 AAC 92.095(a)(3)(A) Makes an exception to allow the use of firearms | 1-5, 8, 18, 22, and 23 |
| 3. | 5 AAC 92.095(a)(3)(B) Makes an exception to allow firearms or bow and arrows to be used. | Statewide |
| 4. | 5 AAC 92.095(a)(10) Part 1. Restricts the take of beaver from September 25 through November 9 to underwater traps and snares only. | 11, 13, and 16 |
| 5. | 5 AAC 92.095(a)(10) Part 2. Restricts the take of beaver from September 25 through October 31 and April 1 – May 31 to underwater traps and snares only. | Remainder of 20B and 20D |
| 6. | 5 AAC 92.095(a)(10) Part 3. Restricts the take of beaver from October 15 – November 9, and from April 1 through April 30 to underwater traps and snares only. *Trapping season opens November 10 for Units 7 and 15. | 7 and 15 |
| 7. | 5 AAC 92.095(a)(18) Restricts the take of beaver June 11 – September 15 by firearm only. *Trapping season is open year-round in Unit 22. | Unit 22 |

What is the issue you would like the board to address and why?

There are conflicting and redundant regulations within 5 AAC 92.095 regarding the methods of take allowed for beaver, statewide. 5 AAC 92.095(a)(3) prohibits the take of beaver by any means other than a steel trap or snare; 5 AAC 92.095(a)(3)(A) makes an exception to allow the use of

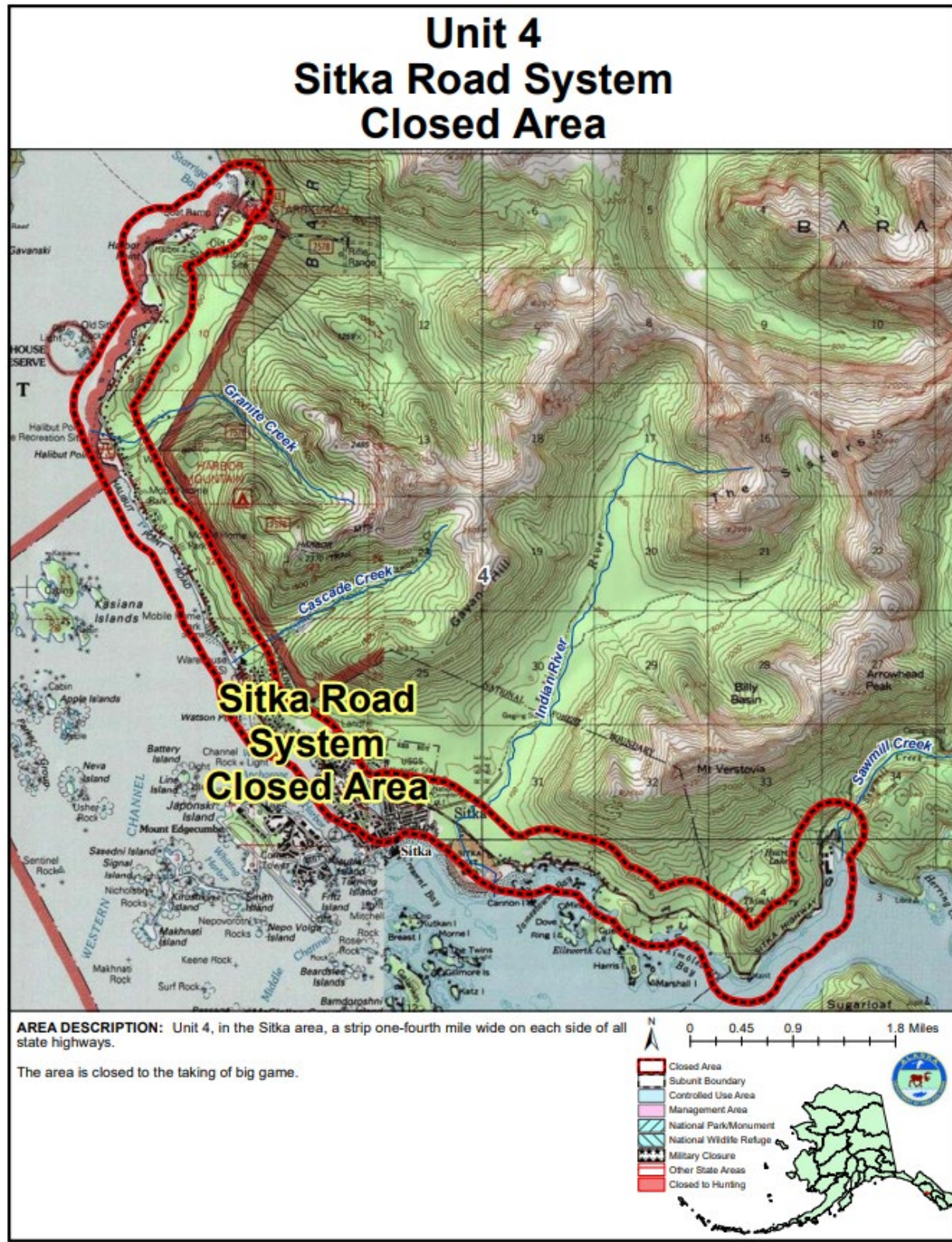
firearms in Units 1-5, 8, 18, 22, and 23. 5 AAC 92.095(a)(3)(B) makes an exception to allow firearms or bow and arrows to be used statewide. 5 AAC 92.095(a)(10) restricts the take of beaver in Units 11, 13, and 16 from September 25 through November 9, in the remainder of Unit 20(B), and 20(D) from September 25 through October 31 and from April 16 through May 31, and in Units 7 and 15 from October 15 through November 9 and from April 1 through April 30 to underwater traps and snares only. The trapping season in Units 7 and 15 now opens November 10, so the restriction from October 15 through November 9 is no longer necessary. Lastly, 5 AAC 92.095(a)(18) restricts the take of beaver in Unit 22 from June 11 through September 15 by firearm only.

If the problem is not solved, conflicting and unnecessary regulatory language will remain in the codified regulations. The current language for the take of beaver statewide is confusing to both the public and the department and may result in inadvertent violations by trappers.

Did you develop your proposal in coordination with others, or with your local fish and game Advisory Committee?

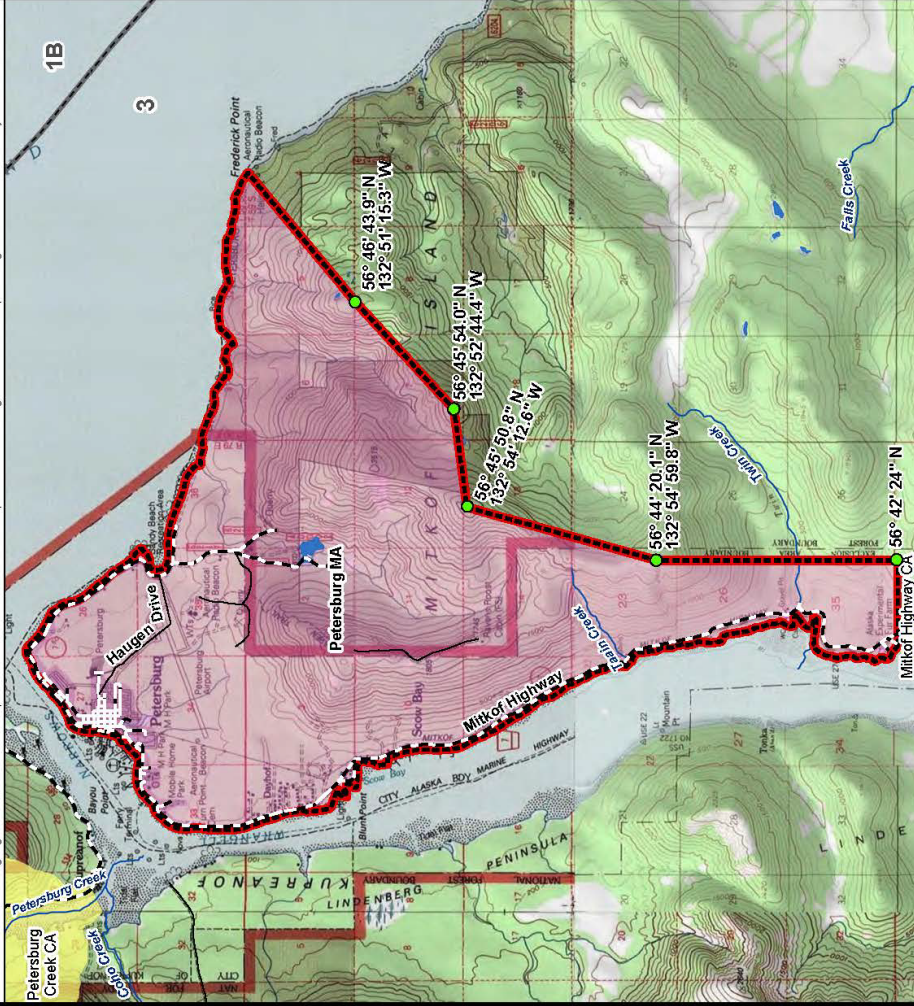
PROPOSED BY: Alaska Department of Fish and Game

HQ-F25-ACR3



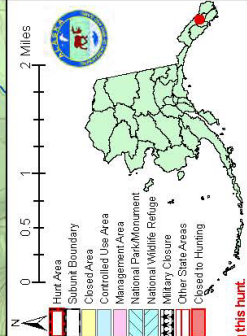
Unit 3 Petersburg Management Area

This map is intended for hunt planning use, not for determining legal property or regulatory boundaries. Content is compiled from various sources and is subject to change without notice. See current hunting regulations for written descriptions of boundaries. Hunters are responsible for knowing the land ownership and regulations of the areas they intend to hunt.



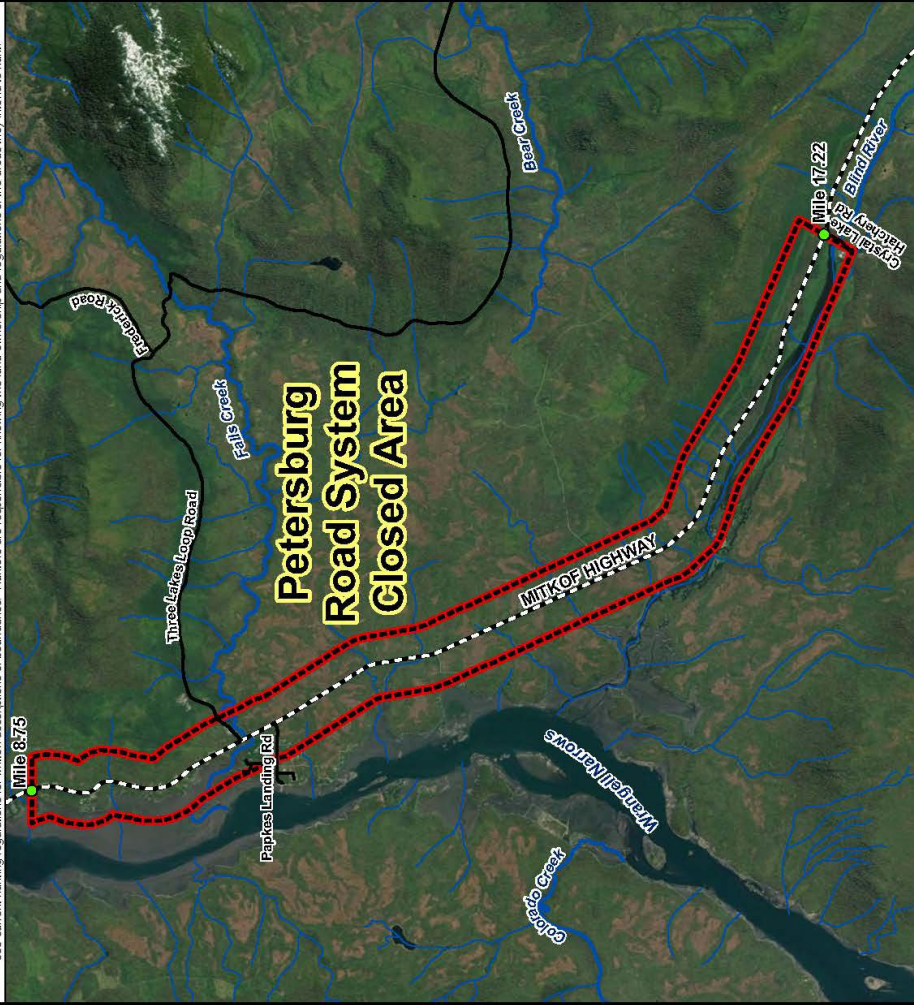
AREA DESCRIPTION: Unit 3, the area consists of that portion of Unit 3, Mitkof Island, north and west of a line from Frederick Point to the highest point in Section 8, T59S, R90E; to the highest point in Section 7, T59S, R90E; to the highest point in Section 13, T59S, R79E; to the highest point in Section 23, T59S, R79E; then due south to 56° 42' 24\"/>

The area is closed to hunting except that game may be taken by bow and arrow only in areas south of Haugen Drive and outside of 100 yards of any airport property, dwellings, businesses, highways, roads or streets; and small game may be taken by falconry.



Unit 3 Petersburg Road System Closed Area

This map is intended for hunt planning use, not for determining legal property or regulatory boundaries. Content is compiled from various sources and is subject to change without notice. See current hunting regulations for written descriptions of boundaries. Hunters are responsible for knowing the land ownership and regulations of the areas they intend to hunt.



AREA DESCRIPTION: Unit 3, in the Petersburg vicinity, a strip one-fourth mile wide on each side of the Mitkof Highway from mile marker 8.75 of the Mitkof Highway to mile marker 17.22. The area is closed to the taking of big game, except wolves.

