



## Alaska Board of Game

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### NOTICE OF PUBLIC MEETING OF THE ALASKA BOARD OF GAME

Notice is given that the Alaska Board of Game (Board) will hold a non-regulatory meeting via web-conference at 2:00 p.m. on Thursday, November 16, 2023. The main purpose of the Board meeting is to consider agenda change requests (ACRs) submitted by the November 1, 2023 deadline for the 2023/2024 meeting cycle.

The meeting is accessible by viewing the live video stream at [www.boardofgame.adfg.alaska.gov](http://www.boardofgame.adfg.alaska.gov); or listening to the audio by calling +1 253 215 8782 and entering the meeting ID: 836 3659 0907. No oral testimony will be taken during the meeting.

The deadline for submitting written comments for the meeting is Friday, November 10, 2023. Written comments, limited to 100 single-sided pages, may be submitted on the Board's website at [www.boardofgame.adfg.alaska.gov](http://www.boardofgame.adfg.alaska.gov) or faxed to (907) 465-6094.

The meeting agenda, ACRs, notice, and other meeting materials will be available online at <https://www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo&date=11-16-2023&meeting=webconference>. For more information about the meeting, contact the Department of Fish and Game, Boards Support Section at (907) 465-6098.

If you are a person with a disability who may need a special accommodation in order to participate, please contact the Boards Support Section at (907) 465-6098 no later than 5:00 p.m. Monday, November 13, 2023 to ensure that any necessary accommodations can be provided.

Kristy Tibbles, Executive Director  
Alaska Board of Game

October 20, 2023

**ACR #1** – Change the statewide definition of “full-curl horn” for Dall sheep hunting.

**SUBMITTED BY:** Western Interior Alaska Regional Advisory Council

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**

Alaska Administrative Code Number 5 AAC: 92.990 (30) (A),(B), & (C) “full-curl horn” of a male (ram) Dall sheep” 5 Alaska Administrative Code § 92.990

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.**

Most of current statewide Dall sheep populations are far below historical carrying capacities. Rains on snow with late spring in 2012/13’, as well as multiple subsequent winters have decimated multiple cohorts. Most ram groups do not have full curl, or both horns broken to choose from.

The only option currently legally allowed if there is no true full curl or boomed rams in the groups, is to count annuli rings at a distance.

Most hunters and even professional biologists can mistakenly count 8 rings on 3/4 and 7/8 curl rams on the mountainside. Many hunters cannot age the sheep when in hand. This is documented with the high numbers of young rams being seized by the department at sealing.

The mistaken count of annuli and loss of the very few young recruiting breeding rams is of critical concern to the sustainability of sheep populations’ recovery.

Very few rams will not eventually become legal under the full curl definition by either achieving a full curl, or by breaking off both horn tips if left to mature, so having the aging option is unnecessary and detrimental. At this time few rams are even becoming legal under the full curl definition due to hunting or environmental related mortality prior to maturity being reached.

**WHAT SOLUTION DO YOU PREFER?**

The proposed regulatory change would repeal and eliminate criteria (C) statewide “the sheep is at least eight years of age as determined by horn growth annuli;”

If adopted the definition of a full curl of a male (ram) Dall Sheep would be:

"full-curl horn" of a male (ram) Dall sheep means that,

(A) the tip of at least one horn has grown through 360 degrees of a circle described by the outer surface of the horn, as viewed from the side, or

(B) both horn tips are broken; broken means the lamb tip is completely absent; horn tips that are chipped or cracked are not broken if any portion of the lamb tip is present; characteristics of the lamb tip include: (i) a length of less than four inches, (ii) the inside surface of the lamb tip is distinctly concave when compared to the remainder of the horn, and (iii) the lamb tip is the section of a horn that is grown during the first six months of a sheep's life and is the section of horn distal of the first annulus, which is the swelling of the horn that forms during the first winter of life.

**STATE IN DETAIL HOW THIS ACR MEETS THE FOLLOWING CRITERIA:**

- A. To correct an error in regulation.**
- B. To correct an effect of a regulation that was unforeseen when a regulation was adopted.**
- C. Does the request identify a biological concern for the population or a threat to meeting objectives for the population?**

The mistaken over counting of annuli of rams not meeting full curl or broken horns, causes hunters to take a chance that the sheep is legal. Many times, they are not. The loss of the very few young recruiting breeding rams is of critical concern to the sustainability of Dall sheep population's recovery. This issue needs to be addressed Statewide. This change will have little effect to hunter harvest where mature rams will be taken with true full curl/broken horned harvest.

- D. Does the request identify an unforeseen, unexpected event or effect that would otherwise restrict or reduce a reasonable opportunity for customary and traditional wildlife uses, as defined in AS 16.05.258(f)?**
- E. Does the request identify 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 because the resource would be unavailable in the future?**

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

Dall Sheep rams younger than 8 years, that are typically 3/4 curl to just under full curl, will continue to be killed by mistaken hunters guessing at ripples on horns at a distance. Hunters need to have a clear regulation that only allows true full curl harvest.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

This ACR is strictly biologically driven. There is no allocation disadvantage to any segment of the hunting public.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.**

**STATE YOUR INVOLVEMENT IN THE ISSUE THAT IS THE SUBJECT OF THIS ACR.**

The Western Interior Alaska Regional Advisory Council has members that are sheep hunters, as well as many public individuals that hunt sheep within the region. Many residents have deep concerns to help bring the sheep populations back to carrying capacity with true sustained yield harvest of only full curl rams.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF GAME MEETING.**

The recent additional Dall sheep populations decline, with data to identify them below carrying capacity, as well as the take of several illegal sub-full curl rams, could not have been proposed last regulatory cycle. It is critical to address this issue statewide through the ACR process.

**ACR #2** – Allow the use of large bore, high-powered air rifles for taking big game statewide.

**SUBMITTED BY:** Dave Roberts

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**

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

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.**

Amend existing regulatory language to allow for air gun use for all big game species in Alaska.

**WHAT SOLUTION DO YOU PREFER?**

5 AAC 92.085 (19) ...allowed for the take of deer and caribou; and remaining big game species may be taken by air gun of at least .457 caliber.

**STATE IN DETAIL HOW THIS ACR MEETS THE FOLLOWING CRITERIA:**

**A. To correct an error in regulation.**

Not applicable.

**B. To correct an effect of a regulation that was unforeseen when a regulation was adopted.**

All big game species should have been included in the air gun regulation.

**C. Does the request identify a biological concern for the population or a threat to meeting objectives for the population?**

Not applicable.

**D. Does the request identify an unforeseen, unexpected event or effect that would otherwise restrict or reduce a reasonable opportunity for customary and traditional wildlife uses, as defined in AS 16.05.258(f)?**

Not applicable.

**E. Does the request identify 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 because the resource would be unavailable in the future?**

Not applicable.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

Opportunity to take game with an air gun will be missed for more than a year.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

This ACR does not seek special air gun seasons, or areas. Air guns could be used in an non-weapons restricted hunts.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.**

Not applicable.

**STATE YOUR INVOLVEMENT IN THE ISSUE THAT IS THE SUBJECT OF THIS ACR.**

Promoter of air gun hunting and shooting sports. Proprietor of Alaska Shooting Specialties/Alaska Air Guns.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF GAME MEETING.**

This ACR has not been submitted or considered before.

**ACR #3** – Lengthen the moose hunting season in Unit 19E by five days; allow proxy hunting, and eliminate the restriction of one permit per household.

**SUBMITTED BY:** Stony Holitna Fish & Game Advisory Committee

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**

Alaska Administrative Code Number 5 AAC NEW

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.**

Wildlife Conservation did a GSPE moose survey in March, 2022, showing a positive increase in the Unit 19E moose herd since 2020, especially in the Bear Control Focus Area (BCFA), where moose density went from 2.0 to 2.9 moose/sq. mile, and harvestable surplus went from 42 to 62. SHAC was unable to meet to get a proposal for condition changes in RM682 in time for the May 1 deadline. The Interior cycle doesn't come up until 2027, and these conditions offer increased hunting opportunity, which would be lost those 3 years. SHAC requests that Board of Game approves this ACR for the March, 2024 Interior Meeting.

**WHAT SOLUTION DO YOU PREFER?**

In the Unit 19E RM682 moose hunt –

- Allow proxy hunting.
- delete the “1 permit per household” condition (preferably with the ability to re-apply this condition if needed, e.g., due to drastic decline in moose or unforeseen regulation abuse),
- and add 5 days to the hunt to become Sept. 1-10.

**STATE IN DETAIL HOW THIS ACR MEETS THE FOLLOWING CRITERIA:**

Criterion #1 does not apply, but the others do. The recent 2022 regulation change that allows proxy hunting won't go into effect in Unit 19E. There would be the loss of hunting opportunity for all hunters, as well as meat availability for the elderly and handicapped.

**A. To correct an error in regulation.**

There was no regulation error – but there was a regulation change that allows proxy hunting for this type of hunt.

**B. To correct an effect of a regulation that was unforeseen when a regulation was adopted.**

The increase in moose population was unknown. The regulation change in proxy hunting was unforeseen. Proxy hunting, more than one permit per household, along with a 5-day hunt extension, will offer increased hunting opportunity.

**C. Does the request identify a biological concern for the population or a threat to meeting objectives for the population?**

No - there is no threat to IM objectives with the modest permit numbers being issued. This hunt was created as an Experimental Hunt, and it continues to be.

**D. Does the request identify an unforeseen, unexpected event or effect that would otherwise restrict or reduce a reasonable opportunity for customary and traditional wildlife uses, as defined in AS 16.05.258(f)?**

The positive survey results and change in proxy hunt regulations were unforeseen and unexpected. To delay these changes in hunt conditions until the next Board of Game cycle would restrict harvest opportunity needlessly for three years.

**E. Does the request identify 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 because the resource would be unavailable in the future?**

This unforeseen increase in animals will allow more animals to be taken when the opportunity is offered. See b, c, & d above.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

Hunters will have to wait until the next meeting in 2027 to take advantage of the additional opportunity.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

These hunt condition changes are not predominately allocative. They simply add additional opportunity to an existing hunt.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.**

**STATE YOUR INVOLVEMENT IN THE ISSUE THAT IS THE SUBJECT OF THIS ACR.**

The SHAC represents the people and villages within Unit 19E.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF GAME MEETING.**

No - this ACR has not been considered before.



**ACR #4** – Establish a target hunt for musk ox in Unit 23.

**SUBMITTED BY:** Native Village of Kotzebue and the Kotzebue Elders Council

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**

Alaska Administrative Code Number 5 AAC: NEW

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.**

We would like the Board of Game to create a targeted (hotspot) hunt for problem bull muskox at the traditional camping site of the Sisualik Peninsula during the months of June through October. The Peninsula is entirely composed of Native Allotments and ANCSA land. The petitioner (the Native Village of Kotzebue) has been working with the ADF&G and the Western Arctic Parklands on addressing problem muskox and safety issues created by them, since at least 2008. The Kotzebue Elders Council has also been calling for a more active approach to address the ongoing safety issue since that time. Various approaches have been tried over the years, from electric fencing across the Peninsula, to using aircraft to drive muskox herds from the Peninsula back to the mainland away from the camps. Everything tried has only had limited results that are temporary in nature. In most cases, the campers themselves have had to resort to using their own ATV's to drive them muskox away from the camps. On occasion, valuable sled dog's have been injured, cemeteries have been molested, funerals have been disrupted, Elders and children have been kept in their camps unable to go out for the bathroom and water, and general disruption of subsistence activities due to the presence of menacing muskox. Defense of Life and Property kills have occurred. After the Public Safety Officer was killed in Nome, the issue has finally come to a head and a more proactive approach is being requested.

The Tribe and the Kotzebue Elders met with ADF&G Commissioner to discuss the issue, when he suggested looking at the targeted (Hotspot) hunt as one tool to try. Unfortunately, the meeting occurred the second week of May 2023, a week after the proposal deadline for the January 2024 Board of Game meeting. Instead of continuing to wait until another proposal opportunity in regular order occurs, the Tribe believes that this long-standing issue needs to be addressed in a timelier manner and thus decided to submit a proposal through the ACR process. Also the Board of Game plans to meet in Kotzebue in January which would facilitate more informed discussions surrounding the issue and proposal. While mixed sex/age groups of muskox regularly occur on the Peninsula, the bulls, especially the old bulls kicked out of the herd, and the bulls jacked up on testosterone during the breeding season, are the most dangerous of the animals and are the ones that have caused the dog injuries and were the target of DLP (defense of life and property) situations, so these are the animals we are requesting a targeted hunt for during the season of June through October, when they are normally present and causing safety and conflict issues. Create a list of willing hotspot hunters who can respond within 24 hours of a muskox bull safety issue being called in to the Department.

**WHAT SOLUTION DO YOU PREFER?**

Unit 23, Sheshalik Spit, 1 muskox bull by targeted permit only during the months of May through October.

**STATE IN DETAIL HOW THIS ACR MEETS THE FOLLOWING CRITERIA:**

N/A

- A. To correct an error in regulation.**
- B. To correct an effect of a regulation that was unforeseen when a regulation was adopted.**
- C. Does the request identify a biological concern for the population or a threat to meeting objectives for the population?**
- D. Does the request identify an unforeseen, unexpected event or effect that would otherwise restrict or reduce a reasonable opportunity for customary and traditional wildlife uses, as defined in AS 16.05.258(f)?**
- E. Does the request identify 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 because the resource would be unavailable in the future?**

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

More delay, after years of inaction by the State to address a real safety issue.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

It is predominately a safety issue, although also allocative in nature.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.**

The new information is the existence of a targeted (hotspot) hunt solution to address this long-standing muskox conflict, that the Tribe and Elders Council, was only recently made aware of by the ADF&G Commissioner when discussing possible solutions with him in May 2023.

**STATE YOUR INVOLVEMENT IN THE ISSUE THAT IS THE SUBJECT OF THIS ACR.**

The Native Village of Kotzebue manages Native allotments on behalf of property owners in concert with the US Bureau of Indian Affairs, and it is these properties and the safety issues created by the presence of muskox and the use and enjoyment by their owners, that is at the core of this issue.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF GAME MEETING.**

No, the Tribe has only recently been made aware of a targeted (hotspot) hunt possibility.

**ACR #5** – Require all hunters to apply for Unit 8 brown bear drawing permits.

**SUBMITTED BY:** Resident Hunters of Alaska

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**

5 AAC: 92.061 Special provisions for Unit 8 brown bear permit hunts

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.**

Unit 8 Kodiak Island nonresident guided brown bear permit hunts are listed as “draw” hunts in regulation even though they are not really draw hunts. During the last Southcentral Region cycle in 2023, RHAK submitted a proposal to fix the loophole in regulations that allowed nonresident guided hunters to skip the permit process entirely (proposal #78).

Residents are required to pay an application fee and go through an actual draw permit lottery process, in order to win a coveted Kodiak brown bear permit. The odds of a resident hunter drawing a permit are very low, typically 1 – 3 percent. A resident hunter can put in for a Kodiak brown bear permit his or her entire life and never draw a permit.

Nonresident guided hunters, who are allocated up to 40% of all Kodiak brown bear permits, do not have to pay an application fee nor do they have to go through an actual random draw lottery process. A nonresident guided hunter with enough money simply calls the guide with an exclusive concession and makes a deal and then can participate in the hunt via an over-the-counter permit.

During deliberations on RHAK Proposal 78 at the March 2023 Soldotna meeting, the Chairman made these comments, transcribed from the audio recording: *“Why do we pretend that these are draw hunts, other than the fact that we’ve identified them as draw hunts, putting them in the draw supplement; no one can draw except for the very few people, there are no odds, it’s 100 percent or zero. Why can’t we identify those separately?”*

**WHAT SOLUTION DO YOU PREFER?**

Amend language in 5 AAC 92.061 to absolutely require that all nonresidents or their guides, and the Department, **must** submit a draw permit application and pay the application fee during the application period in order to have an opportunity to hunt. An alternate list for cancellations may be implemented, but if there was no application and application fee received during the application period, that hunter is not eligible to hunt that permit. There will be no over-the-counter tags awarded outside the draw permit application process.

Amend language to make it against the law for guides to donate these “draw” permits or “take them off the table,” as some guides have said they do.

**STATE IN DETAIL HOW THIS ACR MEETS THE FOLLOWING CRITERIA:**

**A. To correct an error in regulation.**

As the Chairman stated on the record, for nonresident guided hunters the Unit 8 Kodiak Island “draw” permit hunt is not actually a “draw” permit. We ask the same question the Chairman did: “Why do we pretend that these are draw hunts”? This is an error in regulation.

**B. To correct an effect of a regulation that was unforeseen when a regulation was adopted.**

RHAK has provided ample evidence that nonresident guided brown bear hunters are able to skirt the draw permit process and hunt a Kodiak brown bear every four years. We showed social media posts of a hunter who hunted with a certain guide five times until he finally got a ten-foot bear. We showed evidence of guides donating the nonresident guided “draw” permits they are allocated for their exclusive concession area.

5AAC 92.061(3) states that “the department shall enter, in a guided nonresident drawing, each complete application from the nonresident who will be accompanied by a guide.”

The Department is *not* entering completed applications. If they were, the nonresident hunter would have had to pay an application fee. The nonresident guided hunters and their guides are also not entering applications as intended by the regulation.

**We ask these questions:** Is the intended effect of this regulation to allow nonresident guided brown bear hunters, their guides, and the Department, to skip the outlined draw permit process? Is the intended effect of this regulation to “pretend that this is a draw hunt” when it isn’t? Is the intended effect of this regulation to allow the permits to go to the guide with that concession area to do with as he or she wants?

If the above were intended effects of this regulation, then the board should state such on the record. If these are not intended effects, but rather unforeseen effects, then the board has no choice but to accept this ACR for the next regularly scheduled regulatory meeting and fix these issues.

**C. Does the request identify a biological concern for the population or a threat to meeting objectives for the population?**

Not applicable.

**D. Does the request identify an unforeseen, unexpected event or effect that would otherwise restrict or reduce a reasonable opportunity for customary and traditional wildlife uses, as defined in AS 16.05.258(f)?**

Not applicable.

**E. Does the request identify 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 because the resource would be unavailable in the future?**

Not applicable.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

The guided nonresident Unit 8 Kodiak brown bear “draw” permit hunt will continue to allow nonresidents to skip the permit process entirely, and not pay an application fee. The guided nonresident Kodiak brown bear “draw” permit hunt will continue to be advertised in regulation as a random lottery “draw” draw permit hunt. It cannot be a “draw” permit hunt if a hunter does not have to pay an application fee and is not awarded a permit via a random draw lottery process. Guides with exclusive concessions where these hunts take place will continue to be allowed to do with as they choose with these permits.

Resident Kodiak brown bear hunters will continue to be disenfranchised by forcing them to go through a low-odds random draw process whereby nonresident guided hunters have a 100% opportunity to hunt.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

This ACR has absolutely nothing to do with allocation. Nonresident guided hunters currently receive up to 40 percent of all Kodiak brown bear “draw” permits. We are simply asking to fix the regulation that is supposed to require them to go through a random draw lottery process like residents and pay the same application fee as residents.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.**

Not applicable.

**STATE YOUR INVOLVEMENT IN THE ISSUE THAT IS THE SUBJECT OF THIS ACR.**

Resident Hunters of Alaska (RHAK) is a hunting conservation organization advocating for sustainable wildlife management policies with an emphasis on protecting and enhancing resident hunting opportunities.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF GAME MEETING.**

Similar proposals to this ACR were considered twice during the regular Southcentral Region cycle and voted down each time by the Board of Game. However, at the March 2023 Southcentral Region meeting when a similar proposal was before the board, the Chairman made comments that clearly illustrate the hypocrisy and unforeseen effects of what this regulation is allowing, and how it is being abused. Those statements should serve as a warning to this board that now it is time to fix the errors in this regulation and the unforeseen effects that continue to happen.

**ACR #6** – Designate the Macomb Plateau Controlled Use Area as a Refuge or Critical Habitat Area.

**SUBMITTED BY:** Friends of the Macomb Plateau

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**

Alaska Administrative Code Number 5 AAC NEW

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.**

We are a statewide group of hunters and hikers who are alarmed by the unexpectedly rapid acceleration of the effects of climate change upon the wildlife habitat of Alaska.

In Unit 20D the Macomb caribou herd calve and rut on the relatively small, elevated Macomb Plateau. In winter the caribou generally depart the tree barren Plateau for the boreal forest where they mainly feed on lichen.

The past two years have seen heavy deep snows in the Interior. The rain-on-snow event of December 2021 and the late Spring of 2023 have adversely impacted the harvestable populations of the Macomb herd. These adverse weather events are expected to become more frequent in the future. At this time (winter 2023), harvest numbers are at an all-time low and the last population estimate was 550 caribou, well below what the population is managed for.

We are requesting the Board of Game elevate the management status of the Macomb Plateau from Controlled Use Area to refuge or to work with the legislature for a critical habitat designation in order to restrict the use of motorized vehicles during those months when there is insufficient snow cover to mitigate the damage to habitat and trails. We feel this is a reasonable request which would lessen the stress on the caribou's calving and rutting grounds and thus enable them a refuge so the herd can continue to mate and give birth and remain as a critical component to this unique ecosystem and a reliable resource for hunters in the future.

We refer to the 1990 Department of Fish and Game report to the Board of Game titled "Off-Road Vehicles and Hunting in Alaska" for a balanced presentation of the issues regarding ORV use and habitat damage.

**WHAT SOLUTION DO YOU PREFER?**

We would prefer the Board of Game designate the management of the Macomb Plateau be changed from Controlled Use Area to refuge or work with the legislature for a critical habitat designation.

**STATE IN DETAIL HOW THIS ACR MEETS THE FOLLOWING CRITERIA:**

A. **To correct an error in regulation.**

B. **To correct an effect of a regulation that was unforeseen when a regulation was adopted:**

**C. Does the request identify a biological concern for the population or a threat to meeting objectives for the population?**

Our request addresses the long-term threat to meeting objectives for the caribou population of the Macomb Plateau.

**D. Does the request identify an unforeseen, unexpected event or effect that would otherwise restrict or reduce a reasonable opportunity for customary and traditional wildlife uses, as defined in AS 16.05.258(f)?**

Our request identifies the long-term threats of climate change as an unexpected effect that will reduce all types of end users from having a reasonable opportunity to enjoy game resources.

**E. Does the request identify 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 because the resource would be unavailable in the future?**

It cannot be determined exactly how the delay in acting on our request would negatively affect the resource in the short term.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

Our request is admittedly focused on long term concerns, so the problem does not require action prior to the regular cycle in order to be a valid solution.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

We are not advocating either an increase or decrease in the allocation of any game.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.**

N/A

**STATE YOUR INVOLVEMENT IN THE ISSUE THAT IS THE SUBJECT OF THIS ACR.**

We are a group of hunters and hikers who regularly frequent the Plateau. Some of our group members are locals and landowners living very close to the Plateau. Some of our members access the Plateau in winter with snowmachines.

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF GAME MEETING.**

We do not believe this proposal has been considered before.

**ACR #7** – Change the boundary for Units 20A & 20C.

**SUBMITTED BY:** Alaska Department of Fish and Game

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**

Alaska Administrative Code Number 5 AAC: 92.450 Description of Game Management Units

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.**

This ACR is to address a change that has occurred in the location of the main channel of the Nenana River that effects the border of Units 20A and 20C. This ACR clarifies that Seventeen Mile Slough and Lost Slough are channels of the Nenana River and therefore define the western boundary of 20A and the eastern boundary of 20C. Almost all of the water flowing downstream in the Nenana River enters Seventeen Mile and Lost Sloughs to their confluence with the Tanana River. This has created confusion by hunters interpreting the boundary in regulation because the Nenana River has changed its main channel course from what is shown on the map provided in the Alaska Hunting Regulations as well as USGS topographical maps. This regulatory clarification will allow hunters to easily determine the subunit boundaries as the main channel of the Nenana River will match correctly with what is printed in the Alaska Hunting Regulations as well as label names on USGS maps. This has created confusion for hunters and made it difficult for enforcement.

**WHAT SOLUTION DO YOU PREFER?**

5 AAC 92.450(20)

(A) Unit 20(A) consists of that portion of Unit 20 bounded on the south by the Unit 13 boundary, bounded on the east by the west bank of the Delta River, bounded on the north by the north bank of the Tanana River from its confluence with the Delta River downstream to its confluence with the Nenana River, and bounded on the west by the east bank of the Nenana River **including Seventeen Mile Slough and Lost Slough**;

...

(C) Unit 20(C) consists of that portion of Unit 20 bounded on the east by the east bank of the Nenana River **including Seventeen Mile Slough and Lost Slough** and on the north by the north bank of the Tanana River downstream from the Nenana River;

The map in the Alaska Hunting regulations would also change and show the boundary following the Nenana River down Lost slough and 17-mile slough.

**STATE IN DETAIL HOW THIS ACR MEETS THE FOLLOWING CRITERIA:**

A. **To correct an error in regulation.**

N/A



**B. To correct an effect of a regulation that was unforeseen when a regulation was adopted.**

The intent of the regulation is that the Nenana River is the border between Game Management Units 20A and 20C. The main channel of the river has moved since the existing boundary was adopted by the board and since the maps were labeled. As a result, the USGS map and the map in the Alaska Hunting Regulations the boundary where the Nenana River no longer exists.

**C. Does the request identify a biological concern for the population or a threat to meeting objectives for the population?**

No

**D. Does the request identify an unforeseen, unexpected event or effect that would otherwise restrict or reduce a reasonable opportunity for customary and traditional wildlife uses, as defined in AS 16.05.258(f)?**

N/A

**E. Does the request identify 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 because the resource would be unavailable in the future?**

Yes. Correcting this issue would increase opportunity for both moose and grizzly bear hunters.

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

Hunters will have difficulty determining if they are hunting in Unit 20A or Unit 20C for several hunting seasons. Moose and grizzly bear hunting regulations are different in each unit. The enforcement of the regulation will be impossible during those seasons.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

This ACR would make the hunting regulations more clear for the public and enforcement. It does not address allocation.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.**

**STATE YOUR INVOLVEMENT IN THE ISSUE THAT IS THE SUBJECT OF THIS ACR.**

Alaska Department of Fish and Game

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF GAME MEETING.**

This ACR has not been considered.

**ACR #8** – Change the boundary of the RG002 hunt area to align with the existing RG001 hunt area.

**SUBMITTED BY:** Alaska Department of Fish and Game

**CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.**

Alaska Administrative Code Number 5 AAC 85.040 and 5 AAC 92.050.

**WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.**

During the 2023 Board of Game meeting in Ketchikan, the Board adopted Proposal 43. The proposal allowed for a second goat to be harvested by resident hunters in a portion of Unit 1A. The proposer intended for the proposal to apply to the entire RG001 hunt area, however as written the proposal only applied to Unit 1A. The Board did not amend the proposal, and the new hunt opportunity was implemented in a way that has caused confusion. Changing the boundary of the new two-goat bag limit hunt, RG002, to align with the existing RG001 hunt area will reduce confusion for hunters.

**WHAT SOLUTION DO YOU PREFER?**

5 AAC 85.040(a)(1)

Units and Bag Limits

Resident Open Season  
(Subsistence and  
General Hunts)

Nonresident Open  
Season

Remainder of Units 1(A)  
**and 1(B)**

RESIDENT HUNTERS:

2 goats by registration permit  
only; the taking of nannies  
with kids is prohibited

Aug. 1 – Dec. 31

NONRESIDENT HUNTERS:

1 goat by registration permit  
only; the taking of nannies with  
kids is prohibited

Aug. 1 – Dec. 31

5 AAC 92.050(a)(4)

(K) a second mountain goat registration permit for the Remainder of Units 1(A) **and 1(B)** may only be issued if the goat harvested with the first registration permit was a billy harvested in the Remainder of Units 1(A) **or 1(B)**; for those hunters who harvested their first goat in the Remainder of Unit 1(A) **or 1(B)** with a registration permit, the pursuit of a second goat cannot occur in the trend count area of the original harvest; resident hunters looking to pursue a second goat in the Remainder of Unit 1(A) **or 1(B)** with a registration permit may

receive a second registration permit after presenting the harvest record or sealing documents from their first harvest to the ADF&G office in Ketchikan.

**STATE IN DETAIL HOW THIS ACR MEETS THE FOLLOWING CRITERIA:**

**A. To correct an error in regulation.**

N/A

**B. To correct an effect of a regulation that was unforeseen when a regulation was adopted.**

This unforeseen consequence of the proposal created unnecessary complexity to the regulations and confusion for hunters.

**C. Does the request identify a biological concern for the population or a threat to meeting objectives for the population?**

No

**D. Does the request identify an unforeseen, unexpected event or effect that would otherwise restrict or reduce a reasonable opportunity for customary and traditional wildlife uses, as defined in AS 16.05.258(f)?**

No

**E. Does the request identify 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 because the resource would be unavailable in the future?**

No

**WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?**

Prospective resident goat hunters will continue struggling to understand which permit is necessary for the area they desire to hunt. Resident hunters who may be hunting near the border of this hunt must carry two permits and ensure they are complying with the correct permit conditions depending on which side of the mountain they harvest a goat from. Resident hunters hunting their second goat with an RG002 permit must be extremely careful to harvest their second goat from the RG002 side of the ridge.

**STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.**

Allocation is not an issue because the bag limits for residents and non-residents will not change.

**IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.**

N/A

**STATE YOUR INVOLVEMENT IN THE ISSUE THAT IS THE SUBJECT OF THIS ACR.**

Alaska Department of Fish & Game

**STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF GAME MEETING.**

This ACR has not been considered in a previous Board of Game meeting.