

# MEMORANDUM

## State of Alaska Department of Law

TO: April Simpson  
Regulations and Initiatives  
Coordinator  
Office of the Lieutenant Governor

DATE: April 3, 2026

FILE NO.: 2025200331

TEL. NO.: 465-3600

FROM: Rebecca C. Polizzotto  
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and Regulations Attorney  
Legislation, Regulations,  
and Legislative Research Section

SUBJECT: Regulations Transmittal  
2025200331: 5 AAC  
92.111: Board of Game -  
Mulchatna Caribou Herd  
Predation Management

Rebecca C. Polizzotto

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Rebecca C. Polizzotto  
Date: 2026.04.03  
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In accordance with my authority under AS 44.62.125(b), when transmitting the above-mentioned regulations project to the publisher, please include the following instructions regarding 5 AAC 92.111.

### 5 AAC 92.111

Pursuant to court orders dated March 14, 2025 and May 9, 2025, in Alaska Superior Court case *Alaska Wildlife Alliance v. State of Alaska, Alaska Board of Game*, 3AN-23-07495CI, 5 AAC 92.111(c) was amended to read:

(c) Mulchatna Caribou Herd Predation Management Area. The Mulchatna Caribou Herd Predation Management Area is established to increase the Mulchatna Caribou Herd (MCH) within Units 9(B), 17(A), 17(B), 17(C), 18, 19(A), and 19(B) to aid in achieving intensive management (IM) objectives. The Mulchatna Caribou Herd Predation Management Area encompasses approximately 39,683 square miles, and multiple predator control areas may be utilized within the management area. The control program for this area is as follows:

(1) this is a continuing control program that was first established by the Board of Game (board) in 2011 for wolf control [AND HAS BEEN EXPANDED TO INCLUDE BLACK AND BROWN BEAR CONTROL]; it is designed to increase the caribou herd's population size and human harvest by reducing wolf predation on caribou and is expected to make a contribution to achieving the IM objectives for the Mulchatna Caribou Herd.

(2) caribou and wolf objectives are as follows:

(A) the IM objective for the MCH as established in 5 AAC 92.108 is 30,000 – 80,000 caribou; these objectives were based on historic information regarding population numbers, habitat limitations, human use, and sustainable harvests;

(B) the caribou harvest objective for the MCH as established in 5 AAC 92.108 is 2,400 – 8,000;

(C) the wolf population objective for the MCH Predation Management Area is to annually reduce the number of wolves in predator control areas to a level that results in increased calf survival and recruitment;

[(D) THE BEAR POPULATION OBJECTIVE FOR THE MCH PREDATION MANAGEMENT AREA IS TO ANNUALLY REDUCE THE NUMBER OF BEARS IN THE PREDATOR CONTROL AREAS TO A LEVEL THAT RESULTS IN INCREASED CALF SURVIVAL AND RECRUITMENT;]

(3) findings concerning populations and human use are as follows:

(A) the population and harvest objectives for the MCH are below the IM objectives throughout the herd's range;

(B) wolves are a major predator of caribou in the range of the MCH and are an important factor in failing to achieve these objectives;

(C) a reduction of wolf predation can reasonably be expected to aid in achieving the objectives;

(D) reducing wolf predation is likely to be effective and feasible using recognized and prudent active management techniques and based on scientific information;

(E) reducing wolf predation is likely to be effective given land ownership patterns;

(F) reducing wolf predation is in the best interests of subsistence users;

[(G) BEARS ARE A MAJOR PREDATOR OF CARIBOU IN THE RANGE OF THE MCH AND ARE AN IMPORTANT FACTOR IN FAILING TO ACHIEVE THESE OBJECTIVES;

(H) A REDUCTION OF BEAR PREDATION IN CERTAIN AREAS LIKE CALVING AREAS CAN REASONABLY BE EXPECTED TO AID IN ACHIEVING THE OBJECTIVES;

(I) REDUCING BEAR PREDATION IS LIKELY TO BE EFFECTIVE AND FEASIBLE USING RECOGNIZED AND PRUDENT ACTIVE MANAGEMENT TECHNIQUES AND BASED ON SCIENTIFIC INFORMATION;

(J) REDUCING BEAR PREDATION IS LIKELY TO BE EFFECTIVE GIVEN LAND OWNERSHIP PATTERNS; AND

(K) REDUCING BEAR PREDATION IS IN THE BEST

INTERESTS OF SUBSISTENCE USERS;]

(4) authorized methods and means are as follows:

(A) hunting and trapping of wolves [AND BEARS] by the public in the MCH Predation Management Area during the term of the program will occur as provided in the hunting and trapping regulations set out elsewhere in this title, including the use of motorized vehicles as provided in 5 AAC 92.080;

(B) notwithstanding any other provisions in this title, the commissioner may issue public aerial shooting permits or public land-and-shoot permits as a method for wolf removal under AS 16.05.783;

(C) notwithstanding any other provisions in this title, the commissioner may allow department employees to conduct aerial, land-and-shoot, or ground-based lethal removal of wolves [, BLACK BEARS, AND BROWN BEARS] using state-owned, privately-owned, or chartered equipment, including helicopters, under AS 16.05.783;

(5) time frame is as follows:

(A) through July 1, 2028, the commissioner may authorize the removal of [BEARS AND] wolves in the MCH Predation Management Area;

(B) annually, the department shall, to the extent practicable, provide to the board a report of program activities conducted during the preceding 12 months, including implementation activities, the status of caribou and wolf populations, and recommendations for changes, if necessary, to achieve the objectives of the plan;

(6) the commissioner will review, modify, or suspend program activities as follows:

(A) when the mid-point of the IM population or harvest objectives for the MCH is achieved;

(B) if, after three years, the harvest of wolves is not sufficient to make progress towards the IM population objectives for wolves;

(C) if, after three years, there is no detectable increase in the total number of caribou in the control area;

(D) if, after three years, fall calf-to-cow ratios show no appreciable increase;

(E) if, after three years, any measure consistent with significant levels of nutritional stress in the caribou population are identified;

(F) when the caribou population and harvest objectives within the MCH Predation Management Area have been met [; OR

(G) IF, AFTER THREE YEARS, THE HARVEST OF BEARS IS NOT SUFFICIENT TO MAKE PROGRESS TOWARDS THE IM POPULATION OBJECTIVES FOR BEARS].

This version of 5 AAC 92.111(c) -- as amended by the court -- was never codified in the official publication of the Alaska Administrative Code. When preparing this regulations project (2025200331) for publication, please note that the regulations amend the court's version of 5 AAC 92.111(c) set out above and not the 2022 version.

Additionally, please add a new paragraph to the existing editor's note of 5 AAC 92.111 to read:

While not reflected in the history note, pursuant to court orders dated March 14, 2025 and May 9, 2025 in Alaska Superior Court case *Alaska Wildlife Alliance v. State of Alaska, Alaska Board of Game*, 3AN-23-07495CI, 5 AAC 92.111(c) was amended to remove amendments adopted by the Board of Game in 2022 to add predator control of brown and black bears pursuant to a proposal for regulation change designated Proposal 21.

Thank you for your assistance, and please contact me if you have questions.

RCP/AHR/HH

CC: Kari Winkel, Executive Director  
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