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**OFFICE OF THE LIEUTENANT GOVERNOR
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M E M O R A N D U M

TO: Frances Leach
Department of Fish & Game

FROM: Scott Meriwether, Office of the Lieutenant Governor
465.4081

DATE: February 24, 2017

RE: Filed Emergency Regulations: Board of Game

Emergency Regulations re: Nelchina Caribou Harvest (5 AAC 85.025(a)(8); 5 AAC 92.072(c)(2)(A))

Attorney General File:	Emergency Regulations
Regulation Filed:	2/24/2017
Effective Date:	2/24/2017
Expiration Date:	June 23, 2017 unless made permanent by the adopting agency
Print:	221, April 2017

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis
Kristy Tibbles, Department of Fish & Game

FINDING OF EMERGENCY

The Board of Game finds that an emergency exists and that the attached regulation is necessary for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

The population objectives for the Nelchina caribou herd were designed to prevent over-use of the range which would result in yields less than optimums and to prevent long term periods of low harvest. Sustainable objectives for the herd have been determined to be 35,000-40,000 caribou. The most recent population estimate indicates that the herd is substantially above objectives at 49,950 caribou. In addition, the autumn calf-cow ratios are 48 calves:100 cows, and the abundance of bulls (56 bulls:100 cows) in the herd indicates that the population continues to increase despite substantial harvest. To date, 5,022 caribou have been harvested which means the harvest could essentially double but the herd would likely still be above the upper end of the population objective. Additional increases in harvest are needed to realize the consumptive use opportunity without it being lost to non-human caused mortality, over use of range, habitat degradation, or stochastic weather events. The current season for all hunting opportunity is scheduled to close March 31, 2017.

Significant numbers of Nelchina caribou are wintering within Unit 13 this winter. In past years, the herd has migrated out of the Game Management Unit to areas where additional winter harvest is problematic due to land status and the presence of other herds with lower harvestable surpluses. The accessibility of the herd this year has resulted in reaching the 300 caribou cap for the Copper Basin Community Subsistence Harvest hunt for the first time. There is no reason to limit harvest in this or any other hunt at this time and additional harvest would be preferable to make progress towards meeting objectives.

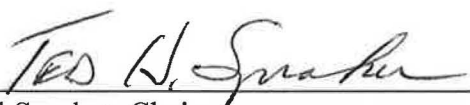
Adoption of emergency regulations will assist the department in meeting population objectives and take advantage of harvest opportunity that will be lost if the herd declines. The emergency regulations will provide for additional harvest opportunity in 2017 without causing the herd too much stress from harvest pressure and creating additional user conflicts due to crowding.

ORDER CERTIFYING ADOPTION

I certify that the Board of Game, under the authority of AS 16.05.255, adopted at its February 17-25, 2017 meeting the attached 4 pages of regulation changes as an emergency regulation to take effect immediately upon filing by the lieutenant governor, as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

Date: 2-23-17



Ted Spraker, Chairman,
Alaska Board of Game

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on February 24, 2017, at 1:06 p.m., I filed the attached regulations according to the provisions of AS 44.62.



Lieutenant Governor

Effective: February 24, 2017

Register: 221, April 2017

Title 5. Fish and Game.

Part 3. Game.

Chapter 85. Hunting Seasons and Bag Limits.

Article 2. Seasons and Bag Limits.

5 AAC 85.025(a)(8) is amended to read:

Units and Bag Limits	Open Season (Subsistence and General Hunts)	Nonresident Open Season
(8)		
Unit 13		
<u>2</u> [1] caribou per harvest report	Aug. 10-Sept. 20	No open season.
per regulatory year by	(Subsistence hunt only)	
community harvest permit	Oct. 21-March 31	
only; [UP TO 300 CARIBOU	(Subsistence hunt only)	
MAY BE TAKEN;] or		
<u>2</u> [1] caribou every regulatory	Aug. 10-Sept. 20	No open season.
year by Tier I subsistence	(Subsistence hunt only)	
permit only; or	Oct. 21-March 31	
	(Subsistence hunt only)	

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FISH AND GAME

1 caribou every regulatory Aug. 20-Sept. 20 No open season.
year by drawing permit; up to Oct. 21-Mar. 31
5,000 permits may be issued; or

1 caribou every regulatory
year by registration permit

Season to be announced
by emergency order

No open season.

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Note to publisher: The remainder of 5 AAC 85.025(a)(8) is unchanged.

(Eff. 8/20/89, Register 111; am 8/9/90, Register 115; am 8/10/90, Register 115; am 12/27/90, Register 116; em am 12/17/90 - 4/15/91, Register 117; am 6/16/91, Register 118; am 8/10/91, Register 119; am 2/29/92, Register 121; em am 4/14/92 - 8/11/92, Register 122; am 7/1/92, Register 122; am 4/1/93, Register 125; em am 3/15/93 - 7/22/93, Register 126; am/readopt 5/13/93, Register 126; am 7/1/93, Register 126; am 8/25/94, Register 131; em am 10/28/94 - 2/24/95, Register 132; em am 11/8/94 - 3/7/95, Register 132; em am 12/14/94 - 4/12/95, Register 133; am 7/16/95, Register 135; am 8/4/95, Register 135; am 10/27/95, Register 136; am 6/28/96, Register 138; am 10/30/96, Register 140; em am 11/12/96 - 3/11/97, Register 140; em am 11/22/96 - 3/21/97, Register 140; am 7/26/97, Register 143; am 7/1/98, Register 146; am 8/20/98, Register 147; am 7/1/99, Register 150; em am 9/24/99 - 1/21/2000, Register 152; am 7/1/2000, Register 154; add'l am 7/1/2000, Register 154; am 1/1/2001, Register 156; am 3/17/2001, Register 157; am 7/1/2001, Register 158; em am 3/19/2002 - 3/29/2002, Register 162; am 7/1/2002, Register 162; add'l am 7/1/2002, Register 162; em am 7/24/2002 - 8/2/2002, Register 163; am 7/1/2003, Register 166; am 7/1/2004, Register 170; add'l am 7/1/2004, Register

170; am 7/1/2005, Register 174; am 7/1/2006, Register 178; add'l am 7/1/2006, Register 178; am 7/1/2007, Register 182; am 7/1/2008, Register 186; add'l am 7/1/2008, Register 186; am 7/1/2009, Register 190; am 7/1/2010, Register 194; add'l am 7/1/2010, Register 194; am 8/2/2010, Register 195; am 7/1/2011, Register 198; am 7/1/2012, Register 202; am 7/1/2013, Register 206; 1st add'l am 7/1/2013, Register 206; 2nd add'l am 7/1/2013, Register 206; am 7/1/2014, Register 210; add'l am 7/1/2014, Register 210; am 7/1/2015, Register 214; add'l am 7/1/2015, Register 214; am 7/1/2016, Register 218; am 2 / 24 / 2017, Register 221)

Authority: AS 16.05.060

AS 16.05.258

AS 16.05.330

AS 16.05.255

Article 3

Permits.

5 AAC 92.072(c)(2)(A) is amended to read:

(2) a resident of the community or member of the group who elects to subscribe to a community harvest permit

(A) may not hold a harvest ticket or other state hunt permit for the same species where the bag limit is the same or for fewer animals during the same regulatory year; however, a person may hold harvest tickets or permits for same-species hunts in areas with a larger bag limit following the close of the season for the community harvest permit, except that in Unit 13, only two [ONE] caribou may be retained per household;

(Eff. 7/1/2000, Register 154; am 7/1/2002, Register 162; am 7/1/2007, Register 182; am 7/1/2009, Register 190; am 7/1/2011, Register 198; add'l am 7/1/2011, Register 198; am

7/1/2013, Register 206; am 7/1/2015, Register 214; add'l am 7/1/2015, Register 214; am
2 / 24 /2017, Register 221)

Authority: AS 16.05.255 AS 16.05.330 AS 16.05.340
 AS 16.05.258

Note to publisher: the remainder of 5 AAC 92.072(c) remains unchanged.