

Kevin Meyer
Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Shellene Hutter, Department of Fish and Game
FROM: April Simpson, Office of the Lieutenant Governor 465.4081 
DATE: May 25, 2021
RE: Filed Permanent Regulations: Board of Game

Board of Game regulations re: March 12 - 19, 2021, Statewide regulations for moose, intensive management moose harvest objectives, and requirements for marking, reporting, and sealing wolves taken in Unit 2 (5 AAC 85.045(a); 5 AAC 92.108; 5 AAC 92.170(b))

Attorney General File:	2020200467
Regulation Filed:	5/25/2021
Effective Date:	6/24/2021
Print:	238, July 2021

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis

**ORDER CERTIFYING THE CHANGES TO REGULATIONS
OF THE ALASKA BOARD OF GAME**

The attached 17 pages of regulations, dealing with the taking of moose in Units 1C, 5A, 6C, and 15, and sealing and reporting requirements for wolf in Unit 2, are certified to be a correct copy of the regulation changes that the Alaska Board of Game adopted at its March 18, 2021 video-conferenced meeting, under the authority of AS 16.05.255 and 16.05.258 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

Additional costs and the need for an increased appropriation are uncertain at this time.

On the record, in considering public comments, the Alaska Board of Game paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th date after they have been filed by the lieutenant governor as provided in AS 44.62.180.

DATE: 4/26/2021
Juneau, Alaska

DocuSigned by:

Benjamin Mulligan, Deputy Commissioner
Department of Fish and Game

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

May 25, 2021 at 11:42 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

April Simpson for

for Kevin Meyer, Lieutenant Governor
State of Alaska

Effective: June 24, 2021.

Register: 238, July 2021.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 11th, 2018.



Kevin Meyer
.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

STATE OF ALASKA
DEPARTMENT OF FISH AND GAME
P.O. BOX 115526
JUNEAU, ALASKA 99811

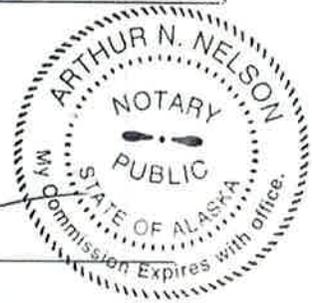
DELEGATION OF AUTHORITY

UNDER AS 44.17.010, THE AUTHORITY AND RESPONSIBILITY FOR ADOPTING REGULATIONS OF THE DEPARTMENT OF FISH AND GAME UNDER THE ALASKA ADMINISTRATIVE PROCEDURE ACT ARE DELEGATED TO BENJAMIN MULLIGAN, DEPUTY COMMISSIONER.

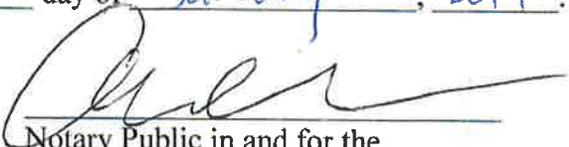
SIGNED:



DOUGLAS VINCENT-LANG
(Please print name)



SIGNED AND SWORN TO before me this 3rd day of January, 2019.



Notary Public in and for the
State of Alaska
My commission expires: with office

Note to Publisher: When a subsection, paragraph, subparagraph, etc. is indicated by the appropriate number or letter and no text follows that symbol, then the omitted text is the same as that set out in the previous register containing the section. Amended text to be added is bolded and underlined. Amended text to be deleted is capitalized and enclosed in brackets.

Title 5. Fish and Game.

Part 3. Game.

Chapter 85. Hunting Seasons and Bag Limits.

Article 2. Seasons and Bag Limits.

5 AAC 85.045(a)(1) is amended to read:

Units and Bag Limits	Resident Open Season (Subsistence and General Hunts)	Nonresident Open Season
(1)		
...		
Unit 1(C), Berners Bay drain- ages	Sept. 15 - Oct. 15 (General hunt only)	Sept. 15 - Oct. 15
1 <u>bull</u> moose by drawing permit only; up to 30 permits may be issued		
...		
Unit 1(C), that portion west of Excursion Inlet and north		

of Icy Passage

1 moose per regulatory year,
only as follows:

1 bull with spike-fork antlers or 50-inch antlers or antlers with 3 or more brow tines on one side by registration permit only; [OR	Sept. 15 - Oct. 15 (General hunt only)	Sept. 15 - Oct. 15
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[1 ANTLERLESS MOOSE BY DRAWING PERMIT ONLY; UP TO 100 PERMITS MAY BE ISSUED]	[NOV. 10 - DEC. 10] [(GENERAL HUNT ONLY)]	[NOV. 10 - DEC. 10]
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...

Publisher: The remainder of 5 AAC 85.045(a)(1) is unchanged.

5 AAC 85.045(a)(3) is amended to read:

Units and Bag Limits	Resident Open Season (Subsistence and General Hunts)	Nonresident Open Season
(3)		

Unit 5(A), that portion

Nov. 15 - Feb. 15

Nov. 15 - Feb. 15

south of Wrangell-Saint Elias National Park, north and east of Russell and Nunatak Fiords, and east of the east side of East Nunatak Glacier to the Canadian Border (Nunatak Bench)

1 **bull** [MOOSE] by registration permit only; up to 5 **bulls** [MOOSE] may be taken

...

Publisher: The remainder of 5 AAC 85.045(a)(3) is unchanged.

5 AAC 85.045(a)(4) is amended to read:

Units and Bag Limits	Resident Open Season (Subsistence and General Hunts)	Nonresident Open Season
(4)		

...

Unit 6(C)

1 moose per regulatory year, only as follows:

[UNITS AND BAG LIMITS

RESIDENT
OPEN SEASON
(SUBSISTENCE AND
GENERAL HUNTS)

NONRESIDENT
OPEN SEASON]

1 **bull** [MOOSE] by drawing permit
only; up to 40 permits

Sept. 1 - Oct. 31

(General hunt only)

No open season.

[FOR BULLS AND UP TO 20
PERMITS FOR ANTLERLESS
MOOSE] may be issued; or

1 **bull** [MOOSE] by registration
permit only

Nov. 1 - Dec. 31

No open season.

Publisher: The remainder of 5 AAC 85.045(a)(4) is unchanged.

5 AAC 85.045(a)(6) is amended to read:

(6) *The* *(((leave lowercase)))*
 [(A) BEFORE JULY 1, 2020, THE HUNTING SEASONS AND BAG LIMITS FOR
 MOOSE IN REMAINDER OF UNIT 7 ARE AS FOLLOWS: *(((leave lowercase)))*
 UNITS AND BAG LIMITS RESIDENT OPEN SEASON *(((leave lowercase)))*
 (SUBSISTENCE AND GENERAL HUNTS) NONRESIDENT OPEN SEASON
except for the capital "R" in "Remainder" and the "U" in "Unit")
 [REMAINDER OF UNIT 7 SEPT. 1 - SEPT. 25 SEPT. 1 - SEPT. 25
 (GENERAL HUNT ONLY)

« Publisher: Please keep these column headers intact at the top of each page of published regulations »

1 BULL WITH SPIKE

OR 50-INCH ANTLERS OR

ANTLERS WITH 3 OR

MORE BROW TINES

ON ONE SIDE

(B) ON OR AFTER JULY 1, 2020, THE HUNTING SEASONS AND BAG LIMITS FOR MOOSE IN REMAINDER OF UNIT 7 ARE AS FOLLOWS:]

Publisher: The remainder of 5 AAC 85.045(a)(6) is unchanged. *Delete the repetitive column headers one-third of the way down the published regulations. Also delete the repetitive headers halfway down (before 5 AAC*

5 AAC 85.045(a)(13) is amended to read: *85.045(a)(7) of the published regulations).*

Units and Bag Limits	Resident Open Season (Subsistence and General Hunts)	Nonresident Open Season
----------------------	---	----------------------------

(13)

The

leave lowercase))

[[A) BEFORE JULY 1, 2020, THE] HUNTING SEASONS AND BAG LIMITS FOR

MOOSE IN UNIT 15 ARE AS FOLLOWS:

deletion starts here)))

leave lowercase except for the "U")))

[UNITS AND BAG LIMITS	RESIDENT OPEN SEASON (SUBSISTENCE AND GENERAL HUNTS)	NONRESIDENT OPEN SEASON
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UNIT 15(A), THE SKILAK LOOP

WILDLIFE MANAGEMENT AREA

1 BULL WITH SPIKE-FORK ANTLERS SEPT. 15—SEPT. 30 SEPT. 15—SEPT. 30

BY DRAWING PERMIT (GENERAL HUNT ONLY)

ONLY; UP TO 30 PERMITS

MAY BE ISSUED

UNIT 15(A), THAT PORTION
EAST OF THE MYSTERY CREEK
ROAD AND THE PIPELINE ROAD,
AND NORTH OF THE STERLING HIGHWAY
1 BULL PER REGULATORY YEAR,
ONLY AS FOLLOWS:

1 BULL WITH SPIKE OR
50-INCH ANTLERS OR ANTLERS
WITH 3 OR MORE BROW TINES ON
ONE SIDE; BY BOW AND ARROW
ONLY; OR

AUG. 22—AUG. 29

NO OPEN SEASON.

(GENERAL HUNT
ONLY)



1 BULL WITH SPIKE OR
50-INCH ANTLERS OR ANTLERS
WITH 3 OR MORE BROW TINES ON
ONE SIDE; OR

SEPT. 1—SEPT. 25

NO OPEN SEASON.

(GENERAL HUNT
ONLY)



1 BULL WITH SPIKE-FORK
ANTLERS OR 50-INCH

OCT. 10—NOV. 10

OCT. 10—NOV. 10

(GENERAL HUNT ONLY)

ANTLERS OR ANTLERS WITH 3 OR MORE BROW TINES ON ONE SIDE BY DRAWING PERMIT ONLY; UP TO 25 PERMITS MAY BE ISSUED IN COMBINATION WITH UNIT 7, THAT PORTION WEST OF THE RESURRECTION CREEK TRAIL AND NORTH OF THE STERLING HIGHWAY

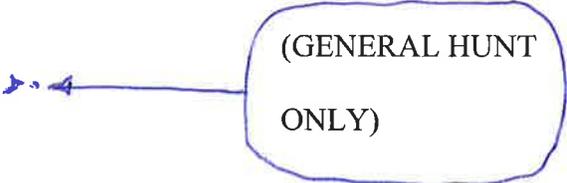
REMAINDER OF UNIT 15(A)
1 BULL PER REGULATORY YEAR, ONLY
AS FOLLOWS:

1 BULL WITH SPIKE OR 50-INCH ANTLERS OR ANTLERS WITH 3 OR MORE BROW TINES ON ONE SIDE, BY BOW AND ARROW ONLY; OR

AUG. 22—AUG. 29

NO OPEN SEASON.

(GENERAL HUNT ONLY)

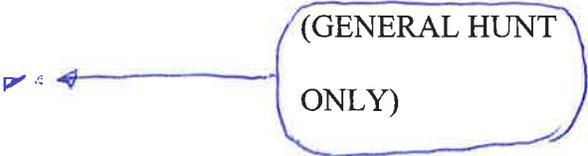


1 BULL WITH SPIKE OR 50-INCH ANTLERS OR ANTLERS WITH 3 OR MORE BROW TINES ON ONE SIDE

SEPT. 1—SEPT. 25

NO OPEN SEASON.

(GENERAL HUNT ONLY)



UNIT 15(B), THAT PORTION	SEPT. 1—SEPT. 20	SEPT. 1—SEPT. 20
BOUNDED BY A LINE RUNNING	(GENERAL HUNT ONLY)	SEPT. 26—OCT. 15
FROM THE MOUTH OF SHANTA-	SEPT. 26—OCT. 15	
TALIK CREEK, TUSTUMENA LAKE,	(GENERAL HUNT ONLY)	
NORTHEASTWARD TO THE HEAD OF		
THE WESTERNMOST FORK OF FUNNY		
RIVER; THEN DOWNSTREAM ALONG		
THE WESTERNMOST FORK OF FUNNY		
RIVER TO THE KENAI NATIONAL		
WILDLIFE REFUGE BOUNDARY;		
THEN EAST ALONG THE REFUGE		
BOUNDARY TO ITS JUNCTION WITH		
THE KENAI RIVER; THEN EASTWARD		
ALONG THE SOUTH SIDE OF THE KENAI		
RIVER AND SKILAK LAKE; THEN		
SOUTH ALONG THE WESTERN SIDE		
OF SKILAK RIVER, SKILAK GLACIER,		
AND HARDING ICEFIELD; THEN WEST		
ALONG THE UNIT 15(B) BOUNDARY		
TO THE MOUTH OF SHANTATALIK CREEK		
1 BULL WITH 50-INCH ANTLERS OR		

ANTLERS WITH 3 OR MORE BROW
TINES ON ONE SIDE, BY DRAWING
PERMIT ONLY; UP TO 100 PERMITS
MAY BE ISSUED

UNIT 15(B), KALGIN ISLAND

1 MOOSE PER REGULATORY YEAR,

BY REGISTRATION PERMIT ONLY AUG. 20—SEPT. 20 AUG. 20—SEPT. 20

REMAINDER OF UNIT 15(B)

1 BULL PER REGULATORY YEAR,

ONLY AS FOLLOWS:

1 BULL WITH SPIKE OR AUG. 22—AUG. 29 AUG. 22—AUG. 29

OR 50-INCH ANTLERS OR ANTLERS (GENERAL HUNT ONLY)

WITH 3 OR MORE BROW TINES

ON ONE SIDE, BY BOW AND ARROW

ONLY; OR

1 BULL WITH SPIKE OR SEPT. 1—SEPT. 25 SEPT. 1—SEPT. 25

50-INCH ANTLERS OR ANTLERS WITH (GENERAL HUNT ONLY)

3 OR MORE BROW TINES ON ONE

SIDE

(GENERAL HUNT ONLY)
*in second column,
underneath
date range.)))*

UNIT 15(C), THAT PORTION AUG. 25—SEPT. 30 NO OPEN SEASON.
 SOUTHWEST OF A LINE FROM (SUBSISTENCE HUNT
 POINT POGIBSHI TO THE POINT OF ONLY)
 LAND BETWEEN ROCKY BAY AND
 WINDY BAY

1 BULL BY TIER II SUBSISTENCE
 HUNTING PERMIT

UNIT 15(C), THAT PORTION
 SOUTH OF THE SOUTH FORK OF
 THE ANCHOR RIVER AND NORTHWEST
 OF KACHEMAK BAY

RESIDENT HUNTERS:

1 BULL WITH SPIKE OR SEPT. 1—SEPT. 25
 50-INCH ANTLERS OR (GENERAL HUNT ONLY)
 ANTLERS WITH 3 OR MORE BROW
 TINES ON ONE SIDE; OR

1 ANTLERLESS MOOSE BY DRAWING ² ~~OCT. 20—NOV. 20~~
 PERMIT ONLY; THE TAKING OF CALVES,

AND FEMALES ACCOMPANIED BY
CALVES, IS PROHIBITED; UP TO
100 PERMITS MAY BE ISSUED IN
COMBINATION WITH THE NONRESIDENT
DRAWING HUNT; OR

1 MOOSE BY TARGETED PERMIT OCT. 15—MAR. 31
ONLY,

NONRESIDENT HUNTERS:

1 BULL WITH 50-INCH ANTLERS OR SEPT. 1—SEPT. 25
ANTLERS WITH 3 OR MORE BROW
TINES ON ONE SIDE; OR

1 ANTLERLESS MOOSE BY DRAWING OCT. 20—NOV. 20
PERMIT ONLY; THE TAKING OF CALVES,
AND FEMALES ACCOMPANIED BY
CALVES, IS PROHIBITED; UP TO
100 PERMITS MAY BE ISSUED IN
COMBINATION WITH THE RESIDENT
DRAWING HUNT

REMAINDER OF UNIT 15(C)

RESIDENT HUNTERS:

1 BULL WITH SPIKE OR 50-INCH SEPT. 1—SEPT. 25

ANTLERS OR ANTLERS WITH 3 OR (GENERAL HUNT ONLY)

MORE BROW TINES ON ONE SIDE; OR

1 MOOSE BY TARGETED PERMIT OCT. 15—MAR. 31

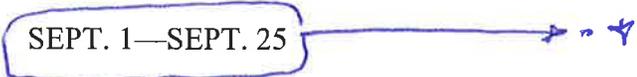
ONLY,

NONRESIDENT HUNTERS:

1 BULL WITH 50-INCH ANTLERS SEPT. 1—SEPT. 25

OR ANTLERS WITH 3 OR MORE BROW

TINES ON ONE SIDE;



(B) ON OR AFTER JULY 1, 2020, THE HUNTING SEASONS AND BAG LIMITS

FOR MOOSE IN UNIT 15 ARE AS FOLLOWS:]

...

[UNIT 15(B), THAT PORTION BOUNDED BY A LINE RUNNING FROM THE MOUTH OF SHANTATALIK CREEK, TUSTUMENA LAKE, NORTHEASTWARD TO THE HEAD OF THE WESTERNMOST FORK OF FUNNY RIVER; THEN DOWNSTREAM ALONG THE WESTERNMOST FORK OF FUNNY RIVER TO THE KENAI NATIONAL

[SEPT. 1—SEPT. 20 (GENERAL HUNT ONLY)]

[SEPT. 1—SEPT. 20]

WILDLIFE REFUGE BOUNDARY;
THEN EAST ALONG THE REFUGE
BOUNDARY TO ITS JUNCTION
WITH THE KENAI RIVER; THEN
EASTWARD ALONG THE SOUTH
SIDE OF THE KENAI RIVER AND
SKILAK LAKE; THEN SOUTH
ALONG THE WESTERN SIDE OF
SKILAK RIVER, SKILAK GLACIER,
AND HARDING ICEFIELD; THEN
WEST ALONG THE UNIT 15(B)
BOUNDARY TO THE MOUTH
OF SHANTATALIK CREEK

1 BULL WITH 50-INCH ANTLERS
OR ANTLERS WITH 3 OR MORE
BROW TINES ON ONE SIDE; OR

1 BULL BY DRAWING PERMIT
ONLY;]

[SEPT. 1—SEPT. 25]

[NO OPEN
SEASON.]

...

Publisher: The remainder of 5 AAC 85.045(a)(13) is unchanged.

(Eff. 8/20/89, Register 111; am 12/30/89, Register 112; am 8/9/90, Register 115; am 12/27/90, Register 116; am 6/16/91, Register 118; am 8/10/91, Register 119; am 6/26/92, Register 123; am 7/1/92, Register 122; am 7/17/92, Register 123; am/readopt 5/13/93, Register 126; am 7/1/93, Register 126; am 11/10/93, Register 128; am 7/7/94, Register 131; am 8/25/94, Register 131; em am 9/23/94 - 1/20/95, Register 131; em am 11/9/94 - 3/8/95, Register 132; am 7/16/95, Register 135; am 8/4/95, Register 135; em am 2/14/96 - 6/13/96, Register 137; am 6/28/96, Register 138; am 8/1/96, Register 139; am 7/26/97, Register 143; am 7/1/98, Register 146; add'l am 7/1/98, Register 146; em am 8/31/98 - 12/28/98, Register 147; em am 2/17/99 - 6/16/99, Register 149;

am 7/1/99, Register 150; am 7/1/2000, Register 154; add'l am 7/1/2000, Register 154; am 1/1/2001, Register 156; em am 9/28/2000 - 1/25/2001, Register 156; am 7/1/2001, Register 158; add'l am 7/1/2001, Register 158; am 8/22/2001, Register 159; am 10/26/2001, Register 160; em am 9/27/2001 - 10/6/2001, Register 160; am 7/1/2002, Register 162; add'l am 7/1/2002, Register 162; em am 8/23/2002 - 12/20/2002, Register 163; am 12/5/2002, Register 164; am 7/1/2003, Register 166; add'l am 7/1/2003, Register 166; am 7/1/2004, Register 170; add'l am 7/1/2004, Register 170; am 11/1/2004, Register 172; am 12/30/2004, Register 172; am 7/1/2005, Register 174; add'l am 7/1/2005, Register 174; am 7/1/2006, Register 178; add'l am 7/1/2006, Register 178; am 12/1/2006, Register 180; am 7/1/2007, Register 182; add'l am 7/1/2007, Register 182; em am 2/22/2008 - 3/2/2008, Register 185; am 7/1/2008, Register 186; add'l am 7/1/2008, Register 186; em am 7/3/2008 - 10/30/2008, Register 187; am 7/1/2009, Register 190; add'l am 7/1/2009, Register 190; am 7/1/2010, Register 194; add'l am 7/1/2010, Register 194; em am 8/22/2010 - 11/29/2010, Register 195; am 7/1/2011, Register 198; 1st add'l am 7/1/2011, Register 198; 2nd add'l am 7/1/2011, Register 198; am 12/25/2011, Register 200; am 2/11/2012, Register 201; 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; 1st add'l am 7/1/2014, Register 210; 2nd add'l am 7/1/2014, Register 210; 3rd add'l am 7/1/2014, Register 210; am 7/1/2015, Register 214; add'l am 7/1/2015, Register 214; am 7/1/2015, Register 214; add'l am 7/1/2015, Register 214; am 7/1/2016, Register 218; am 7/1/2017, Register 222; 1st add'l am 7/1/2017, Register 222, 2nd add'l am 7/1/2017, Register 222; am 7/1/2018, Register 226; am 7/1/2019, Register 230; add'l am 7/1/2019, Register 230; am 7/1/2020, Register 234; add'l am 7/1/2020, Register 234; am 6/24/2021, Register 238)

Authority: AS 16.05.060

AS 16.05.258

AS 16.05.780

AS 16.05.255

AS 16.05.330

AS 16.05.789

Article 5. Intensive Management and Predator Control.

5 AAC 92.108 is amended to read:

Population	Finding	Population Objective	Harvest Objective
...			
Moose			
...			
GMU 12	Positive	4,000 – 6,000	<u>150-300</u> [150-250]
...			
GMU 20(D)	Positive	8,000 – 10,000	<u>500-700</u> [250-500]
GMU 20(E)	Positive	8,000 – 10,000	<u>250-500</u> [500-1,000]
...			

Publisher: The remainder of 5 AAC 92.108 is unchanged.

(Eff. 7/1/98, Register 146; am 7/1/99, Register 150; add'l am 7/1/99, Register 150; am 7/1/2000, Register 154; am 7/1/2001, Register 158; add'l am 7/1/2001, Register 158; am 8/22/2001,

Register 159; am 7/1/2002, Register 162; add'l am 7/1/2002, Register 162; am 7/1/2004, Register 170; am 7/1/2006, Register 178; am 9/1/2006, Register 179; am 7/1/2009, Register 190; am 7/1/2010, Register 194; am 7/1/2012, Register 202; am 7/1/2013, Register 206; am 7/1/2016, Register 218; am 7/1/2017, Register 222; am 7/1/2020, Register 234; am 6/24/2021, Register 238)

Authority: AS 16.05.255

AS 16.05.258

AS 16.05.270

Article 6. Possession and Transportation.

5 AAC 92.170(b)(2) is amended to read:

(2) wolf (except in Unit 2), wolverine, and lynx taken by hunting must be sealed on or before the 30th day after the date of taking;

...

5 AAC 92.170(b) is amended by adding a new paragraph to read:

(5) the untanned hides of wolves taken in Unit 2 must be promptly sequentially

numbered or marked and the date and location of take for each wolf must be reported in person

telephone or by phone to the department not later than seven after within 7 days of take; wolves taken in Unit 2 must be sealed

not later than after within 15 days of take;

(Eff. 7/5/85, Register 95; am 11/1/85, Register 96; am 6/19/86, Register 98; am 8/8/87, Register 103; am 4/24/88, Register 106; am 7/14/88, Register 107; am 8/20/89, Register 111; am 7/1/92, Register 122; am/readopt 5/13/93, Register 126; am 7/1/97, Register 142; am 7/26/97, Register 143; am 7/1/99, Register 150; am 7/1/2000, Register 154; am 7/1/2002, Register 162; am

Register 238, July 2021

FISH AND GAME

7/1/2003, Register 166; am 7/1/2005, Register 174; am 7/1/2011, Register 198; add'l am
7/1/2011, Register 198; am 7/1/2013, Register 206; am 7/1/2019, Register 230; am
6 / 24/2021, Register 238)

Authority: AS 16.05.255

AS 16.05.370

AS 16.05.920

AS 16.05.258

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: May 24, 2021

File No.: 2020200467

Thru: Susan R. Pollard Susan R Pollard Digitally signed by Susan R Pollard
Date: 2021.05.24 12:29:53 -0800
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Tel. No.: 465-3600

From: Steven C. Weaver *SCW*
Senior Assistant Attorney General
Legislation and Regulations Section

Re: Board of Game regulations re: March
12 - 19, 2021, Statewide regulations
for moose, intensive management
moose harvest objectives, and
requirements for marking, reporting,
and sealing wolves taken in Unit 2
(5 AAC 85.045(a); 5 AAC 92.108;
5 AAC 92.170(b))

The Department of Law has reviewed the attached regulations of the Board of Game against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. *The Board of Game and the Department of Fish and Game have requested that these regulations be filed on or before June 1, 2021, to ensure that the regulations go into effect on or before July 1, 2021.*

The regulations were adopted by the Board of Game after the close of the public comment period. Regulations from the March 12 - 19, 2021, Statewide Meeting include reauthorization of seasons for antlerless moose, adjustment of intensive management moose harvest objectives, adjustment of time periods down to 15 days after take for sealing wolf pelts taken in Game Management Unit 2, and requirements that trappers in Unit 2 sequentially number or mark wolf pelts promptly and report--to the Department of Fish and Game, not later than seven days after each take--the date and location of that take.

The February 16, 2021 public notice and the April 26, 2021 certification of adoption order both state that whether the proposed action is expected to require an increased appropriation is unknown. Therefore, a fiscal note under AS 44.62.195 has not been submitted.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc w/enc: Honorable Doug Vincent-Lang, Commissioner
Department of Fish and Game

Natalie Weber, Program Coordinator
Department of Fish and Game

Kristy Tibbles, Executive Director
Department of Fish and Game

Shellene Hutter, Fishery Regulations Program Coordinator
Department of Fish and Game

Eddie Grasser, Director
Division of Wildlife Conservation
Department of Fish and Game

Captain Aaron Frenzel
Division of Alaska Wildlife Troopers
Department of Public Safety

Cheryl R. Brooking, Senior Assistant Attorney General
Natural Resources Section

ALASKA DEPARTMENT OF FISH & GAME

Boards Support Section
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Juneau AK 99811-5526

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Kristy Tibbles
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NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE ALASKA BOARD OF GAME

March 18, 2021 Special Meeting

The Alaska Department of Fish and Game (ADF&G) administers all programs and activities free from discrimination based on race, color, national origin, age, sex, religion, marital status, pregnancy, parenthood, or disability. The department administers all programs and activities in compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972.

If you believe you have been discriminated against in any program, activity, or facility please write:

- ADF&G ADA Coordinator, P.O. Box 115526, Juneau, AK 99811-5526.
- U.S. Fish and Wildlife Service, 4040 N. Fairfax Drive, Suite 300 Webb, Arlington, VA 22203
- Office of Equal Opportunity, U.S. Department of the Interior, Washington DC 20240.

The department's ADA Coordinator can be reached via phone at the following numbers: (VOICE) 907-465-6077, (Statewide Telecommunication Device for the Deaf) 1-800-478-3648, (Juneau TDD) 907-465-3646, or (FAX) 907-465-6078.

For information on alternative formats and questions on this publication, please contact the Alaska Department of Fish and Game, Boards Support Section at (907) 465-4110.

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

Notice is given that 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 85 and 92 for all regions.

The following subject matters are to be addressed:

- A. **HUNTING SEASONS AND BAG LIMITS:** Reauthorization of antlerless moose hunts in Units 1C, 5A, 6C, 7, 13A, 13E, 14A, 14B, 14C, 15B, 15C, 16B, 17A, 18, 19D, 20A, 20B, 20D, 21D, 21E, and 26A (Proposals 12, 58, 79, and 174-188). In addition, season dates and bag limit for moose in Unit 15B (Proposal 195).
- B. **TAGS AND FEES:** Reauthorization of brown bear tag fee exemptions in Units 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26 (Proposals 6, 189, and 190).
- C. **POSSESSION AND TRANSPORTATION:** Sealing requirements for wolves in Unit 2 (Proposal 194).

The above-mentioned topics and proposals were submitted to the board for action at meetings originally scheduled for January and March 2021 which were postponed until 2022 due to health and safety concerns prompted by the COVID-19 pandemic. The board will act on the above-mentioned proposals at a special meeting to be held March 18, 2021 via web-conference. All other board proposals scheduled for the 2020/2021 meeting cycle will be scheduled for board action in January and March 2022.

In addition to the proposals scheduled for the March 18, 2021 meeting, the board will discuss: 1) the option for reissuing the Call for Proposals for the 2022 Central/Southwest Region and the 2022 Statewide Regulations meetings; 2) options for establishing a delegation of authority to ADF&G and/or other protocols for handling emergencies; and 3) assigning a subcommittee for developing a plan for holding regulatory meetings via web-conference if the pandemic continues to impact the board's ability to meet in person. The board may also take action on other non-regulatory items such as resolutions, findings, letters, and delegations.

The proposed regulation changes are available on the Board of Game meeting information website at www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo&date=03-18-2021&meeting=webconference or by contacting the ADF&G Boards Support Section Office at (907) 465-4046. Additional information will be added to the meeting website as it becomes available for the meeting.

The March 18, 2021 special meeting is scheduled to begin at 9:00 a.m. Alaska DST via web-conference. The meeting is available to the public via online streaming on the board's website at www.boardofgame.adfg.alaska.gov; or by calling:

Call In Number: 1-650-479-3207
Access code: 177 550 5016
Password: 424 492 82

The board will not be taking oral testimony during the meeting. The board encourages written comments on the proposed regulations and non-regulation topics, including the potential costs to private persons of complying with the proposed changes by submitting written comments, limited to no more than 100 single sided or 50 double sided pages. Written comments can be submitted to the Board of Game as follows:

Online: www.boardofgame.adfg.alaska.gov
Email: dfg.bog.comments@alaska.gov
Fax: (907) 465-6094
Mail: Board of Game, ADF&G Boards Support Section
P.O. Box 115526 Juneau,
AK 99811-5526.

The deadline for receiving public comments is March 5, 2021.

Comments must include a first and last name, community of residence, and the proposal numbers for which the comments pertain. Written comments that are submitted are public records and are subject to public inspection. 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 copyrighted materials, will be withheld or redacted.

Any changes to meeting date or time, 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) 465-4046. Please carefully review the above-mentioned website for the specific issues to be addressed by the board.

Anyone interested in or affected by proposed 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 WERE GENERATED BY THE BOARD.** Pursuant to AS 44.62.200, the board may review the full range of activities appropriate to any of the subjects listed in this notice. : The board may make changes to the hunting and trapping regulations as may be required to ensure the subsistence priority in AS 16.05.258. **YOU ARE ENCOURAGED TO SUBMIT WRITTEN COMMENT IF YOUR INTERESTS COULD BE AFFECTED.**

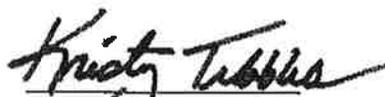
If you are a person with a disability who may need special accommodations in order to participate in this process, please contact ADF&G, Boards Support Section at (907) 465-4046 no later than March 5, 2021 to ensure that any necessary accommodations can be provided.

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 16.05.330; AS 16.05.340; AS 16.05.346; AS 16.05.370; AS 16.05.405, AS 16.05.407; AS 16.05.780; AS 16.05.783; AS 16.05.789; AS 16.05.920; and AS 16.30.010 - .030.

Fiscal Information: It is unknown if the proposed regulation changes will require an increased appropriation.

DATE: February 12, 2021



Kristy Tibbles, Executive Director
Alaska Board of Game
(907) 465-6098

ADDITIONAL REGULATIONS NOTICE INFORMATION
(AS 44.62.190(g))

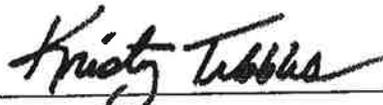
1. Adopting agency: Alaska Board of Game
2. General subject of regulation: Seasons, bag limits, tags, fees, and possession and transportation in all game management units.
3. Citation of regulations: 5 AAC 85, 98, and 92
4. Department of Law file numbers: 2020200467
5. Reason for the proposed action:
 - compliance with federal law
 - compliance with new or changed state statute
 - compliance with court order
 - development of program standards
 - Other: Special meeting to address regulations for the use and taking of game.
6. Appropriation/Allocation: Natural Resources and all RDUs
7. Cost of implementation to the state agency and available funding: Additional costs and the need for an increased appropriation are uncertain at this time.
8. The name of the contact person for the regulations:

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

9. The origin of the proposed action:

staff of state agency
 federal government
 general public
 Board of Game

10. Date: February 12, 2021 Prepared by:



Kristy Tibbles, Executive
Director Alaska Board of Game
(907) 465-6098

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Kristy Tibbles, Executive Director of the Alaska Board of Game, under penalty of perjury, certify the following:

As required by AS 44.62.190, notice of the proposed adoption of regulation changes dealing with the use and taking of game has been given by being

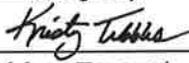
- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1).

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

There is no notary public or other official empowered to administer oaths available to notarize this document as a result of social distancing requirements implemented statewide.

I certify under penalty of perjury that the foregoing is true.

Date: 4/29/2021

DocuSigned by:


Kristy Tibbles, Executive Director
Alaska Board of Game

State of Alaska
Juneau

ANCHORAGE DAILY NEWS

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STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the afore-said place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

02/16/2021

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

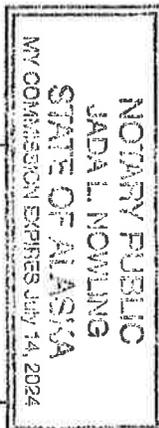
Signed _____

Subscribed and sworn to before me
this 8th day of April 2021.

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

7/14/2024



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

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The proposed regulation changes are available on the Board of Game meeting information website at www.adfg.alaska.gov/index.cfm?adfg=boardmeeting or by contacting the ADF&G Board Support Section Office at (907) 465-4046. Additional information will be added to the meeting website as it becomes available for the meeting.

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Password: 424 492 82

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DATE: February 12, 2021
27
Kirsty Tibbles, Executive Director
Alaska Board of Game
(907) 465-6098
Published: February 16, 2021