

Alaska Board of Game
Nelchina Caribou and Bear Trapping Regulations
October 8-12, 2010

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September 29, 2010

Dear Board of Game,

I understand as an appointed Board of Game for the state of Alaska you are ready to discuss and to decide on the following issues:

- The taking of any black bears, including sows and cubs.
- Bear trapping (baiting and foot snaring) for black and brown bears.
- Black bears to be reclassified as furbearers, which allows for the sale of hides and parts.

Please seriously consider my following testimonial before taking any deliberate and serious action.

I have lived nearly eighty years now and have resided in Juneau for almost forty of those years. I am a formally adopted and proud member of the Tlingit Nation. A Kaagwaantaan Eagle of the Brown Bear and Killer Whale houses. My Tlingit name is Na'ein.

During my rich forty Juneau years I have sport and commercially fished, as well as, hunted deer and waterfowl while using both only as a subsistence food source and during my forty years of wilderness travel, I have never felt at any time the need to harm bear while hunting and hiking, though I have spent many wonderful and thoughtful hours witnessing the behavior of individual and groups of bear, both Black and Brown--and at times--even as they interacted with their young cubs.

It is by this eyewitness account, that I have come to develop a sincere and profoundly deep respect for these very intelligent and highly resourceful wilderness creatures. In fact, they are a critical element in the very essence of the oft-used word--wilderness.

It would hurt us all very deeply to know that you, as intelligent and privileged human beings, as well as, the Governor's appointed representatives to all the people of Alaska, might seriously consider enacting any regulations that are as anti-wilderness and anti-cultural and anti-ecotourism as are the three listed above.

Therefore-please, Board of Game, do consider your upcoming deliberations very slowly and very wisely--if for no other reason then for the sake of wild creatures who cannot willfully act for themselves, as can all of you. Thank you for your serious considerations in this matter.

Sincerely,



Alan R. Munro
120 W. 9th Street
Juneau Alaska 99801
1-907-586-3694

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SEP 29 2010

BOARDS

George Matz
PO Box 15182
Fritz Creek, AK 99603
geomatz@alaska.net

Attn: Board of Game Comments
Alaska Dept. of Fish and Game
Board Support Section
PO Box 115526
Juneau, AK

September 30, 2010

Dear Board of Game Members:

I would like to provide the following comments on proposals to be considered by the Board of Game (BOG) at its October 2010 meeting.

Proposal 30

I support this proposal which asks that the central portion of Unit 13 be made a nonsubsistence use area and that caribou (and moose?) harvest be based on a draw permit system. Areas of Unit 13 that are closer to rural villages could still be managed as a subsistence use area, thereby serving this important need as well. Having the opportunity for a draw permit for a portion of Unit 13 would probably reduce the demand for subsistence area Tier I or II permits - and the disquiet of those who don't get them.

As it now is, it is a sham to call the Unit 13 Tier I or II caribou hunt a subsistence hunt. Many of those who manage to get permits do not practice anything close to a subsistence lifestyle and spend far more on equipment and vehicles than the cost of an equivalent amount of store bought meat. Perpetuating the "subsistence" myth does not help the image of hunting. It is about time that we are honest with ourselves and recognize that the central portion of Unit 13 is primarily a sport hunt and do away with the bogus and corrupted Tier I and II permit requirements. It is a system that for Unit 13 is not only broke, but not worth fixing. Proposal 30 would provide some legitimacy between what really happens and how the hunt is managed.

The author of Proposal 30 makes a good point why this should be draw permit hunt rather than a registration permit hunt. Given that more than half of the population of Alaska is just down the road, a registration hunt would be a "free for all."

If the BOG gives serious consideration to Proposal 30, I would like to recommend that it also consider elements of Proposal 5. Break the Aug 10 to Sept 20 season into two parts; the first hunt being based on no use of off-road vehicles and the second hunt allowing the use of off-road vehicles. This would give hunters who don't use off-road vehicles equal opportunity (Article 1,

Section 1 of Alaska's Constitution) to have a successful hunt. While they may have first crack at caribou nearer to the road system, those who hunt on-foot don't get as far back as those on off-road vehicles, leaving plenty of un hunted area for the second hunt. Also, this would give hunters two opportunities to apply for a draw permit, which not only increases their odds for a permit but the amount of revenue that goes to ADF&G.

I would also like to comment on the proposed regulations for bear trapping as well as wolf population control.

Bear Trapping Regulations

The general tone of these proposed regulations is to further a very permissive approach to the privatization/commercialization of Alaska's wildlife, a common use resource that should not be monopolized or essentially owned by any one user group. For example, the Board of Game has recently classified black bears as a furbearer to enable the sale of hides and parts by individuals. Furthermore, rather than unequivocally state that market hunting will never be allowed in Alaska, ADF&G now says "Currently, meat of a big game animal, including black bear, cannot be sold." I find this alarming and completely out of step with wildlife management based on conservation rather than select user group interests.

As you should well know, the principal goal of the conservation movement that started more than a century ago was to put an end to the market hunter's exploitation of America's wildlife. Teddy Roosevelt, one of the great icons of sport hunting and conservation said; "The professional market hunter who kills game for the hide or for the feathers or for the meat or to sell antlers and other trophies; market men who put game in cold storage; and the rich people, who are content to buy what they have not the skill to get by their own exertions-these are the men who are the real enemies of game." Market hunters thought only of themselves, not "the greatest good to the greatest number" as championed by George Bird Grinnell, another icon in the embryonic days of conservation.

I urge you to rekindle the spirit of these great men and do first what serves the conservation of wildlife, not select user groups. The regulations being proposed are a significant departure from previous practice in Alaska and, as such, deserve significant public discussion.

While ADF&G professes that bear trapping is a management tool "to help with bear management problems" there is no indication in these regulations that ADF&G is actually managing anything. There doesn't appear to be any requirement or scientifically derived criteria as to when bear trapping will be allowed other than someone asking for it. Although bear trapping is a rather draconian management tool, I can agree that bear trapping could be a management tool - but used only temporarily in the direst of predator/prey imbalances. While the proposal states that "At the present time, the department does not recommend using trapping as a method to simply increase harvest opportunity for black bears" it certainly appears that this is the direction that it is headed.

Also, there are some contradictions in the proposed regulations. For instance, it says "Seasons will occur when bear hides are most useful and prime." But then the proposed open season is from April 15-October 15, essentially the entire time that black bears are out of hibernation. There is a disparity between what is being said to justify the regulations and what the regulations actually allow.

Bear Conservation, Harvest, Management Policy

This is a very important document that deserves substantive and serious public review. It also has important economic impact. Having this review would provide a great opportunity to try and achieve some consensus with managing Alaska's bears. Ignoring this opportunity just adds fuel to the fire.

The general tone of this document is dismissive of bear viewing. For instance, the first page says that bear viewing "can result in conflicts with competing uses of the same bears." Nothing is said about the user or economic benefits associated with bear viewing. But the document doesn't fail to mention some of the unique advantages of bear hunting in Alaska.

Another example of bias is Guiding Principle 3 "Continue to provide for and encourage non-consumptive use of bears without causing bears to become habituated to human food." Whoever wrote this must not be familiar with bear viewing as done by professionals. While hunters use bait stations to attract and view bears, sometimes just for the pleasure of watching, bear viewing guides do not. In fact, all the guides I have been with are very careful about avoiding any situation where bears could associate people with food. Of the 10 principle listed, this is the only mention of bear viewing, and it is presented more as a problem than an opportunity and desirable activity.

While this document discusses at length how to best achieve better opportunity to hunt bears, there is no mention of creating better opportunity to view bears.

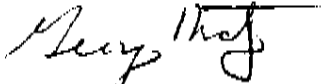
Wolf Control Population Control and Management Policy

This four page document goes into much detail regarding how Alaska's wolf populations will be controlled and how "to gain maximum benefit from the taking of wolves" by hunters and trappers. There isn't one mention of wolves being a highly desirable and valuable species for both resident and visiting wildlife viewers and how accommodating this user group meshes with this policy. In essence, the nonconsumptive use of wildlife now seems to be off the radar screen of both the BOG and ADF&G.

To summarize, both the proposed bear and wolf policies indicate that the current management bias of ADF&G and the BOG fails to recognize its obligation to provide wildlife viewers with equal opportunity (Article 1, Section 1 of the Constitution) to benefit from Alaska's wildlife, a common use resource. Not managing for multi-use (i.e., nonconsumptive as well as consumptive) falls short of your Constitutional mandate to manage the State's common use resources in a manner that is "consistent with public interest" and "for the maximum benefit of

its people." As someone who is an avid consumptive and nonconsumptive user of Alaska's fish and wildlife resources, I feel my interests are being short-changed by the proposed policies. I strongly encourage that you go back to the drawing boards and solicit more public review. If properly done, this could be a great opportunity to reach better agreement than now exists on some burning issues.

Sincerely,



George Matz

From: Richard W. Frost
Homer, Alaska
907-299-1906

9-29-10

Attn: Board of Game Comments
Alaska Department of Fish and Game
Boards Support Section
PO box 115526 Juneau, Ak. 99811-5526
FAX: 907-465-6094

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SEP 29 2010
BOARDS

Subject: Nelchina Caribou Propositions

Overview,

Subsistence, tradition, culture and oheritance are not equated by income, race, or physical boundaries of residence, and our hunting rights should be equal for all Alaskans.

As a lifetime resident and 51 yr. participant in the Nelchina herd resource, I have been a Tier 2 And recently a Tier 1 permit holder.

I tried making the Tier 1 system work for me and my family, however the second trip up to unit 13 for my moose did not work out. It WAS/IS a hardship for my family not to have had the right to hunt in my home area of unit 15 for moose.

Proposal 1)

I am **IN FAVOR** of this becoming a permit draw hunt, though I realize it may take time to declassify this as a non-subsistence hunt...Equal rights for all Alaskans

Note: I am a 51 yr. participant I the resource and regular Tier 2 recipient.

Prop 2) **NO**, it has no practical bearing on the resource....

Prop 3) **IN FAVOR** of this proposition, It gives decent subsistence value with 2 animals, and gives lower scores a chance to do better the following year.

Prop 4) I would also **FAVOR** this as a every 2 year draw

PROP 5) NO.. INCOME HAS NO BEARING ON THIS HUNT. It costs an average guy at least 300 bucks to go get a caribou from anchorage just for fuel and food alone. For 80 -100 lbs of boned out meat, it doesn't wash because other expenses also arise...

We can not send the message to young Alaskans that if you work hard, get a good job, and are successful that you are not entitled to Heritage , culture , and tradition!

Prop 6) **NO** age is not a deciding issue, participation in the resource is. If tier 2 remains in effect, years of participation/ utilization of the resource is a necessary question

Prop 7) **NO** The Herd can not sustain a Harvest ticket season or registration / DERBY type hunt as with the 40 mile herd....These animals don't herd up till 1st or 2nd week in September,, and the Early hunting pressure would be disastrous.

Prop 8) In Favor...every 2 years might get it qualified as subsistence by the court

Prop 9) **No**, new hunters gain years of resource use points by applying even if do not get selected. I do **AGREE** that the area of food and gas purchase is ridiculously like an **INCOME** question.

Prop 10) through 12) **NO** **Until this hunt becomes regular harvest or regula Permit drawing these points have no bearing**

Prop 13) **NO,,,NO,,,**This area cannot sustain the pressure of a 40 mile herd type derby hunt. Animals don't herd up till mid Sept sometimes and I fear the pressure of early hunts would interfere with their migration.....**Only if it were a registration hunt with a particular week assigned,,,,more permits for the last 3 weeks in September for example, would I favor this.**

Prop 14) **NO.NO.NO...This Prop REEKS of RURAL preference with its regard to allocating a large percentage of permits for local unit 13 residents.**

Prop 15) **NO< NO< NO....this is a back door way of allowing rural preference**

Prop 16) **FAVOR**, however the permits would need smaller time frame per hunt, 2 week blocks of time per registration,,,,only allow a small # of reg. permits in the first 3 weeks.

Prop 17) **Agree**, subsistence needs for this area are being met with Federal subsistence

Prop 18) **AGREE**, a weighted system of draw would be fair to all **ALASKANS**

PROP 19) **Agree** ,but this cannot effect till subsistence requirement is changed for unit 13

Prop 20) **NO! NO! NO! THIS ALSO REEKS OF RURAL PREFERENCE, SUBSISTENCE NEEDS CAN BE MET ON FEDERAL PROGRAM**

Prop 21) **AGAIN, NO!! NO!! NO!!** this yet another tool for backdooring to rural preference.

PROP 22) YES, I AGREE, THIS IS THE BIGGEST INJUSTICE OF LAST YEARS TIER 1 PROGRAM, I TRIED IT AS A TIER 1 RECIPIENT , AND AS A

PAST TIER 2 RECIPIENT. It was a hardship for my family to plan another trip to 13 for my moose,,,I did not get a moose this year as a result. My family traditionally hunted the Kenai for moose where we homesteaded and while spending winters in Anchorage would hunt the Glenn highway areas for caribou..

I WAS APPALLED AT THE GAME BOARDS DECISION TO "DISCOURAGE PEOPLE FROM PUTTING IN FOR TIER 1" WITH THIS CLAUSE. I HEARD THIS ALMOST WORD FOR word during the August 9th board meeting.

HOW DARE anyone try to discourage an Alaskan from putting in for a permit hunt with the threat of not being able to hunt in their back yard.....

We are all ALASKANS. Heritage, tradition, and culture can not be discounted by race, income, or geographic residence!!!

THIS NEEDS TO BE APPROVED so WE CAN HUNT IN OUR BACK YARDS

IF WE RECEIVE A UNIT 13 CARIBOU PERMIT

PROP 23) **AGREE**, Community harvest is another tool for rural preference which is against the **LAW**

Prop 24) **NO<** if you harvest under the feds, you should not be entitled to state subsistence

PROp 25) **NO**to restrictive

Prop 26)**AGREE**, allow community harvest, but only for individually qualified applicants. Community leaders can help with the application process, and appoint hunters, much like a proxy system.

The number of permits would equal the # of successful individual applicants

Prop 27) **DISAGREE!! NO! NO!** the board of game and ADF&G have shown to much gravity toward back door routes to rural preference . **this has to stop!!!!**

PROP 28) NO ,,,what ever is done needs to be done without RURAL preference

PROP29) **AGREE , I COULD LIVE WITH THIS IF THE LIMIT WAS ONCE EVERY 2 YEARS AND THE WINNING APPLICANT CAN STILL HUNT OTHER SPECIES (MOOSE) IN OTHER UNITS**

PROP 30) STRONGLY AGREE

YES, YES, YES

AS LONG AS THERE IS NO DIFFERNCE IN HUNTING AREAS OR THE DRAW AND SUBSISTENCE USERS. THIS IS A REASONABLE METHOD TO EXPERIMENT WITH OPENING IT UP TO ALL ALASKANS, AND BEGINNING THERE PARTICIPATION IN THE RESOURCE, UNDER A TIER 1 SYSTEM WITH A ONCE IN 2 YEARS QUALIFICATION.

PLEASE, at the very least, don't make other families suffer the hardship of not hunting moose in their back yard because they excercised their tradition of hunting caribou in 13, like my family endured this year...

Thank You all for your time and energy,

We are all Alaskans

Richard W. Frost

Po box 254

Homer, Ak. 99603

907-299-1906

907-235-4254

Board of Game!

It is way past time for you to stop blaming the wolves and bears for the predation done by humans.

Bear snaring is nothing but legalized animal torture. You make Michael Vick look like a bunny-hugger. Why are you catering to the small percentage - most fortunately - of Alaskans who get sick pleasure from killing animals,??

Diane Raym

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SEP 29 2010
BOARDS

Janet Myers
3662 Queen Anne Way
Colorado Springs, CO 80917

- ATTENTION ALASKA BOARD OF GAME

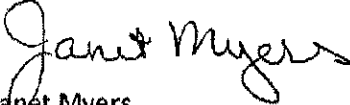
I am opposed to the:

The taking of any black bears, **including sows and cubs.**

Bear trapping (baiting and foot snaring) for black and brown bears.

Black bears to be reclassified as furbearers, which allows for the sale of hides and parts.

These methods are beyond the classification of sportsmen like hunting, foot snaring is cruel and unnecessary. If we continue our destructive ways, we will destroy our animal population and the world around us. Please Stop the Madness.


Janet Myers

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SEP 29 2010
BOARD

Submitted By: Science Now Project!

sciencenowproject@gmail.com

Building a Public-Professional Partnership for a More Effective Division of Wildlife Conservation

<http://www.wildlife.alaska.gov/index.cfm?adfg=huntingbulletin.hntbul4>

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Steve L. McMullin, Ph.D.
Department of Fisheries and Wildlife Science
Virginia Tech

SEP 30 2010

BOARDS
ANCHORAGE

Wildlife is managed well in Alaska, but the Division of Wildlife Conservation (DWC) is not as effective as it should be because the partnership between the DWC and the public is not as strong as it should be. This conclusion is based on my survey of all 1,309 employees of the Alaska Department of Fish and Game. The survey found the DWC has dedicated employees, committed to sound professional management of Alaska's wildlife resources, but it also found them to be frustrated by intrusion of politics into wildlife management and lack of public support for their actions. My studies of management effectiveness in 20 state fish and wildlife agencies, including nine agencies identified as the best in the business, show that effective wildlife management requires a strong partnership among wildlife professionals and the many publics they serve. Wildlife professionals know how wildlife resources can be managed, but decisions about how wildlife should be managed should be based on the values of citizens who own the resource. I will describe below three key factors in building an effective professional-public partnership and how the DWC is performing relative to those factors.

Att: Scott
BOG Nekhina
Public Comment

The first, and most important factor affecting the credibility of a wildlife agency, is how much faith its constituents have that agency employees have the technical knowledge and personal commitment needed to do what is best for the wildlife resource. I call this maintaining a biological base. Constituents will have faith in the agency if they believe that professionals always put the welfare of wildlife ahead of politics. The DWC's professionals have the same kind of missionary-like zeal and commitment to sound wildlife management that I have observed in other agencies. However, the survey showed that 57% of DWC employees felt the Division is perceived as being more political than other Alaska agencies. Most wildlife agencies are perceived as being less political than other agencies. Responses of DWC employees to a series of questions regarding the level of political intrusion into decisions ranging from setting of harvest regulations to acquisition of land indicated those decisions are more political in Alaska than in any of the 20 states previously sampled.

The second factor is maintaining a close and responsive relationship with constituents. In a state where 93% of the citizens annually participate in some form of wildlife-related activity, a strong tie between users and managers should exist. Despite Alaska's high participation rate, DWC employees perceived a general lack of support for the Division, with only nine percent believing constituents were quick to rally to the Division's support. Part of the problem may be that a majority of employees felt the DWC was not effective in informing or educating Alaska citizens about wildlife. Another potential problem is lack of public involvement in wildlife management. Nearly all DWC employees felt that Alaskans believe they do not have adequate opportunity for involvement in setting the Division's priorities and that citizens should have a more important role in agency decision making than they currently do. It is possible to have too much emphasis on a biological base if it results in professionals making value choices that the public should make.

The third factor is being politically effective without appearing to be too political. Many citizens and wildlife professionals would prefer to have wildlife management based entirely on biological principles, but politics will always play a role in resource management. This is especially true in Alaska, where fish and wildlife are so important to everyday life. The most effective agencies I have observed were quietly effective in the political arena—achieving their goals without getting caught up in partisan politics. Only 12% of DWC

7 PCG 2

employees thought the Division was politically effective, while a majority felt the DWC had poor credibility with politicians, especially legislators. Not surprisingly, 86% of DWC employees felt agency decisions were regularly challenged in political or legal arenas and only 15% felt issues were usually resolved in the Division's favor.

What does the DWC need to do to become more effective? First, the division must build stronger bridges with constituents by aggressively involving Alaskans in planning for the future of wildlife management. Public involvement must be focused on identifying values and goals for wildlife management while professionals focus their efforts on identifying and analyzing management alternatives designed to meet those goals. The DWC professionals then must inform and educate citizens regarding the implications of alternative management strategies. The ultimate goal is to develop management plans that are based on public values, sound biology and sound socioeconomic research. Management plans that combine public values and good science can be promoted and vigorously defended in the political arena by citizens and professionals to counter the actions of politicians responding to narrow special interests.

The leaders of Alaska's Department of Fish and Game should be commended for undertaking this survey and making the results public. It takes courage to ask these questions and determination to address the answers. Alaskans are being served by a good wildlife agency, but it can get better. The state with the finest natural resource base in the nation should also have the finest agency to manage those resources. Getting there will require a strong partnership between the DWC and Alaska citizens.

Wade Welles

Science Now article
p 272
PC 6

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SEP 30 2010
BOARDS
ANCHORAGE

Board of Game,

The Science Now Project strongly opposes the methods and means used to include "additional" topics of discussion at the October 8, 2010 Board of Game meeting and requests that they be removed from this meeting's agenda for the following reasons.

This meeting was required when the Alaska court ruled that the previous Nelchina harvest regulations were not in compliance with the State constitution. The court also noted the Public Notice Requirements provided in State law had not been met regarding the authorization of the previous Nelchina caribou harvest regulations.

Att: Scott
 BOG Nelchina
 Public Comment

This "out of cycle" board meeting has been approved by the board to discuss *alternative* Nelchina Caribou harvest regulations and allow the public to effectively participate in developing these harvest regulations through the traditional process of *submitting proposals* and subsequently commenting on all proposals submitted regarding Nelchina Caribou management policies.

The call for proposals notified the public of only one issue for the October 8 Board meeting - developing Nelchina Caribou harvest regulations.

Yet, when the proposal book was published, five other topics were included in the Board's agenda. The public had no prior knowledge of these topics being considered at the October 8 Board meeting, a violation of the Public Notice Requirements in State law.

These additional topics added to the October 8 meeting are:

1. Unit 13 Intensive Management Reauthorization;
2. Unit 26B Brown Bear Hunting Regulations;
3. Bear Trapping Regulation;
4. Board of Game Bear Conservation, Harvest, and Management Policy;
5. Board of Game Wolf Population Control and Management Policy.

The public was denied the opportunity to submit proposals on five very contentious and important issues regarding wildlife management policies in Alaska, a clear rebuke of the intent of the Board of Game process as established by the Alaska Legislature.

p 156³

State Law clearly defines the procedures for discussing topics “out of cycle”.

5 AAC 92.005. Policy for changing board agenda

The Board of Game, will, in its discretion, change its schedule for considering proposed regulatory changes in accordance with the following guidelines:

- (1) a request to consider a proposed regulatory change outside the board's published schedule **must be in writing, and must specify the change proposed and the reason it should be considered out of sequence;**
- (2) a request must be sent to the executive director of the boards support section at least 45 days before a scheduled meeting unless the board allows an exception to the deadline because of an emergency;
- (3) the executive director shall attempt to obtain comments on the request from as many board members as can be contacted; and
- (4) if a majority of the board members contacted approve the request, the executive director shall notify the public and the department of the agenda change.

Out of cycle “emergency” meetings and Agenda Change Requests for any given meetings were authorized by the Alaska legislature to address *unanticipated* events and issues of biological concern that could not wait for the scheduled meeting for that topic.

An Agenda Change Request was never indented to deny the public fair and equal opportunity to participate in the Board of Game process, including submitting proposals and commenting on all proposals regarding any topic discussed at a particular meeting.

In addition, the Agenda Change Request submitted by Pat Valkenburg of the Alaska Department of Fish and Game at the March 2010 Board of Game meeting regarding bear snaring and the Board bear management policy did not meet the requirements of 5 AAC 92.005.

The ADF&G Agenda Change Request regarding bear snaring was not:

- (1) In writing – there is no formal, written public record of the request;
- (2) The oral request did not specify the reason why the issue (bear trapping / bear management policy) should be considered out of cycle.

The public had no opportunity to review the proposed regulation changes or the reasoning why the issue should be discussed out of cycle prior to this meeting.

The Science Now Project has requested, yet never received, a copy of any written Agenda Change Request for *any* of the “additional” five topics added to the October 8 Board meeting.

In a 1997 internal ADF&G employee survey titled “Building a Public-Professional Partnership for a More Effective Division of Wildlife Conservation” the department found that:

“In a state where 93% of the citizens annually participate in some form of wildlife-related activity, a strong tie between users and managers should exist. Despite Alaska’s high participation rate, DWC employees perceived a general lack of support for the Division, with only nine percent believing

constituents were quick to rally to the Division's support. Part of the problem may be that a majority of employees felt the DWC was not effective in informing or educating Alaska citizens about wildlife. Another potential problem is lack of public involvement in wildlife management. Nearly all DWC employees felt that Alaskans believe they do not have adequate opportunity for involvement in setting the Division's priorities and that citizens should have a more important role in agency decision making than they currently do. It is possible to have too much emphasis on a biological base if it results in professionals making value choices that the public should make."

<http://www.wildlife.alaska.gov/index.cfm?adfg=huntingbulletin.hntbul4>

In conclusion:

These actions are denying the public, including the regional Citizen Fish and Game Advisory Committees, fair and equal opportunity to participate in the development of wildlife management policy in Alaska, by denying their right to submit proposals on a topic. This is unquestionably the most significant abuse of the Board of Game process since statehood. Denying the residents of Alaska fair and equal opportunity to address proposed amendments to the most contentious wildlife management policies in Alaska rebukes the ADF&G's own findings that public participation at the fullest extent is necessary for broad public support and effective management policies.

The Board of Game must ensure that the public has the opportunity to participate in contentious wildlife management policy amendments to the fullest extent possible. It is evidently clear that the ADF&G's policy to engage the public has been severely undermined by the appointment of Pat Valkenburg to the highest decision making level of the department. The Board's intent has been abused as recently as January 2010 statewide meeting when Pat Valkenburg changed the codified regulations to allow the legal sale of black bear meat when harvested by a trapper, despite the fact that the Board never discussed the issue, no proposals were submitted, nor did the board ever intend for that change in regulations to occur.

If the Board of Game is unwilling to uphold the mandated responsibility to fully engage the public in developing wildlife management policy in Alaska, the hope of broad public support for the management of Alaska's wildlife resources *for the benefit of all Alaskan's* will not be achieved.

Science Now Project requests that the five additional topics added to the October board meeting be revoked for consideration out of cycle. There is no unanticipated biological concern warranting their discussion at this meeting and both public notice and agenda change request procedures have not been met.

Wade Willis
Science Now Project!
sciencenowproject@gmail.com



Science Now
p 3 of 3 PC 6

Patricia Cue, MPH, RD, LD
PO Box 143
Homer, AK 99603

Alaska Board of Game

September 26, 2010

Dear Alaska Board of Game:

I am writing in opposition to your plans to allow foot snaring and trapping of bear cubs, sows with cubs and adults. I oppose this modification to the 2006 Bear Conservation and Management Policy for several reasons:

1. This modification does not allow for studies to be conducted on the current predator and prey populations.
2. The amount of time for full public notification and response has been minimal and fails to provide Alaska citizens time to adequately comment on the issue.
3. Foot snaring and trapping of predators is not ethical or humane.
4. Wildlife viewing
5. and tourism bring in more revenue than does hunting. Keeping these predator populations healthy and viable for wildlife viewing increases much needed revenues into the State of Alaska.
6. Credible and ethical hunters oppose it.

I am a 21 year resident of the State of Alaska. The resources of Alaska belong to everyone not just a select few. I urge you to vote against this proposal.

Patricia Cue, MPH, RD, LD
907-235-2495

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SEP 28 2010

BOARDS



James J. Akenson
Executive Director

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September 24, 2010

Board of Game Comments
Alaska Dept Fish & Game
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Juneau, AK 99811-5526

Dear Alaska Board of Game,

Topic: Bear Trapping Consideration by the Alaska Board Of Game

Backcountry Hunters & Anglers is a national organization of outdoorsmen and women dedicated to preserving America's backcountry habitat, fair chase ethics and scientific wildlife management principles. We were founded around an Oregon campfire in 2004, and now have members in nearly all 50 states, including a fast-growing chapter in Alaska. Our membership includes both Alaska residents and many others who hunt and fish and trap in Alaska regularly.

We respect the authority of the state of Alaska to manage wildlife resources, including predator control. At the same time, wildlife species belong to all people and we expect the BOG to consider all facts and well-informed opinions when making these important decisions. We write today to express our concern about efforts to expose black bear to widespread trapping in Alaska. We believe this is a misguided proposal that should not be implemented. Our concerns are biological, ethical and procedural.

For several months, we have been tracking the developments leading up to this bear-snaring proposal. BHA supports trapping as a traditional and legitimate use of some wildlife species and a management tool. However, this policy goes too far too fast. Here are problems we see with this proposal:

- **The proposal violates fundamental "fair chase" ethics.** Black bears are a highly valued big game species. Our members value hunting and eating black bears. More than 100 years ago, American hunters developed the basic standards of fair chase. Central to the principals of fair chase is not shooting animals confined in traps or fences. Theodore Roosevelt famously refused to shoot a captive bear on a Mississippi bear hunt in 1902. The idea of inadvertently snaring female black and grizzly bears with small cubs at heel is particularly objectionable. Black bears (and grizzly bears) should be hunted by fair chase methods, not treated as pests.

Mission:

Backcountry Hunters and Anglers seeks to ensure America's outdoor heritage in a natural setting - through education and work in behalf of clean water and wilderness.

• **The proposal lacks scientific grounding.** BOG's objective appears to be to increase caribou and moose recruitment by removing bears. Clearly, bears are opportunistic and eat calves given the opportunity. But the idea that "fewer bears equal more game" is simplistic. Predator-prey relationships are complex and vary greatly by time and place. We have seen no data suggesting this radical new policy will result in any benefit whatsoever for ungulates or big game hunters. We see no valid protocol for scientifically testing whether the policy will be effective. We have seen no independent body of wildlife biologists voice any kind of support for this policy. We strongly suggest this proposal be subject to outside peer review to test its scientific foundations. It appears based more on a prejudice against bears than it does being grounded in any kind of science. We are particularly concerned about the incidental by-catch of grizzly bears in this proposal. *Ursus arctos* is among the very slowest-reproducing big game species and thus demands conservative management. Alaska is currently the only state that has a population of grizzly bears large enough to allow recreational hunting. Any policy that risks putting that resource in jeopardy should be avoided.

• **The BOG seems to be fast-tracking the proposal for no reason.** As you are no doubt aware, there is deep public distrust in elected officials and government today. This kind of distrust and anger is deepened when public representatives, such as the BOG, appear to act behind closed doors or without public review. This appears to be the case in this example. This is a radical new policy. It deserves to be fully aired in public – not rammed down the public's throat in an "emergency" session done while many members of the public are out hunting.

In short, it's time to slow down. We do not believe the majority of Alaska hunters – or the majority of Alaska residents – are interested in waging war against bears. In fact, we believe most Alaskans, like us, value black bears as part of what makes Alaska Great and makes it a global destination for big game hunting. If habitat is adequate, we believe big game herds can withstand predation from bears and humans alike. Like most people, we are willing to share this precious resource.

Sincerely,



James J. Akenson

Proposal 1: support this proposal. People on the road system in Alaska should not be designated as subsistence users, thus eliminating the need for a Tier I, Tier II or Community Harvest.

Proposal 2: oppose this proposal

This is a totally ridiculous proposal in trying to grant one caribou permit for each wolf killed. Very few people would be able to kill a wolf, resulting in very few people getting a permit to hunt caribou, resulting in tremendous increase in population to the point that the herd would become so large it would have a large crash from die off.

Proposal 3: oppose this proposal

This essentially continues the same process that exists now and is not working.

Proposal 4: support this proposal

Return the hunt to a drawing hunt. By restricting it to one permit every two years it will give more people the opportunity to hunt this resource.

Proposal 5: oppose this proposal.

I do support the elimination of off-road vehicles, but do not agree with the rest of this proposal.

Proposal 6: oppose this proposal.

If you eliminate the question of age, then you are essentially eliminating the "traditional and customary use" of this resource.

Young people only have a traditional use of a resource based upon their age.

Proposal 7: oppose this proposal

While this sounds like a nice idea – it would result in chaos in the hunt area.

Proposal 8: support this proposal with modifications.

Eliminate the Tier I wording. This essentially makes this a drawing hunt with restrictions of one permit every two years. Thus this proposal is essentially the same as proposal #4.

Proposal 9: support this proposal

This is an interesting approach. Theoretically it eliminates the questions that so many people complain about other lying on to get more points. It spreads the resource evenly among the different blocks which addresses the issue of only long time residents getting permits.

Proposal 10: oppose this proposal.

I do not support using a weighted system. Proposal #4 or #8 would be a better system than this proposal.

Proposal 11: oppose this proposal

This is essentially the same as proposal #10

Proposal 12: oppose this proposal
This is essentially the same as proposal 10 and 11.

Proposal 13: support this proposal
This is essentially the same as proposal 4 or 8

Proposal 14: oppose this proposal
This continues the same Tier II mess that currently exists.

Proposal 15: oppose this proposal
This proposal includes offering permits to non-residents at a high cost. Since this resource does not support the residents fully, non-residents should not be considered.

Proposal 16: support this proposal with amendments
Amend this proposal to limit the number of permits per family to 3. This would allow more families the opportunity to obtain a permit. Additionally, do not allow any proxy permits.

Proposal 17: oppose this proposal.
I oppose the part of this proposal that opens up the hunt area to residents with the "wrong zip code"
I do agree with the part that the Federal Gov. provides for subsistence on federal land for residents of this area so we can eliminate the subsistence on state land.

Proposal 18: oppose this proposal.
I oppose any proposal that had "weighted" applications in it for drawing purposes.

Proposal 19: oppose this proposal.
I support the concept of this proposal but it is similar to #4 and #8.

Proposal 20: oppose this proposal
The Community Harvest should be eliminated. It identifies specific communities and does not identify all of the other communities which have residents with a long standing traditional and customary use of the resource.

Proposal 21: oppose this proposal
The question relating to "where you purchase your gasoline" should be eliminated. Most of the people that reside in unit 13 make trips to Anchorage or Fairbanks during the year and have the opportunity to purchase items at Costco or other retail outlets (the same as other residents of Alaska who have a traditional and customary use of this resource.

Proposal 22: support this proposal
Obtaining a permit to hunt in one area for one species should not prevent you from hunting in another area for a different species.

Proposal 23: support this proposal
The Community harvest plan should be eliminated.

Proposal 24: oppose this proposal
The Tier I and Tier II hunts should be eliminated.

Proposal 25: support this proposal
I agree with elimination of questions relating to residency such as where you purchase groceries and gasoline

Proposal 26: oppose this proposal
The community harvest plan should be eliminated.

Proposal 27: oppose this proposal
The community harvest plan should be eliminated. Given the current laws supporting subsistence only the Tier I and Tier II permit parts of this proposal should be considered.

Proposal 28: support this proposal.

Proposal 29: support this proposal

Proposal 30: oppose this proposal.
There are other proposals (i.e #4 and #8) that I would support in preference to this proposal.

Additionally, I would like to request that the Board of Game request the legislature to declare the entire road system which extends outside of any city, town, or village of the State of Alaska as non-subsistence areas.

Thank you for the opportunity to comment on these proposals.
Jeff Sperry
17151 Vanover Circle
Eagle River
Alaska



PC 10

September 30, 2010
 Comments on Alaska Board of Game Nalchina Caribou and
 Black Bear trapping regulations October 8-12, 2010
 Anchorage, Alaska

Jack Reakoff
 114 Newhouse Street
 Wiseman Village, Alaska 99790
 907-678-2007
wisemanwolf@alo.com

I am writing to protest the short notice of this meeting and the proposals that are before the BOG for the October 8-12, 2010 meeting in Anchorage. The Alaskan public, nor the Advisory committees were not given enough time to review and formulate comments. The State Board of Game AS 16.05.255 a) The Board of Game may adopt regulations it considers advisable in accordance with AS 44.62 (Administrative Procedure Act). The Procedural Act regulations require a 30-day notice. I received the booklet and notification here, only 10 days ago, and while I was out hunting. The Board support only got these materials out on September 13th. There is no way the meeting you will attend is legal, as the comment period is closed on September 30, 2010.

As Co-Char of the Koyukuk River AC, and Chair of the Western Interior RAC, I feel these are important issues to thoroughly review by these advisory bodies. State BOG and BOF regulations adopted, with out adherence to the publics right to review and comment, are invalid. The State Advisory Committees under AC 16.05.260 are legally protected by the procedural act, to be informed. The Board of Fish and Board of Game may not legally adopt any of these regulations at this meeting in Anchorage, as they would be invalid.

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SEP 30 2010
PC 10

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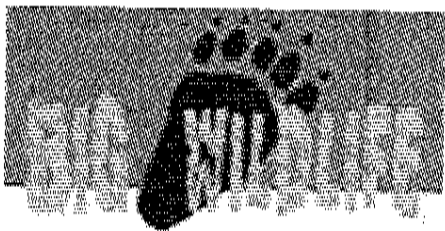
PC 10

September 30, 2010
Comments on Alaska Board of Game Nalchina Caribou and
Black Bear trapping regulations October 8-12, 2010
Anchorage, Alaska
Jack Reakoff comments

All of the proposed regulations regarding Black Bear trapping do not need to be rammed through; there is no emergency Situation. They would not go into affect until the next regulatory year.

I therefore request that these proposals all be tabled until the public is provided their legal right to comment on regulations that affect our recourses.

Jack Reakoff



September 28, 2010

Alaska Department of Fish and Game
Attn: Board of Game Comments
Boards Support Section
P.O. Box 115526
Juneau, AK 998811-5526

**Re: Opposition to Proposal 32 – 5AAC 85.020, Proposal 33 – 5 AAC 92.990(7)(C)(iv),
Proposal 34 – 5 AAC 92.260 & Proposal 35 – 5 AAC 92.085.**

Enclosed, please find Big Wildlife's comments on current proposals to allow the taking of any black bears, including sows and cubs, bear trapping methods for black and brown bears, and the reclassification of black bears as furbearers. Big Wildlife is a non-profit, public interest organization dedicated to protecting wildlife and top carnivores such as cougars, bears, coyotes, and wolves in North America. Big Wildlife and its members also participate in education, public outreach, commenting upon proposed agency actions, and other activities relating to wildlife protection. The members of Big Wildlife derive educational, scientific, aesthetic, recreational, spiritual, and other benefits from the protection of our nation's biodiversity, including black and brown bears.

Big Wildlife opposes Proposal 32 – 5AAC 85.020, Proposal 33 – 5 AAC 92.990(7)(C)(iv), Proposal 34 – 5 AAC 92.260 and Proposal 35 – 5 AAC 92.085. Allowing for the take of any black bears, including sows and cubs, bear trapping which includes baiting and foot snaring, and the reclassification of black bears as furbearers would allow widespread bear control practices without requiring the Board of Game to go through the normal process of drafting a formal predator control implementation plan. These plans rationally require gathering data on proposals and notifying the public of these plans. In addition, these proposals pose threats to black and brown bear populations, and potentially to other sensitive species that could be affected by them.

I. Oppose: Proposal 32 – 5AAC 85.020 (Unit 26B Brown Bear Hunting)

Big Wildlife urges the Alaska Board of Game to reject the Department of Fish and Game's proposal to extend brown bear seasons in a portion of Unit 26B. This proposal is flawed because there is little to no connection between encouraging higher brown bear harvesting and muskoxen populations.

The proposal states that “brown bear predation is a major factor influencing the decline and potential disappearance of muskoxen in Unit 26B.¹ Yet the department has also recognized that considering “more focused actions, such as protecting individual groups of muskoxen” would allow the population to remain stable as opposed to encouraging higher brown bear harvesting by hunters.² Scientific studies indicate that “historically [muskoxen] declined because of over-hunting, but population recovery has taken place following enforcement of hunting regulations.³ In addition, the department has also acknowledged that “the effect of reducing brown bear numbers is uncertain.”⁴ There is simply no connection between increasing brown bear harvesting and protecting muskoxen.

In fact, the department has also recognized that the protection of muskoxen populations will not be the primary effect of implementing the proposal, as initially stated. Those listed to benefit from this proposal are “hunters interested in temporarily harvesting additional brown bears,”⁵ while “hunters interested in harvesting brown bears in Unit 26B over the long-term will suffer” due to eventual low numbers of bears in the area as a result of this proposal.⁶ It hardly seems beneficial to drive the population of brown bears to dangerously low levels for the sake of an uncertain proposal to preserve muskoxen that would be better protected by closer monitoring and individual group protection.

This proposal is cloaked under the auspice of protecting muskoxen, when in reality, it is entirely for the short-term benefit of bear hunters. It is a risky proposal that is acknowledged to have uncertain results and eventually disparage the long-term interests of bear hunters. For these reasons, Big Wildlife opposes Proposal 32 – 5AAC 85.020.

II. Oppose: Proposal 33 – 5 AAC 92.990(7)(C)(iv) (Reclassify Black Bear to allow Trapping and the Sale of Hides – Declare the Black Bear a Furbearer under Statewide Regulations)

Big Wildlife urges the Board to reject Proposal 33 – 5 AAC 92.990(7)(C)(iv), which would declare the black bear a furbearer under statewide regulations for Units 25, 20 and 12. The purpose of this proposal is supposedly to allow moose and caribou populations to rebound to healthier levels.⁷ However, the Eastern Interior Alaska Subsistence Regional Advisory Council’s primary purpose is to allow harvesters to sell hides via this new classification,⁸ potentially placing black bear populations in danger of over-hunting without any scientific oversight or public notice. In addition, this classification could increase poaching bears for their paws and

¹ Proposal 32 – 5AAC 85.020, pg. 46, found at <http://www.boards.adfg.state.ak.us/gameinfo/meetinfo/2010-2011/octobernelchina/PropBook-final.pdf>.

² *Id.*

³ Gunn, A. & Forchhammer, M. 2008. *Ovibos moschatus*. In: IUCN 2010. IUCN Red List of Threatened Species. Version 2010.3. <www.iucnredlist.org>. Downloaded on 29 September 2010.

⁴ Proposal 32 – 5AAC 85.020, pg. 46, found at <http://www.boards.adfg.state.ak.us/gameinfo/meetinfo/2010-2011/octobernelchina/PropBook-final.pdf>.

⁵ Proposal 32 – 5AAC 85.020, pg. 47, found at <http://www.boards.adfg.state.ak.us/gameinfo/meetinfo/2010-2011/octobernelchina/PropBook-final.pdf>.

⁶ *Id.*

⁷ Proposal 33 – 5AAC 92.990(7)(C)(iv), pg. 47, found at <http://www.boards.adfg.state.ak.us/gameinfo/meetinfo/2010-2011/octobernelchina/PropBook-final.pdf>.

⁸ *Id.*

gallbladders, which can also be sold commercially alongside hides.⁹ In this way, the proposal also arguably creates opportunities for an illicit commercial trade for poachers.

Passage of this proposal will also facilitate hunting black bear populations to potentially dangerous low levels without any means of control or oversight. In addition, the science supposedly supporting this plan is incomplete and does not indicate that this will allow moose and caribou populations to increase. There is simply no indication that this is a sound, scientific management control practice that will not drive populations of black bears, caribou, and moose to dangerously low levels by removing too many bears as the top carnivores from the ecosystem.

This measure would make room for the indiscriminate killing and removal of black bears from Alaska without requiring the Board of Game to complete the normal process of drafting a formal predator implementation plan. These plans are crucial for gathering data on the numbers of predators and prey in specific game management units, providing proof that any control actions are necessary, and informing the public before authorizing such controversial methods of control. For these reasons, Big Wildlife opposes Proposal 33 – 5 AAC 92.990(7)(C)(iv).

III. **Oppose: Proposal 34 – 5 AAC 92.260 (Taking cub bears and female bears with cubs prohibited)**

Big Wildlife opposes Proposal 34 – 5 AAC 92.260, perhaps the most dangerous proposal now before the Alaska Board of Game. Currently, taking cub bears and female bears with cubs is mostly prohibited.¹⁰ This proposal would allow hunters to kill any black bear at any time, regardless of seasonal restrictions, hunting limitations, or harm to overall bear populations and without requiring any data collection be first done on predator levels or ecosystem health. There is no rational purpose stated for allowing this risky level of take in the proposal. The Yukon Flats Advisory Committee has simply stated that they would like people who live in Unit 25D to take “any bear” as they please.¹¹

This proposal is extremely dangerous because it could severely interfere with black bear reproduction rates and population levels. Although the proposal states that “there are a lot of black bears in the Yukon Flats,”¹² there is absolutely no scientific indication that this is accurate, and in fact, no reliable estimate exists for numbers of black bears in Alaska in general.¹³ In addition, black bear populations have been known to be sensitive and reactionary to extreme measures like these, and can become threatened with extirpation due to slight changes in their environment and hunting practices.¹⁴ Allowing black bear cubs and females with cubs to be killed at any time could be devastating to the black bear population in the long-run.

⁹ Garshelis, D.L., Crider, D. & van Manen, F. 2008. *Ursus americanus*. In: IUCN 2010. IUCN Red List of Threatened Species. Version 2010.3. <www.iucnredlist.org>. Downloaded on 29 September 2010.

¹⁰ Proposal 34 – 5 AAC 92.260, pg. 48, found at <http://www.boards.adfg.state.ak.us/gameinfo/meetinfo/2010-2011/octobernelchina/PropBook-final.pdf>.

¹¹ *Id.*

¹² *Id.*

¹³ Garshelis, D.L., Crider, D. & van Manen, F. 2008. *Ursus americanus*. In: IUCN 2010. IUCN Red List of Threatened Species. Version 2010.3. <www.iucnredlist.org>. Downloaded on 29 September 2010.

¹⁴ *Id.*

As more people encroach upon bear habitat and roads are established for hunting purposes, there will be devastating effects on black bear populations, even without allowing dangerous, risky proposals like this one to open up the hunting of particularly sensitive members of the bear population. This proposal would provide greater access not only to hunters but also potential poachers, and may serve as a barrier to bear movements.¹⁵

For these reasons, Big Wildlife strongly opposes Proposal 34 – 5 AAC 92.260.

IV. Oppose: Proposal 35 – 5 AAC 92.085 (Unlawful methods of taking big game; exceptions – black bears in Unit 25D may be taken with a snare)

Big Wildlife opposes Proposal 35 – 5 AAC 92.085. This proposal would allow black bears to be hunted using the previously declared unlawful method of snaring in Unit 25D whenever the season is open. The Yukon Flats Advisory Committee has once again failed to list any specific purpose for this proposal other than allowing for people who live in Unit 25D to use unlawful methods of bear trapping whenever they please.¹⁶ The use of these methods is not only inherently cruel, but dangerous to non-target species caught.

Allowing for these methods of bear trapping poses a very dangerous threat to non-target sensitive species, and could result in violations of the Endangered Species Act. The department states that “trapping activities do not allow specific animals to be targeted.”¹⁷ In addition, these methods do not provide for excluding sows with cubs and cubs from the traps.¹⁸ This is an implicit acceptance that incidentally taken species will be illegally taken without a permit.¹⁹ It is unacceptable to allow for an unknown number of other species, including incidentally caught brown/grizzly bears, to be taken illegally without any form of data collection, environmental assessment, or permit through the use of these snares.²⁰ There is simply no guarantee that threatened and endangered species will not be taken via these methods without a permit.

These methods of bear trapping (baiting and foot snaring) are not only inherently cruel, but extremely dangerous to the public. Livestock and even domestic pets are often caught, severely injured, and killed in snares.²¹ This proposal would result in an unknown increase in the number of snares set which would increase the likelihood of cruelty not only to bears, but potentially to members of the public and their pets.

For these reasons, Big Wildlife opposes Proposal 35 – 5 AAC 92.085.

¹⁵ *Id.*

¹⁶ Proposal 35 – 5 AAC 92.085, pg. 49, found at <http://www.boards.adfg.state.ak.us/gameinfo/meetinfo/2010-2011/octobermelchiana/PropBook-final.pdf>.

¹⁷ Proposal 35 - 5 AAC 92.085, pg. 51, found at <http://www.boards.adfg.state.ak.us/gameinfo/meetinfo/2010-2011/octobermelchiana/PropBook-final.pdf>.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ 16 U.S.C. §1538 (2000).

²¹ League Against Cruel Sports, <http://www.league.org.uk/content.aspx?CategoryID=318&ArticleID=276> (2009).

V. Conclusion

Thank you for allowing Big Wildlife to comment on these proposals. We encourage the Board to exercise precaution, and reject these risky proposals given the lack of any scientific evidence that they are safe for brown and black bear populations, and by rejecting them, to continue the sound practice of requiring a more formal proposal process that is supported by sound scientific data.

Please keep us informed on the result of the Board of Game's meeting on these matters.

Sincerely,

/S/ Spencer Lennard

Spencer Lennard
Executive Director
Big Wildlife
POB 489
Williams, OR 97544

Southwest Region

Andrew deValpine
PO Box 1030
Dillingham, AK 99576

Dear Mr. deValpine,

At a special meeting in Anchorage on October 8-12, the Alaska Board of Game is set to address three controversial proposals that would allow:

- The taking of any black bears, **including sows and cubs.**
- Bear trapping (baiting and foot snaring) for black and brown bears.
- Black bears to be reclassified as furbearers, which allows for the sale of hides and parts.

These three proposals would, for all intents and purposes, allow widespread bear control practices **without requiring the Board of Game to go through the normal process** of drafting a formal predator control implementation plan

This is wrong. I hope you can move forward to prohibit these proposals from taking effect.

Thank you,
Sherry Olson

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PAGE 01

RECEIVED**SEP 30 2010****BOARDS
ANCHORAGE**

30 September 2010

Alaska Board of Game:

I respectfully request that you revoke all proposals pertaining to the five additional topics added to the October board meeting. These are:

1. Unit 13 Intensive Management Reauthorization;
2. Unit 26B Brown Bear Hunting Regulations;
3. Bear Trapping Regulation;
4. Board of Game Bear Conservation, Harvest, and Management Policy; and
5. Board of Game Wolf Population Control and Management Policy.

Att: Scott
BOG Nelchina
Public Comments

This Board meeting was called to discuss changes to the Nelchina Caribou herd management, and should stick to that subject alone. The other proposals simply don't meet the requirements to be considered out-of-cycle, and considering them at this meeting is a clear violation of public notice and agenda change request procedures.

Proposal 31: Oppose. Should not be considered during out-of-cycle meeting.

Proposal 32: Oppose. Should not be considered during out-of-cycle meeting.

Proposal 33: Oppose. Should not be considered during out-of-cycle meeting.

Reclassifying the black bear as a furbearer is unjustifiable. This would allow widespread bear control practices without requiring the Board of Game to go through the normal process of drafting a formal predator control implementation plan, essentially subverting democratic due process. It's an outrage that the BOG is even considering such a move.

Proposal 34: Oppose. Should not be considered during out-of-cycle meeting.

Proposal 35: Oppose. Should not be considered during out-of-cycle meeting.

At the February 2010 Board of Game meeting in Fairbanks, several of you assured me that the Board did represent nonconsumptive uses, such as wildlife viewing and photography. As I stated to you then, I have yet to see proof of that. These current proposals, and the Board's recommendations, underscores my point: nonconsumptive uses are not represented or considered at all by the current Board of Game. In fact, by taking up such controversial and radical methods of predator control during an out-of-cycle meeting that was supposed to be only for Nelchina caribou management, you are making it quite clear that not only do you *not* represent nonconsumptive users, but you *deny us the fair and equal opportunity to address these contentious issues.*

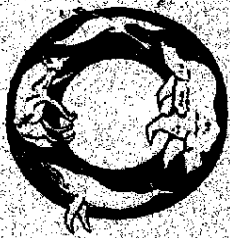
I urge you to remove these issues from the October agenda.

Sincerely,



Marybeth Holleman

9138 Arlon St., Ste. A3-666, Anchorage, AK 99507



THE ALASKA WILDLIFE ALLIANCE

"LETTING NATURE RUN WILD"

September 30, 2010

ATTN: Board of Game Comments
Alaska Department of Fish and Game
Board Support Section
P. O. Box 115526
Juneau, AK 99811-5526
FAX 907-465-6094

Attn: Scott
BOG Nelchina
PSB W Comment

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SEP 30 2010

**BOARDS
ANCHORAGE**

Re: October Meeting: 2010

Dear Board Members:

The Alaska Wildlife Alliance is an Alaska based membership organization interested in Alaska's wildlife. All members of our Board of Directors are residents of Alaska. We were first organized thirty years ago. We are focused on the intrinsic values of Alaska's wildlife, and routinely submit comments to the Board of Game. Please consider the following at your October 2010 meeting.

Proposals 1-30. All of these proposals concern the allocation of the Nelchina caribou to competing groups of hunters. We, as members of the Alaska Wildlife Alliance, have for many years watched the Board of Game struggle as the Board has tried to satisfy the legitimate needs of subsistence users from the Copper River basin and the Village of Cantwell, while simultaneously adhering to the Alaska Supreme Court's ban on a rural preference. We wish you good luck in your deliberations as you try once again to resolve the inherent conflict.

But if the members of the Board of Game truly wish to resolve the conflict,

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then we urge the members of the Board of Game to unanimously petition the State Legislature requesting a constitutional amendment allowing a preference in the allocation of game to rural subsistence users. The AWA supports a rural preference for local subsistence users both because local subsistence users deserve a preference and because a simple rural preference would be better for the wildlife, the tundra, and Alaska.

Proposal 2. This proposal would allocate one permit for a caribou for one dead wolf. We oppose this.

Proposal 31. Oppose. Proposal 31 would reauthorize predator control in GMU 13. We have reviewed the lengthy comments by Defenders of Wildlife regarding Proposal 31, and generally agree.

But we would add for emphasis the fact that our membership, and the majority of Alaskans, do not support predator control except in the most extreme circumstances, if at all. Proposal 31 makes clear that both moose and caribou are thriving in GMU 13, and that there is no emergency, and no extreme need. We (and most Alaskans) do not want State lands to be managed as a large game farm, and the continuation of predator control in GMU 13 at this point in time is essentially farming. Or ranching. Many of us agree with biologists such as Gordon Haber who repeatedly pointed out that nature is complex and that game populations naturally fluctuate widely. We believe that in the long run the type of management reflected by Proposal 31 (i.e. perpetual predator control) will mean less wildlife, smaller animals, less hunting, and less wildlife viewing.

Proposals 33 & 35. Oppose. These proposals provide for trapping of bears. We at the Alaska Wildlife Alliance are advocates for all of Alaska's wildlife, including bears. The trapping of bears with snares and leghold traps is unethical and cruel, and we oppose it. So do most Alaskans.

Proposal 34. Oppose. This proposal would authorize the killing of sow bears with cubs. We at the AWA think this is unethical.

Proposal 36. Oppose. This proposal would authorize bear trapping, using snares and leghold traps. We have reviewed the comments on Proposal 36 made by Defenders of Wildlife and generally agree that this proposal should be rejected because the trapping of bears should not be authorized because the trapping of bears as a management tool circumvents the requirement that predator control

should be implemented only when there is good data, and good science supporting it.

We wish to add that the AWA opposes the trapping of bears with snares and leghold traps for the additional reason that we believe bears should be treated humanely, and trapping bears with snares and leghold traps is cruel.

POLICY STATEMENT ON BEARS.

Wildlife viewing is an activity that is widespread and growing in Alaska. It is not only of recreational value to large numbers of Alaskans, but also a profitable business providing a livelihood for an increasing number of Alaskans. It is time for the Department (and in particular the Board of Game) to recognize that wildlife viewing is a legitimate, constitutionally protected use of wildlife, and that the majority of Alaskans do not hunt, but treasure wildlife for other reasons.

We want to emphasize that it is the view of most of the AWA's membership that there should be more opportunities for bear viewing and that the State should not encourage the killing of bears for no reason other than to increase caribou and moose numbers.

We have reviewed the comments made by Defenders and join in them.

POLICY STATEMENT ON WOLVES

Many of AWA's members have participated in statewide ballot initiatives aimed at blocking aerial hunting or same day hunting of wolves in years past. In addition to these activities, the AWA as an organization has made clear its opposition to the widespread killing of wolves in large parts of Alaska for the sole purpose of increasing moose and caribou numbers. The proposed policy statement is objectionable because it is clear that the purpose of the statement is to justify and continue the State's war on wolves.

We at the AWA know that wolves have great value to Alaskans and Outsiders who like to watch wildlife. As noted above in regard to bears, wildlife viewing is an activity and business that is growing in Alaska.

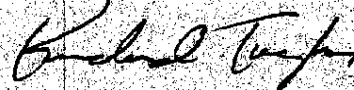
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PC 14

It is notable that the proposed policy on wolves makes no mention of the value of wolves for viewing purposes. This omission flies in the face of facts. Hundreds of thousands of people ride buses through Denali National Park looking for wolves and other wildlife. Wolves are one of the most treasured of wildlife seen by these wildlife viewers.

Near Juneau there is the phenomenon of the wolf "Romeo". This single wolf (recently killed by a single trapper) was treasured by hundreds, and perhaps thousands of persons. There is already one book published on this sole wolf, and a second book is coming out soon.

Commercial hunting guides and their lobbyist organizations (for instance the Alaska Outdoor Council) are politically powerful, and hate to admit that wolves are watchable wildlife, but facts are facts. Our members and most Alaskans treasure the wolves that live in our State, and many of us go looking for them: on the bus at Denali National Park, near the Mendenhall glacier, and in our State and federal parks and preserves. The policy statement needs to reflect this fact, and regulations need to be enacted to protect and advance the viewing of wolves by nature lovers.

Very truly yours,



The Alaska Wildlife Alliance
By Kneeland Taylor, Board Member

P4074
PC04



BACKCOUNTRY HUNTERS AND ANGLERS ALASKA CHAPTER



AK BHA

www.alaskabackcountryhunters.org

September 30, 2010

Comments to the Alaska Board of Game
October 8-12, 2010 Meeting

Revisions to the 2006 Bear Conservation & Management Policy (2006-164-BOG)

AK BHA strongly **opposes** the proposed changes to the current Bear Conservation and Management Policy that would allow for the taking of sows with cubs, and cubs, the trapping of bears, and helicopter transport of hunters, **outside the process of being a part of a formal predation control implementation plan** (AS 92.125) prepared by the department and approved by the board.

The board and the department have gone to great lengths to stress that the allowance to take any sows with cubs, and cubs, along with the first-of-its-kind allowance for bear trapping/snaring in Alaska in the Unit 16B black bear control program, should never be confused with "fair chase" hunting standards or new methods to increase bear harvest opportunities – that it is about one thing and one thing only: "bear control."

And furthermore that such practices are only ever authorized after lengthy study and review via a department submitted predation control implementation plan that also includes population monitoring and oversight and a "reasonable expectation" of efficacy as far as achieving the desired effects to boost moose population recruitment and densities.

The board and the department have also gone to great lengths - including the allocation of hundreds of thousands of general fund dollars for a predator control education program - to inform the public at large about the necessity and validity and efficacy of Alaska's "science based" predator control programs. Recently, another \$100,000 was allocated to produce an educational video on Alaska's predator control programs.

AK BHA has supported those general fund allocations and the need to better educate the public on our predator control programs, and we credit the department and board members and board support staff who have worked so hard to draft these materials and disseminate this information to the public.

Alaska Backcountry Hunters & Anglers – BOG Comments October 2010

But now we have a contradicting message with these revisions to the Policy and the kind of bear harvests and methods and means it would allow. What has up until now been sold solely as bear control has suddenly become a new “management tool.”

Basically, what we see happening here with these revisions to the Policy and the department proposal to legalize bear trapping by the public in several areas of the state is the board and the department, in one fell swoop, circumventing the longstanding process by which we manage predators like bears using highly controversial harvests and methods and means.

This threatens public support of all control programs. It also has the real potential to affect how the public views the hunting and trapping community.

We ask that the board seriously weigh the possible negative repercussions to these proposed bear Policy revisions, especially if this board is working under the assumption that this particular membership now may never vote to allow such activities to take place without proper monitoring and oversight or any reasonable expectations of efficacy in boosting moose densities or harvests.

Should the board decide to vote to revise the existing bear Policy to essentially allow bear control activities outside the process of a formal predation control implementation plan, we request that the board seriously consider mandates within any revised Policy that there can be no bear trapping seasons and no bear trapping allowed anywhere in the state without some kind of strict oversight and monitoring and the ability to release non-target brown/grizzly bear catches, and that there must at least be some reasonable expectation of efficacy involved.

When and where there really isn't any reasonable expectation of efficacy in allowing bear trapping in certain areas, then essentially all such a new “management tool” is - let's be honest with ourselves here – is a new method to increase bear hunting/trapping opportunities.

Proposal 31 – 5AAC 92.125 Predation control areas implementation plans.
Reauthorization of the Intensive Management Plan for Unit 13

SUPPORT

AK BHA supports reauthorization of the wolf control program in Unit 13.

Alaska Backcountry Hunters & Anglers – BOG Comments October 2010

Proposal 36 – Implementation of black bear trapping regulations

OPPOSE

Note: the recent reclassification of black bears as also being furbearers in order to allow for the sale of black bear hides and parts (excluding galls) as a new incentive for hunters to harvest more bears in no way forces the board or otherwise puts the board under any obligation to authorize any bear trapping seasons anywhere in Alaska.

This proposal and recommendations from the Alaska Department of Fish & Game to legalize “black bear” trapping seasons in some areas of Alaska by the public is fraught with inconsistencies, 180-degree position shifts, lack of sound wildlife management principles having to do with any real efficacy in any new bear trapping seasons leading to measurable increases in moose recruitment and densities, and offers no protections for the grizzly bears we know would also be caught in foot snares set for black bears.

It’s important to recognize that nowhere else in North America is it legal to trap/snare black bears under a general trapping season in areas where grizzly bears are also present. We believe there is a good and valid reason for that, having to do with conservation concerns for grizzly populations, the ecological and economic importance of grizzly bears, the ethical and safety concerns of trapping grizzly cubs and sows with cubs, and public perception and acceptance of trapping grizzly bears.

Lack of Efficacy in this Proposal

To make the point about the lack of any real efficacy (and even any concerns for efficacy and actual results) we see throughout this proposal, we point to the recommendations to allow black bear trapping in Unit 20E and the northern part of Unit 12 that is part of the Upper Yukon/Tanana predation control area.

The following quotes are from data and recommendations for this area provided by the department in 2009:

“Research conducted...within Unit 20(E) indicates brown bear predation on calves and wolf predation on all sex and age classes throughout the year are important factors limiting moose population size and growth; in the research study area, wolves killed 12-15 percent of neonate moose calves, brown bears killed 52 percent, and black bears killed three percent; in addition, wolves and brown bears accounted for 89 percent of all yearling and adult moose mortality during the study...” [all emphasis is ours]

“Research has shown that wolf and brown bear predation are the primary causes of moose mortality and hence the primary factors limiting moose population growth in the area.”

Alaska Backcountry Hunters & Anglers – BOG Comments October 2010

“Based on research data in Alaska and Canada, a 60 percent reduction in the brown bear population within the 4,040 square mile brown bear predation control area specified in this program is expected to result in an increase in moose calf survival.”¹

“Recommended Changes to the Predation Control Implementation Plan

Change: Delete grizzly bear predation control area (4,050 mi²) and reference to moose as a benefit species.

Rationale: Current methods of grizzly bear control are not effective and methods that would be effective (e.g. poison or aerial shooting) are not currently acceptable to ADF&G or the public. In addition, extensive fires in Unit 20E may have displaced grizzly bears from major portions of the moose range, reducing this source of predation, and reducing the need for bear control”²

We are dismayed that the department would recommend black bear trapping in this area to ostensibly help the moose population when 1) black bears only account for 3% of neonate calf predation, 2) the grizzly bear baiting control effort, in which there was no minimum check time that hunters had to check their baits in this remote area, was ineffective, 3) the extensive wildfires of 2004 “reduced the need for bear control,” 4) there is an ongoing and extensive wolf control program in this same area that, along with the benefits of wildfires and regrowth, is showing increases in moose densities, and 5) every bear control implementation plan we have seen states that a 60 percent reduction of the overall target bear population is required for efficacy that results in tangible increases in overall moose calf survival and moose densities.

By recommending black bear trapping in this area, knowing all these above statistics, knowing that there can't possibly be any efficacy in black bear trapping to measurably increase moose calf survival and densities and hunter harvests, the department has thrown into serious question all the recommendations in this proposal and whether or not this is truly about efficacy in increasing moose numbers or more about simply providing a new bear hunting opportunity and method and means for hunters/trappers in some areas.

“Incidental” Catch of Grizzly Bears

The only real data we have so far in Alaska as to the overall percentage of grizzly bears that may be caught in bucket snares set for black bears in areas where both black and grizzly bears are present comes from the experimental snaring program in the Unit 16B bear control area, conducted under the supervision of a paid contractor and experienced volunteer trappers who underwent an ADFG orientation course and in-the-field training.

The snaring itself was conducted by these permittees out of bear snaring camps in mostly remote locations with ADFG personnel present to tranquilize and release any grizzly

¹ Upper Yukon/Tanana Predation Control Plan Renewal 2009

² Recommended Changes to the Predation Control Implementation Plan 2009

Alaska Backcountry Hunters & Anglers – BOG Comments October 2010

bears captured. Snares had to be checked a minimum of every 24 hours. The Department was supposed to pre-screen snaring sites in order to choose areas where grizzly bears were not as prevalent.

In 2009, 81 total bears were snared. Approximately 10% (8 bears) of the total catch was grizzly bears. Most of the grizzlies were released; 3 were euthanized. (We only have 2009 data available at this time.) Some things were learned during the program to help better avoid non-target catches of grizzlies, one of which was decreasing the opening of the bucket snare sets so that the larger adult grizzly paws could not get through to trip the snare.

What this subsidized snaring program proved beyond a doubt was something that was already assumed, and that was discussed by the Board in 2009 deliberations – that it is impossible for even trained participants to just catch black bears and never catch a grizzly in areas where both species are present.

So here we have not just the potential, but a guarantee that if "black bear" trapping/snaring seasons are ever authorized in Alaska, some grizzly bears will also be caught by independent trappers. **Legalizing black bear snaring in essence is also to legalize grizzly bear snaring**, even if the state mandates forfeiture of any grizzly killed at snaring sites, declaring the keeping of those animals to be technically "illegal."

So if 5AAC 92.260 is to ever allow for the taking of "black bear" sows with cubs, and cubs, by any "black bear" trapper during an open trapping season, since grizzly bears are members of the same Ursidae family being specifically targeted and there is a 100% guarantee that some grizzly bears will also be caught, it would seem that the Board would also have to legalize the taking of grizzly bear cubs, or sows with cubs.

Or provide the same kind of protections to grizzly bears we do now in the Unit 16B bear control area, by only allowing bear trapping to take place under the oversight and presence of trained professional biologists authorized and trained to tranquilize any captured grizzly bears.

Other Issues to Consider with this Proposal

There are several concerns we have in how this proposal is worded, just what it would allow for under the new statutory language, and the possible outcomes.

- **Aircraft use:** We oppose the use of aircraft to establish and visit snaring sites unless the pilot/trappers remain at the site. The mandate to check sites every 24 hours, or even every 48 hours as the department is now proposing, is basically an ethics issue on how long we consider is ethical for a live bear to be caught in a foot snare. Given the real world reality of how fast Alaska flying conditions can change, if we allow aircraft to be used for bear snaring, it is a certainty that the minimum check time will at times not be met. And it could easily be a week at times before flying conditions improve enough to get back to check snares.

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- **Same-day-airborne, spot from the air, land and shoot:** Under a trapping license according to this proposal, in areas where trapping may be authorized, is an allowance for pilots to spot black bears from the air, that aren't at snaring sites, and then land and shoot the same day. **We oppose that provision** and don't think it should be a part of any bear trapping regulations.
- **Unlimited number of snare sets:** The allowance for trappers to set an unlimited number of bucket snares in an open bear trapping area could lead to problems among some who decide to make a lot of sets in differing parts of a unit in meeting the minimum check time and in more incidental catches of grizzly bears. Even in Maine and Canada where black bear foot-snaring is allowed, there are strict limits on the number of sets a trapper can run.
- **Lack of sealing requirements in this proposal:** A new program like this should have some means of strictly monitoring harvests even in areas where sealing of bears is not required.
- **Forfeiture of grizzly bears killed at snaring sites:** We know that some grizzly bears will be caught in snares set for black bears. At times this could include a number of grizzly bears should a cub be captured and then the mother and any other cub need to be dispatched. Given the time it takes to properly skin a grizzly bear and remove the skull for sealing/forfeiture, and the likely distances involved to pack/haul the hide(s) and skull(s) out, and in some areas the lack of any ADFG personnel or office to turn these parts over to the state, and the fact that after a predetermined number of grizzlies are caught in a unit the trapping program would be shut down, we believe there is the real potential for some to simply not report grizzly captures/kills at snaring sites.

We are not alluding or recommending at all that grizzlies should be allowed to be snared or kept by trappers, but once again this brings up yet another reason why there is nowhere else in North America that it legal to trap black bears in areas where grizzlies are also present.

- **Nonresident participation:** AK BHA strongly opposes any nonresident participation in any bear trapping seasons. And interestingly, the department in 2009 strongly opposed nonresident participation in any aspect of the black bear control program in Unit 16B: "*The department is opposed to the participation of nonresidents in any control program because of the similarity in costs associated with sport hunting and control activities (i.e., non-resident license and tag fees, transportation costs, etc.). Also, the perception that hunting by non-residents is the same as non-resident control activities would blur the distinction between the two activities thereby jeopardizing the current public support for sport hunting and control programs.*" [our emphasis]

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September 30, 2010

Sherry Wright
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Board of Game Comments
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SEP 30 2010
BOARDS
ANCHORAGE

Attn: Scott
BOG Nelchina
Public Comment

Dear Board of Game Members;

I just learned of your upcoming special meeting on Oct. 8th deciding proposed changes to the hunting and trapping regulations throughout Alaska.

I am writing to comment specifically on: **PROPOSAL 32 - SAAC 85.020. Hunting seasons and bag limits for brown bear.** Extend brown bear seasons in a portion of Unit 26B.

I am opposed to this proposed registration hunt being made available year round, and to non-resident hunters. If you are to consider offering brown bear harvest by registration in 26B, please maintain current seasons, and do not offer a registration only hunt to non-residents, also revise your target harvest numbers. You will attract enough resident hunters by lifting the limit of harvest (permit). There is no reason to harvest a bear during summer months, the hide, nor the meat would be worth salvaging, and it would be a wasted resource.

Also I am opposed to your increase in "liberalized" bear hunting continuing annually with increase. This is foolish; 26B is the arctic, populations do not regenerate quickly at all, if you take your target number of bears in a year, you will impact that bear population for many years to come. If you are to offer a registration hunt to residents during "regular" seasons, you should maintain this only until your target is reached, and reassess the population.

Please also consider some my observations / accounts / and information relating to brown bear populations and musk ox in unit 24, and 26B in the last few years:

I grew up here in Wiseman, within the Dalton Highway Corridor, my family has always hunted and trapped, and we have always been interested in the area's wildlife behavior and populations -- it is a way of life. My husband and I have a small lodge here in Wiseman, and I also work summers at the Arctic Interagency Visitor Center in Coldfoot, so I talk with literally thousands of Dalton Travelers annually (tourists, hunters, workers, etc).

I wanted to be able to provide accurate info to the public when asked about bear populations, and

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spoke with one of your bear biologists in Fairbanks a few years back trying to find out brown bear numbers on the north slope and within the Brooks Range; I was told that F&G was in the process of conducting a 5 year population survey, and observations on the north slope indicated that average density was 1 bear per 200sq km, and it was an estimate at that point, but populations within the Brooks Range appeared to be 1 bear per 100sq km. Other F&G reports I read from 2004 indicate 1.8 bears per 100sq mi. in unit 26B, 26B encompassing a land mass of 15,500 sq mi., with an estimated population at that time of 269 bears in Unit 26B. The area of 26B that you are proposing to harvest 137 bears in is slightly more than $\frac{1}{2}$ of Unit 26B total land mass, and 137 bear harvest in that area would be slightly higher than $\frac{1}{2}$ total population estimate of 2004. In other words you are proposing to eliminate ALL the brown bears in the proposed target area of Unit 26B. This is poor management, and detrimental to the Brown bear population in that area. You need to re-think your harvest numbers to allow for a continuing population of brown bears in Unit 26B (and beyond), your current numbers don't work.

Everyone likes Musk OX, they are real cool animals and I am glad they were reintroduced. People also like bears – they are a symbol of healthy ecosystems, and wild lands found in AK. In talking with many people, including State biologists & wildlife enforcement, it is my understanding that there are specific bears over the years that have become 'problem' bears, primary carnivores, and have learned to hunt musk ox. It is also my understanding that these past problem bears have been eliminated. Not all bears are problem bears, not all hunt musk ox; in fact, many northern bears subsist primarily on vegetation, and seldom hunt for large game unless it is an easy catch.

In the past 2 years I have seen & heard of a significant change in populations of brown bears within the Dalton Corridor, both in Unit 24, and 26B. I regularly ask travelers coming down from the Slope what wild life they have seen – this is one of the highlights for travelers of the Dalton. (both hunters and non). In years prior to 2010 it did appear the brown bear population was increasing, people saw bears, (I saw bears here), and a brown bear killed both musk ox calves born to the herd near the road. That was prior to 2010.

Last winter (09/10) was a rough one for bears near the Central Brooks Range, and on the north slope including the proposed area of intensive management in Unit 26B. It was not a real good berry year in '09, and that coupled with the second lowest snow fall on record caused the ground to freeze very deep, killing many bears in their dens I believe. Last winter here in Unit 24 my son observed 2 separate sets of brown bear tracks out on his trap line trail, old bears, out looking for food. That's only what one person observed in this area, I'm sure there were other bears out that were not observed.

This spring we noticed there were far less bears around, also I talked with many disappointed bear (bow) hunters in the corridor, no one was seeing much bear sign, and several hunters did not find bears to harvest. This summer I talked to thousands of visitors traveling the road all the way to Deadhorse and back, brown bear sightings were minimal, less than I had ever heard. Kind of strange compared to 09 sightings, so must have been the hard winter that knocked them down. Musk ox sightings were good – and the 2 calves that were born to the herd up near Deadhorse were still

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alive from the last report I had on them in August.

This fall I talked with a lot of hunters (there were more hunters up here than I had ever seen!), and most were disappointed with the lack of game available for harvest – including bears.

The Arctic is not teeming with wildlife, the populations that do survive up here not only have to deal with increasing numbers of hunters, but also the extreme conditions that winter will bring for 7.5 to 8 months of the year.

Please use extra caution when determining 'allowable' harvest of arctic populations, there are a lot of factors that come into play to effect rise & fall of arctic populations, and know that limited populations only have at best 5 months of the year to work on regenerating once they have been knocked down.

I also hope you will tone down proposed regulations regarding taking black bear sows with cubs, and the use of "bucket snares" - it's unethical, and unnecessary. I am opposed to taking any brown bear with a snare or under a trapping license in any way as well.

Thanks for reading, and I will appreciate your consideration of my opinions, facts, and information provided before making decisions on the proposed changes.

Sincerely,



Heidi Schoppenhorst

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September 27, 2010

Boards of Game Comments
Alaska Dept. of Fish & Game
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526

Dear Ms. Tibbles:

Enclosed is Ahtna Tene Nene' Customary & Traditional Use Committee's comments on the proposals for the Special Alaska Board of Game Meeting on October 8-12, 2010.

Sincerely,

Melvia Stuchwan
for
Eleanor Dementi
Eleanor Dementi,
Chair

Alaska Board of Game Meeting

Proposal 1

5 AAC 85.025. Hunting seasons and bag limits for caribou. By Wilfred Blais.

Comments:

We oppose Proposal 1. Permits are to be distributed by Alaska Dept. of Fish & Game (ADF&G). It is too vague and unclear in its intent. It is not clear what type of permits is being referred to. Is it a Tier I Permit or Tier II Permit, or Registration Permit? A community harvests hunt as proposed by Ahtna Tene Nene' Customary & Traditional Use Committee would work well for everyone and be fair to everyone as well.

Proposal 2

5 AAC 85.025. Hunting seasons and bag limits for caribou; and 92.050. Required permit hunt conditions and procedures. By Charles Moore.

Comments:

We oppose Propose 2 to have any Alaskan resident to be eligible for one caribou for each wolf they legally harvest in Unit 13. Killing wolves in Unit 13 so that one can be eligible to hunt for one caribou is not customary and traditional use or customary method way of hunting. We already have Predator Management Control in Unit 13, which is doing a satisfactory job in maintaining wolf populations.

Proposal 3

5 AAC 85.025. Hunting seasons and bag limits for caribou.; and 92.050. Required permit hunt conditions and procedures. By David Davenport and Allen Avinger.

Comments:

We oppose Proposal 3 to change the regulatory harvest of Unit 13 Nelchina caribou as it is written in this proposal. A TC566 permit that is limited to a harvest of two Nelchina Caribou per household every two years is not consistent with the state subsistence law and will not provide for customary and traditional subsistence uses. A Unit 13 Nelchina Caribou community harvest hunt similar to that passed by the Board of Game in 2009 is an alternative that would be fair to all hunters. There would be two separate hunts, and each hunter would have to choose which hunt to participate in.

Proposal 4

5 AAC 85.025. Hunting seasons and bag limits for caribou.; and 92.050. Required permit hunt conditions and procedures. By Michael Frost.

Comments:

We oppose Proposal 4 to change to a drawing permit hunt in Unit 13 – Nelchina caribou. A drawing permit hunt does not provide a reasonable opportunity for customary and traditional subsistence uses. Creating a drawing permit hunt in Unit 13 – Nelchina caribou will create a lottery system hunt, which will force people who depend on the harvest of these animals for their nutritional and cultural way of life to pay for a lottery chance to hunt for Nelchina caribou to provide for their families.

Proposal 5

5 AAC 85.025. Hunting seasons and bag limits for caribou.; and 92.070. Tier II subsistence hunting permit point system; 92.085. Unlawful methods of taking big

game; exceptions; and 92.0505. Required permit hunt conditions and procedures. By Brian West.

Comments:

We oppose Proposal 5 with the three proposed changes to harvest a Unit 13 – Nelchina Caribou. A Tier II hunt would be necessary if the community harvest hunt fails to be approved the Board of Game. Eliminating the use of off-road vehicles would only create a hardship to hunters in packing out game from the field, and it would be hard to enforce. Adding income as a Tier II criterion is most definitely opposed. Income criteria fail to recognize that the continued opportunity to practice customary and traditional hunting sustains Ahtna people culturally as well as nutritionally and economically. Income as a Tier II criterion also fails to recognize the customary pattern of harvest in which the hunters with the most income frequently provide the harvest for many families in a community.

Proposal 6

5 AAC 92.070. Tier II subsistence hunting permit point system. By Grant Lewis.

Comments:

We oppose Proposal 6 to eliminate the scoring criteria that adds points for the number of years the applicant has hunted or eaten from the Tier II game population. This question should be revised as proposed by the Ahtna Tene Nene' Customary & Traditional Use Committee's Tier II Proposal 21. The number of years could be reduced to allow more equitable points for the younger generation to gain more points, but not eliminated as criteria.

Proposal 7

5 AAC 85.025. Hunting seasons and bag limits for caribou. By Mike Huston.

Comments:

We oppose Proposal 7. The proposal is vague, and doesn't offer any real solution.

Proposal 8

5 AAC 85.025. Hunting seasons and bag limits for caribou. 92.071. Tier I subsistence permits.; and 92.050. Required permit hunt conditions and procedures. By Vince Holden.

Comments:

We oppose Proposal 8 to create a random drawing in the Unit 13 Nelchina Caribou hunting process. See comments under Proposal 4. The federal subsistence priority and opportunity for caribou is not dependable or sufficient to meet the customary and traditional subsistence needs of the Ahtna communities. The state subsistence law provides a preference for subsistence uses. This is not a "prejudice" or "discrimination" of one Alaskan over another, but a policy choice that the State has adopted, and one that most Alaskans agree with, that subsistence uses are the priority use of wildlife in Alaska. The legal preference, however, only applies to subsistence uses and only to those hunters who are engaged in subsistence uses. Not all Alaskans who hunt Nelchina caribou are engaged in subsistence uses, which are customary and traditional uses. Some, if not many of the current hunting practices and uses of the Nelchina caribou herd are not customary and traditional subsistence uses – they are recreational, personal use or other

uses that should be provided through a general hunt – but they should not be allowed to continue to dilute and confuse the responsibility to provide a reasonable opportunity for subsistence uses. The Board should clearly identify the subsistence uses for the Nelchina herd. Then the Board can provide a reasonable opportunity for those Alaskans who are engaged in the customary and traditional subsistence uses the Board has identified for the herd. If there is a harvestable surplus of caribou above what is necessary to provide for subsistence uses, the Board can allocate this general hunting opportunity by a drawing or registration permit as this proposal and others suggest.

Proposal 9

5 AAC 85. 025. Hunting seasons and bag limits for caribou.; and 92.050. Required permit hunt conditions and procedures. By Kenneth Manning.

Comments:

We oppose Proposal 9 to create 5-year blocks of past use and dependency and deleting the questions of where an applicant purchases most of his/her groceries and gasoline. Adding blocks of years of past hunting or harvest of wildlife will not speed up the process of being awarded a Tier II subsistence permit. Ahtna also believes that the Tier II system suggested in the proposal is not consistent with the state subsistence law which requires the Board in a Tier II situation to distinguish among all subsistence users, not just those within certain blocks of time, based on their customary and direct dependence on the resource. Conducting a lottery for a block of numbers is similar to a random Drawing Permit System, which is also not consistent with the law when a Tier II hunt is in place. Ahtna's Proposal 21 will allow younger people to be awarded Tier II permits. The Supreme Court has ruled that Tier II criterion related to where most of the food and gasoline is purchased is consistent with the Alaska constitution and within the authority of the Board. *State v. Manning*, 161 P.3d 1215 (Alaska 2007). The proposal would strike all aspects of "community" from the identification of customary and traditional subsistence uses, a proposition that is not supported by the Board's findings for Nelchina caribou or any of the vast literature that has been published describing true customary and traditional subsistence uses. The proposal would have the Board quit trying to identify true subsistence uses and merely assume that all 12,000 potential Tier II applicants are engaged in subsistence uses. Instead, the proposal suggests that subsistence is somehow wholly defined by the number of years that one has engaged in hunting a particular resource and the success rate one has in bagging that resource. Under this kind of criterion, for example, a person who consistently, year after year, hires a commercial hunting guide, bags a caribou, and leaves the meat with the guide to distribute while taking the trophy or simply the pleasure of the experience, would be a subsistence user, entitled to the subsistence priority and a Tier II permit. Customary and traditional subsistence uses entail much more, and community patterns of taking, sharing and use are an inseparable part of the subsistence way of life that the law and subsistence priority is intended to protect. The Board is on the right track in identifying and providing an opportunity for subsistence uses and trying to identify and provide for other subsistence uses of the Nelchina herd. After the subsistence uses are identified and distinguished from the recreational, personal use and other uses of the caribou herd, the Board can implement a 5-year block system for non-subsistence uses.

Proposal 10

5 AAC 85. 025. Hunting seasons and bag limits for caribou; and 92.050. Required permit hunt conditions and procedures. By Hans Rodvik.

Comments:

We oppose Proposal 10 “to instate Equal drawing” as a Unit 13 Nelchina Caribou regulation. The proposal is inconsistent with the subsistence law, comparing it and hunting opportunity and regulation to the permanent fund dividend process. The proposal also mistakenly confuses discrimination with the implementation of the subsistence priority. We support a community harvest hunt for Unit 13 Nelchina caribou hunt, and the second choice would be to implement a Tier II hunt and modify the Tier II Subsistence Permit Point System.

Proposal 11

5 AAC 85. 025. Hunting seasons and bag limits for caribou; and 92.050. Required permit hunt conditions and procedures. By Karl Rodvik.

Comments:

We oppose Proposal 11. See comments under Proposal 10.

Proposal 12

5 AAC 85. 025. Hunting seasons and bag limits for caribou; and 92.050. Required permit hunt conditions and procedures. By Karsten Rodvik.

Comments:

We oppose Proposal 12. See comments under Proposal 10.

Proposal 13

5 AAC 85. 025. Hunting seasons and bag limits for caribou. By Thomas Scarborough.

Comments:

We oppose Proposal 13 to change Unit 13 to a Nonsubsistence area, and a regulatory change to a drawing or registration permit in Unit 13 Nelchina Caribou hunt. The decision about non-subsistence use areas is within the jurisdiction of the Joint Boards. The Joint Boards have already rejected declaring the area a non-subsistence use area. The area does not meet the criteria for a non-subsistence use area. Unit 13 is customary and traditional use area. It is based upon patterns of fishing and hunting that is Ahtna people’s customary and traditional use of fish and wildlife. Ahtna opposes a drawing or registration hunt – see comments to proposal eight.

Proposal 14

5 AAC 85. 025. Hunting seasons and bag limits for caribou.; and 92.050. Required permit hunt conditions and procedures. By Brian Blossom

Comments:

We oppose Proposal 14 as it is written to modify Unit 13 Nelchina Caribou hunting regulations to a “60 percent/40 percent” split of permits; with 60 percent of the permits going to local Unit 13 subsistence/Tier II hunters and the remaining permits, 40 percent going to a draw system, with the public choosing either/or hunts. The number or

percentage of permits that are devoted to subsistence uses is dictated by the Board's finding of what constitutes subsistence uses for the herd. The Board has already identified through previous findings that the Ahtna based community uses are a customary and traditional use of the caribou herd. The Board needs to identify what if any other subsistence uses exist for the herd. For example, if there is a subsistence use pattern that identifies subsistence uses other than community uses – what are these patterns of non-community based subsistence use. Once the Board identifies the customary and traditional subsistence uses for the Nelchina herd, it can identify what amount is necessary to provide for each of these uses. At that point the Board will know what if any part of the harvestable surplus is available for a general non-subsistence drawing hunt. Splitting up the permits to allow bow hunts, muzzleloaders hunters and for youth hunts will only allow a hunting season during the caribou rutting season for Unit 13 customary and traditional use hunters. During the rutting season caribou are not edible and are not in the area. Most of the caribou have crossed to their wintering grounds areas.

Proposal 15

5 AAC 85. 025. Hunting seasons and bag limits for caribou; and 92.050. Required permit hunt conditions and procedures. By Steve Rasmussen.

Comments:

We oppose Proposal 15 to have To Be Determined (TBD) permit system. The proposal is based, like many others, on ADF&G or the Board first getting rid of or ignoring the legal responsibility to provide a reasonable opportunity for subsistence uses.

Proposal 16

5 AAC 85. 025. Hunting seasons and bag limits for caribou. By Ken Federico.

Comments:

We oppose Proposal 16 to propose a regulatory change to Unit 13 Nelchina Caribou hunt to a Registration hunt, which would be broken down into 3 registration hunts. The population of the Nelchina Caribou herd is 44,000 right now, and is in danger of over grazing their food resources, which would cause the herd to crash. A registration hunt will endanger the Nelchina Caribou herd, if this proposal were passed by the Board of Game. A community harvest hunt would be the ideal hunt to take place on this herd.

Proposal 17

5 AAC 85. 025. Hunting seasons and bag limits for caribou; and 92.050. Required permit hunt conditions and procedures. By Dennis Hamann.

Comments:

We oppose Proposal 17 to allow a random draw hunt for Unit 13 Nelchina Caribou herd. See comments under Proposal 4.

Proposal 18

5 AAC 85. 025. Hunting seasons and bag limits for caribou; and 92.220. Salvage of game meat, furs, and hides. By Warren Olson.

Comments:

We oppose Proposal 18 to allow an “open draw” for Unit 13 Nelchina Caribou herd. If this proposal is referring to a random drawing for everyone it is inconsistent with the state subsistence law and illegal.

Proposal 19

5 AAC 85. 025. Hunting seasons and bag limits for caribou.; and 92.050. Required permit hunt conditions and procedures. By Warren Olson.

Comments:

We oppose Proposal 19 to allocate the harvest through a drawing system. See comments under Proposal 4. Ahtna disagrees with the legal and other conclusions that are the basis of this proposal.

Comments on Proposals 20 and 21 authored by Ahtna Tene Nene’ will be submitted at a later date.

Comments on Proposal 22 will be submitted later.

Proposal 23

5 AAC 92.072. 5Community subsistence harvest hunt area and permit conditions.;; 92.074. Community subsistence harvest hunt areas. By Alaska Outdoor Council.

Comments:

We oppose Proposal 23 to “repeal 5 AAC 92.072 and 5 AAC 92. 074 Community subsistence harvest hunt areas and permit conditions. Instead, Ahtna has made proposal 20 to re-authorize the community harvest permit.

Proposal 24

5 AAC 85. 025. Hunting seasons and bag limits for caribou. Alaska Outdoor Council.

Comments:

We oppose Proposal 24 and support a community harvest permit hunt for Unit 13 Nelchina Caribou hunt.

Proposal 25

5 AAC 92.070. Tier II subsistence hunting permit point system. By Tony Russ.

Comments:

We oppose Proposal 25 and support Proposal 21. Contrary to the proposal’s claim, the cost of food and gas Tier II criterion have been explicitly ruled as consistent with the subsistence law and Alaska’s Constitution. *State v. Manning*, 161 P.3d 1215 (Alaska 2007).

Proposal 26

5 AAC 92.072. Community subsistence harvest hunt area and permit conditions.;; 92.074(d). Community subsistence harvest hunter areas. By Tony Russ.

Comments:

We oppose Proposal 26 and support Proposal 20.

Proposal 27

5 AAC 85. 025. Hunting seasons and bag limits for caribou. By The Alaska Department of Fish and Game on behalf of the Board of Game.

Comments:

We agree that the Board must re-examine its Nelchina caribou hunting regulations because of the recent superior court decision. Ahtna people support a Tier II hunt for the Nelchina herd only if the community hunt proposal submitted by Ahtna is not re-authorized by the Board. The community harvest permit should be re-adopted by the Board as proposed by Ahtna in proposal 20. If a Tier II hunt is adopted, the permit should allow the harvest of two caribou per permit.

Proposal 28

5 AAC 99.025. Customary and traditional uses of game populations. By The Alaska Department of Fish and Game on behalf of the Board of Game.

Comments:

We agree that the ANS must be re-examined. In doing so the Board should re-authorize the community harvest permit and affirm the ANS for that permit. The Board should also identify any other distinct subsistence use that may exist for the Nelchina herd and adopt a separate ANS for the subsistence use so identified. The Board should then adopt regulations that provide a reasonable opportunity for each distinct subsistence use identified.

Depending upon the population of the Nelchina Caribou herd, Ahtna people would like to have 2+caribou per regulatory year.

Proposal 29

5 AAC 92.071. Tier I subsistence permits. By The Alaska Department of Fish and Game on behalf of the Board of Game.

Comments:

We agree that the regulation should be re-examined in light of the court's recent decision. We support a community hunt as an essential part of a Tier I subsistence harvest..

Proposal 30

5 AAC 85. 025. Hunting seasons and bag limits for caribou; and 99.015. Joint Board Nonsubsistence areas. By Vince Holton.

Comments:

We adamantly oppose Proposal 30 to create portions of Unit 13 to Nonsubsistence Area. This would be detrimental to customary and traditional users, who hunt throughout Unit 13 for moose, caribou and other subsistence resources.

There is no new information to warrant a discussion on Non-subsistence areas for Unit 13.

Unit 13 has been deemed a subsistence area by the Joint Boards with justifiable reasons. Unit 13 is the Ahtna People's customary and traditional fishing, hunting, gathering and trapping areas. It has been utilized for thousands of years. Patterns of customary and traditional use of fishing, hunting, gathering and trapping methods have been handed down from generation to generation.

The same group of people always proposes to make Unit 13 into a non-subsistence area. This cost Ahtna time, effort and expenses to fight against this on-going issue.

Proposal 31

5 AAC 92.125. Predation control areas implementation plans. By Alaska Department of Fish and Game.

Comments:

We support Proposal 31 to "Reauthorize the Intensive Management Plan for Unit 13. Reducing wolves in Unit 13 is necessary for calf survival of Nelchina Caribou and moose populations. Since this program has been in place, moose and caribou populations have steadily increased, and the wolf population is held to a sustainable population as well.

Proposal 33

5 AAC 92. 990(7)(C)(iv). Definitions; and 92.200. Purchase and sale of game. By Eastern Interior Alaska Subsistence Regional Advisory Council.

Comments:

No comments on Proposal 33.

Proposal 36

5 AAC 84.270. Furbearer trapping; 92.0XX Black bear trapping requirements; 92.051. Discretionary trapping permit conditions and procedures; 92.080. Unlawful methods of taking game; exceptions.; 92.095. Unlawful methods of taking furbearers; exception.; 92.165 Sealing of bear skins and skulls.; 92.900 Definitions.; and 99.025 Customary and traditional uses of game populations. By The Alaska Department of Fish and Game.

Comments:

No comments on Proposal 36.

September 29, 2010.

RECEIVED**SEP 30 2010****BOARDS
ANCHORAGE**

To: Governor Sean Parnell, Fish Advisories and Fish and Game Board.

The Alaska's wildlife had been hijacked by these Insider and Outsiders radical and extremist hunting organizations: the Sportsmen hunters and trappers and whoever has business with Alaska's wildlife. The war on wildlife was declared by Sarah Palin and embraced by Sean Parnell. Sean Parnell is working only and pleasing a selected group of people and doesn't care for the rest of Alaskans.

The state and Fish and Game Board have an obsession of exterminating the wildlife by implementing these barbaric, savage, inhumane and horrific massacres on wildlife to please these wealthy people which only benefit a few people. The state and Fish and Game Board are the ones responsible for the decrease of moose and caribou because of over hunting, the promotion of sport hunting and trapping all over Alaska and the fact that people come from all over the world to kill moose and caribou for trophies. Its not fair to blame the animals for the humans fault.

The reason for the lack of game is the regulations for the guiding industry. The law lets them have three guiding areas a year. They can kill as many as they want and then next year, when most of the adult males are gone, they can apply for new areas and move to three new areas.

I have been attending some of the guides hunting meetings and most of them say that they moved to Alaska only to become guide hunters and get rich by exploiting the wildlife. People come from all over the world to kill moose and caribou for trophies. Worst predators are two-legend ones. Impose control on them. The state and Fish and Game Board extremist philosophy is centered on bypassing science in order to artificially boost moose and caribou numbers which only benefit themselves.

The wildlife has already enough with these deadly proposals like proposal 180 that allows the use of carbon monoxide and proposal 190 that allows the snaring of bears including sows and cubs,. As if that is not enough, now they have introduced proposal 36 which is targeting the snaring of black and grizzly bears including sows and cubs.

AN AGENDA CHANGE REQUEST WAS NEVER INTENDED TO DENY THE PUBLIC FAIR EQUAL OPPORTUNITY TO PARTICIPATE IN THE BOARD OF GAME PROCESS.

I Yolanda have been targeted by some of the Fish Advisories, Fish and Game Board and some of the Sportsmen hunters and trappers people and from one of the radio talk show men because I have been speaking out in favor of the wildlife. The natural resources belong to all Alaskans and not to these public servers therefore I have the right to speak up on behalf of those who can't speak for themselves.

Yolanda de la Cruz
806 West 57th Avenue
Anchorage, Ak. 99518

(refused to put signature)

Attn: Scott
Bob Nelchina
Public Comments

Cliff Eames and Ruth McHenry
HC60 Box 306T
Copper Center, AK 99573
(907) 822-3644

September 30, 2010

ATTN: Board of Game Comments
Alaska Department of Fish and Game
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526
By Fax to: 907-465-6094

Re: Proposal 36 Black Bear Trapping—Oppose

Dear Board of Game Members:

We believe that black bear trapping would have unintended harmful consequences for the vast majority of outdoors people who are not trappers.

Before we discuss our reasons for opposing the proposal, we want to make it clear that we are not opposed to the hunting of black bear under fair chase conditions. Black bear meat is delicious food.

We also need to state that we are only occasionally in the areas covered by this proposal, but the proposal puts at risk those who do use the areas, and it sets a very bad precedent for other units. The Department of Fish and Game's introduction to Proposal 36 points to the distinct possibility of bear trapping being extended to other units: "...a few more years experience with bear trapping programs is desirable before trapping becomes more widespread."

The Department's introduction also states, "flexibility is necessary to allow dispatch of *bears near snares and other bears in the group attempting to protect a snared bear.*" (Emphasis ours.) This sounds like a real hazard to unwary hikers.

How are hikers to know they are approaching a trapped bear, possibly with untrapped bears attempting to protect it? We have already seen weaknesses in bear baiting station signage, which has the same requirements as proposed snare sites: Only one sign is required. This supposes that people will approach from only one direction, but in fact, hikers sometimes enter trails from different directions or travel cross-country. Nothing seems to preclude the sign for the baiting station or bear snare from being right at the site. This hardly would give fair warning to a hiker.

In a rural area, there would be little acreage where bear snares could not be set:
" (A) one-quarter mile of a publicly maintained road, trail, or the Alaska Railroad;
(B) one mile of a house or other permanent dwelling, businesses or schools; or
(C) one mile of a developed campground or developed recreational facility."

In our area, very few trails are “publicly maintained”—depending upon how you define that. Many established trails across public lands see little to no publicly funded maintenance. Often, individuals like ourselves brush and remove deadfalls. Are these “publicly maintained?” At least some bear baiters do not think so, because just this month, on public land, a trail well maintained and long-used by individuals had a baiting station nearby.

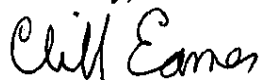
If this proposal is adopted, Alaskans like us will have to be extra wary for the six months of bear-snaring season, either that or stay within the very narrow confines of areas off-limits to bear snaring, and/or by avoiding areas that have any 6” diameter trees for anchoring bear snares. Then for the rest of the year, the presently allowed types of trapping limit the trails, rivers, and open country that we would like to use, because we never know where traps harmful to our dogs might be. We cross-country ski, walk, or hike outdoors every day, but trapping and snaring put severe limits on our use and enjoyment of the Alaskan outdoors.

At a time when there is great concern about obesity in Alaskan children and adults, a bear snaring program that discourages more Alaskans from venturing outdoors is the wrong way to go.

Instead of adopting this proposal, we suggest that you and the Department of Fish and Game seek ways to encourage more fair-chase bear hunting in areas where bears take an inordinate number of ungulate calves. We also urge that, whatever means are used for the taking of black bear, meat should be salvaged.

Please do not adopt Proposal 36.

Sincerely,



Cliff Eames



Ruth McHenry



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Yukon Flats National Wildlife Refuge
101 12th Avenue, Room 264, Box 14
Fairbanks, Alaska 99701-6293



September 30, 2010

Board of Game Comments
Alaska Department of Fish and Game
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526
Fax: 907-465-6094

Dear Members of the Board of Game,

The Yukon Flats National Wildlife Refuge has reviewed Proposal 36 (submitted by Alaska Department of Fish and Game through an Agenda Change Request) and offers the following comments. Please note that one of the objectives of the Yukon Flats Moose Management Plan is to increase harvest of bears (both species) to further moose population growth in Game Management Unit (GMU) 25D while maintaining viable bear populations. We are in general agreement with the intent of Proposal 36 which would support objectives outlined in the plan. However, we have identified several issues of concern, and do not support Proposal 36 as drafted.

Local residents in GMU 25D harvest bears primarily by rifle during hunting season but there is also documentation of ongoing illegal foot snaring using conventional snares. Introduction of a regulation that allows legal take of black bear and incidental take of brown bear using specialized bucket foot snares will increase confusion on foot snaring regulations for bears (both species). This proposed regulation will likely reinforce the notion that it is legal to use conventional foot snares on bears when it is in fact an illegal activity. This regulation will then further confuse local hunters and trappers on legal methods to harvest bears, likely increase ongoing illegal use of conventional foot snares, complicate enforcement of current laws, and increase the need for enforcement.

Proposal 36 requires trapper registration, purchase of new trapping equipment, and trap checks every two days. Considering the cost of each new trap (\$75 each), the price of unleaded fuel in the villages (\$7/gallon) and that bear hides are not high value (\$100-125), there is no monetary incentive provided to local residents to compensate them for their significant expenses to harvest bears. We project that this regulation will have no effect on bear harvest in GMU 25D because local resident participation will be low.

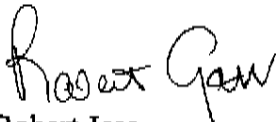
Western GMU 25D has confirmed high densities of black and suspected low densities of brown bear, little non-local public use, and has been identified as an area of intensive management interest by ADF&G. Proposal 36 outlines that incidental take of brown bear will be allowed but does not include specific harvest requirements (salvage and reporting) or details for emergency closures if brown bear harvest quotas are exceeded. Currently compliance by local residents on existing ungulate and predator harvest surveys is low and it is unlikely that biologists will be successful in tracking bear harvest in

GMU 25D. A mechanism must be put into place to better track bear harvest, particularly brown prior to considering implementing Proposal 36.

A significant safety issue exists with the incidental take of brown bear. Trappers will likely encounter situations where a brown bear sow has been snared, accompanied by young up to 2.5 years old, or even free roaming adult males, and will be expected to dispatch all bears present and salvage hides and/or meat. These situations are dangerous even for the experienced trapper and could prove lethal especially for young (age 16+) resident trappers. Also, since there is a high potential for wanton waste, an outreach program which targets proper use of the bucket snare, safety issues related to brown bear bycatch, and salvage of hides/meat should be required for all bucket snare users.

Based on these concerns we do not feel that bucket foot snare methods as described are appropriate for GMU 25D, and we are not supportive of Proposal 36 as drafted.

Sincerely,

A handwritten signature in black ink that reads "Robert Jess". The signature is written in a cursive, slightly slanted style.

Robert Jess

Refuge Manager, Yukon Flats National Wildlife Refuge



National Parks Conservation Association ♦ Alaska Regional Office
750 W. 2nd Ave. Suite 205, Anchorage, AK 99503 (907) 277-6722
Protecting Our National Parks for Future Generations

30 September 2010

Cliff Judkins
Chairman
Alaska Board of Game
P.O. Box 25526
Juneau, AK 99802-5526

Re: October 2010 Board of Game Proposals 33, 34, 35, 36.

Dear Chairman Judkins,

The National Parks Conservation Association (NPCA) appreciates the opportunity to comment on the October 2010 Board of Game Proposals. The National Parks Conservation Association (NPCA) is America's only private, nonprofit advocacy organization dedicated solely to protecting, preserving, and enhancing the National Park System. NPCA was founded in 1919 and today has 340,000 members of more than 1,000 are in Alaska.

For many years now, NPCA has provided proposals for consideration and submitted written and oral comments on specific proposals that address the conflict between the state's Intensive Management approach to wildlife management and that of the National Park Service (NPS). The Park Service is tasked with managing its wildlife for natural and healthy populations and there are specific rules found in both the NPS Management Policies and direction from the Secretary of Interior's office that National Park wildlife cannot be managed to favor one specie over another. At this meeting we are concerned about those proposals to kill black bears through liberalized trapping regulations. While we **oppose the application of proposals #33, #34 and #35 to those lands managed by the National Park Service** because of the liberalizing nature of these proposed new black bear hunting and trapping regulations and their conflict with NPS purposes, our comments are focused on that one proposal submitted by the Department of Fish & Game, Proposal #36.

We understand there are concerns about proper notice of the purpose and associated agenda change for this out-of-cycle meeting, concerns about the public's ability to participate in the expanded bear management discussion by not allowing any public proposals, and legal concerns in the way this meeting was noticed. We will not reiterate

those arguments here as they have been adequately made by others and we encourage you to take their concerns seriously.

Proposal #36 – Exempt those lands managed by the National Park Service. This complicated proposal includes Game Management Units that incorporate parts of Denali and Yukon-Charley Rivers national preserves (Units 16(B), 19(D), and 20(E)). The purpose found in the recommendations section on page 50 of the Board Book clearly states that alleviating predation on moose calves is the goal. That purpose goes directly to the management philosophy conflict between the state of Alaska and the National Park Service. Proposal #36 would institute wildlife management regulations that are contrary to and conflict with the purposes of Alaska's national parks as recognized by Congress in the Park Service Organic Act and the Alaska National Interest Lands Conservation Act (ANILCA).

The state of Alaska is directed to maximize opportunity for human consumption of species like moose and caribou. As such, the state wildlife management strategy targets the systematic reduction of wolf and bear populations through regulations such as Proposal #36 (which makes it easier to kill black bears) and culminates in predator control areas. While this may be the state's approach to wildlife management, it clearly conflicts with the mandate of the National Park Service to not "intervene in natural biological or physical processes," except in rare circumstances (NPS management policies at 4.1) and not to manipulate wildlife populations in order to increase the population of harvested species.

The Park Service's management direction is clearly stated in section 4.4.3 of its Management Policies:

The Service does not engage in activities to reduce the numbers of native species for the purpose of increasing the numbers of harvested species (i.e. predator control), nor does the Service permit others to do so on lands managed by the National Park Service.

This clear direction against population manipulation was further refined in a December 19, 2006 letter to the Eastern Interior Alaska Subsistence Regional Advisory Council from the Acting Assistant Secretary for Fish, Wildlife and Parks which stated that

To summarize, undertaking intensive management practices, including predator control activities as conducted by the State of Alaska, is not allowed on NPS lands

The Board of Game has no authority to set wildlife management policy for Alaska's National Parks, Monuments and Preserves that is contrary to National Park laws, regulations and policies. This is especially true of programs that manipulate the populations of predators. Population manipulation and predator control are fundamentally at odds with the purposes for which units of the National Park System in Alaska were created and that must be recognized by exempting national park lands from Proposal #36.

Furthermore, several of the proposed tactics allowed in this expanded black bear trapping proposal are already not allowed on lands managed by the National Park Service, specifically the prohibition on same-day airborne and the prohibition on using a firearm as a trap (unless utilized on an animal already in a trap). By exempting NPS lands, these confusing conflicts with state hunting regulations could be avoided.

But the most egregious part of the proposal is no bag limits and the allowance for an unlimited number of bucket foot snares during the summer months when Alaskans and park visitors are exploring and enjoying the backcountry. Not only is no bag limit in direct conflict with national preserve purposes for healthy populations by encouraging a steady and potentially huge unregulated take and subsequent decline in black bear numbers, but the possibility of a visitor coming upon a snared black bear is a safety hazard. Unlimited harvest of any animal is contrary to the why we have national parks.

Bear Conservation Harvest and Management Policy #2010-XXX-BOG

When one of the guiding principals of this proposed new Bear Management Policy says that the Department will “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 moose or muskox...”, it calls into question the legal applicability of the entire policy to lands managed by the National Park Service.

Manipulating wildlife populations is contrary to NPS management policies, yet this proposed state management policy is strongly worded to support an all-out manipulation of bear populations as the “Board recognizes its broad latitude to manage predators including bears for higher yields of ungulates.” This attitude is exemplified in the draft policy by numerous statements about the need to “prevent populations of ungulates from declining to low levels,” the need to “reduce bear predation on moose, caribou, muskox or other ungulates,” and the concern that “deliberately reducing black bear numbers to improve moose calf survival has proven difficult or impossible with conventional harvest programs” so the state has had to “resort to more innovative programs promoting baiting and trapping with foot snares.”

Furthermore, we are greatly concerned by the draft policy’s statement that “as long as (brown bear) sows and cubs are protected from harvest it will not be possible to reduce populations enough to achieve increases in recruitment of moose.” Manipulating brown bear populations by hunting brown bear sows and cubs, while not permitted now, would be allowable sometime in the future.

The very proposals considered at this meeting are already implementing this proposed bear management policy by reaching beyond conventional hunting seasons and bag limits in the state’s desire to reduce black bear populations. In addition, brown bear baiting is considered within the context of this policy for the first time. NPCA has long sought the exclusion of Park Service lands from black bear baiting rules because of the obvious

conflicts between park visitors and bait stations and habituated bears. Now that safety concern is expanded to include baited brown bears.

As stated earlier in this letter, the state's management philosophy/policy is in direct conflict with how Congress has directed the Park Service to manage its wildlife. As such, lands managed by the National Park Service need to be exempt from this policy.

Wolf Population Control and Management Policy #2010-XXX-BOG

The conflict between the state and the National Park Service is even more blatant with this propose wolf management policy, starting with its title, Population Control, and the very first line where it states that the purpose of this policy is "population manipulation of wolf populations."

This policy states that "hunting by people is the highest priority use of prey species." Hunting is NOT the highest priority on lands managed by the National Park Service. This entire policy is about manipulating wolf populations so as to meet "human harvest objectives for prey populations."

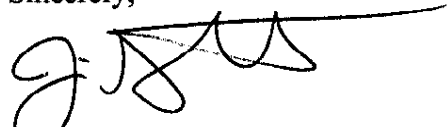
Because of the prohibition of manipulating wildlife populations on lands managed by the National Park Service, this policy simply cannot be applied.

Summary:

We continue to be disturbed by the Board of Game's complete unwillingness to recognize that the National Park Service has a different set of management guidelines which conflict with proposals that provide for unlimited trapping of black bears using snares (Proposal #36) and both of the proposed wolf and bear management policies. We don't hold high hopes that this attitude will change at this meeting, but we continue to request that NPS lands be exempt from both policies and any specific regulations adopted.

Thank you for the opportunity to comment.

Sincerely,



Jim Stratton
Alaska Regional Director

cc: Sue Masica, NPS Alaska Regional Director
Deb Cooper, NPS Associate Regional Director
Paul Anderson, Denali National Park & Preserve
Greg Dudgeon, Yukon-Charley Rivers National Preserve

LAW OFFICES

BIRCH, HORTON, BITTNER AND CHEROT

A PROFESSIONAL CORPORATION

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HAL R. HORTON (1944 - 1998)

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* D.C. BAR
 ** D.C. AND ALASKA BAR
 † MARYLAND BAR
 ‡ VIRGINIA BAR
 § ALL OTHERS ALASKA BAR

VIA FACSIMILE ONLY

ATTN: Board of Game Comments
 Alaska Department of Fish and Game
 Boards Support Section
 P.O. Box 115526
 Juneau, AK 99811-5526
 Fax: 907-465-6094

September 30, 2010

Support: Board of Game Bear Conservation, Harvest and Management Policy**Oppose: Proposal 36 Amendments to 5 AAC 92.085 (as to use of snares) and 5 AAC 92.260**

To the Board of Game:

These comments are submitted on behalf of the Alaska Professional Hunter's Association ("APHA") to address Alaska Board of Game's ("BOG") proposed Bear Conservation, Harvest, and Management Policy (the "Management Policy"). APHA is an association of professional hunters and guides dedicated to promoting conservation of wildlife and sound wildlife management policies based on science and professional judgment.

APHA appreciates the need to manage wildlife to ensure sustainable use of Alaska's wildlife resources. Policies and related management must also be based on credible evidence and the judgment of wildlife professionals. Departure from these principles can lead to policies and programs that are ineffective or give Alaska an unwarranted "black eye" in the public's view.

Proposed Brown Bear Conservation, Harvest, and Management Policy

APHA is pleased that the proposed Management Policy does not eliminate or dilute the existing guide requirement for non-residents hunters. This requirement serves a variety of purposes including wildlife conservation (i.e., guides operating in their areas have proven to be good stewards

BIRCH, HORTON, BITTNER AND CHEROT
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of game populations as well as additional sources of reliable information regarding wildlife populations and trends for ADF&G), safety (i.e., the presence of trained, licensed guides helps avoid problems associated with hunting dangerous game including brown bears and hunting in dangerous, remote locations), and enforcement of game laws (i.e., guides assure that hunters comply with all applicable requirements). These kinds of restrictions on non-resident hunters have been upheld as reasonable and not inconsistent with Federal Constitutional requirements (*see O'Brien v. State*, 711 P.2d 1144 (Wyo. 1986)). In addition, the U.S. Supreme Court has afforded states, including Alaska, substantial latitude regarding fish and wildlife management and limitations on non-residents on the basis that hunting limitations are not primarily commercial (*see Baldwin v. Montana Fish & Game Commission*, 436 U.S. 371 (1978)).

APHA fully appreciates that there are areas in Alaska where more aggressive management of bear populations is needed. To that end, APHA is also committed to finding a variety of means to facilitate increased harvest of bears in these game units as long as those means do not put guides' livelihoods and their employees at risk.

APHA is concerned, however, about certain Guiding Principles included in the proposed policy, specifically the statement that the BOG intends to:

Employ more efficient harvest strategies, if necessary, when bear populations need to be substantially reduced to mitigate conflicts between bears and people. . . . 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 moose or muskox or to deal with problem bears. . . . [and] Simplify hunting regulations for bears, and increase opportunity for incidental harvest of grizzly bears in Interior Alaska by eliminating resident tag fees.

APHA strongly urges the BOG and the Department not to use these "Guiding Principles" as a way to eliminate or dilute the guide requirement, for the reasons stated above.

Proposed Bear Trapping Regulations

APHA is deeply concerned about two specific features of the Department's Bear Trapping Recommendations and Regulation Proposals. First, the Department proposes to allow the use of snares to take black bears. Second, the Department proposes to allow the taking of cubs and sows with cubs. APHA is deeply troubled by these provisions and their potential to create a public relations scenario that will result in a "black eye" for Alaska. Such provisions have the potential, due to their

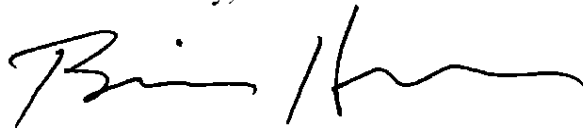
BIRCH, HORTON, BITTNER AND CHEROT
A PROFESSIONAL CORPORATION

impact on public opinion, to produce emotional outbursts that will overshadow and impede scientific management of bears and other predators. APHA opposes this proposed use of snares and opposes allowing the trapping of cubs and sows with cubs. APHA urges the BOG to defer or reject these proposals.

* * * *

APHA looks forward to working with the BOG in favor of scientifically based management practices resulting in rich stores of natural resources, job growth among hunting professionals, and promotion of responsible hunting practices.

Sincerely,



William P. Horn

*Counsel for the Alaska Professional Hunters'
Association*



BACKCOUNTRY HUNTERS AND ANGLERS ALASKA CHAPTER



AK BHA

www.alaskabackcountryhunters.org

September 30, 2010

Comments to the Alaska Board of Game
October 8-12, 2010 Meeting

Revisions to the 2006 Bear Conservation & Management Policy (2006-164-BOG)

AK BHA strongly **opposes** the proposed changes to the current Bear Conservation and Management Policy that would allow for the taking of sows with cubs, and cubs, the trapping of bears, and helicopter transport of hunters, **outside the process of being a part of a formal predation control implementation plan** (AS 92.125) prepared by the department and approved by the board.

The board and the department have gone to great lengths to stress that the allowance to take any sows with cubs, and cubs, along with the first-of-its-kind allowance for bear trapping/snaring in Alaska in the Unit 16B black bear control program, should never be confused with “fair chase” hunting standards or new methods to increase bear harvest opportunities – that it is about one thing and one thing only: “bear control.”

And furthermore that such practices are only ever authorized after lengthy study and review via a department submitted predation control implementation plan that also includes population monitoring and oversight and a “reasonable expectation” of efficacy as far as achieving the desired effects to boost moose population recruitment and densities.

The board and the department have also gone to great lengths - including the allocation of hundreds of thousands of general fund dollars for a predator control education program - to inform the public at large about the necessity and validity and efficacy of Alaska’s “science based” predator control programs. Recently, another \$100,000 was allocated to produce an educational video on Alaska’s predator control programs.

AK BHA has supported those general fund allocations and the need to better educate the public on our predator control programs, and we credit the department and board members and board support staff who have worked so hard to draft these materials and disseminate this information to the public.

Alaska Backcountry Hunters & Anglers – BOG Comments October 2010

But now we have a contradicting message with these revisions to the Policy and the kind of bear harvests and methods and means it would allow. What has up until now been sold solely as bear control has suddenly become a new “management tool.”

Basically, what we see happening here with these revisions to the Policy and the department proposal to legalize bear trapping by the public in several areas of the state is the board and the department, in one fell swoop, circumventing the longstanding process by which we manage predators like bears using highly controversial harvests and methods and means.

This threatens public support of all control programs. It also has the real potential to affect how the public views the hunting and trapping community.

We ask that the board seriously weigh the possible negative repercussions to these proposed bear Policy revisions, especially if this board is working under the assumption that this particular membership now may never vote to allow such activities to take place without proper monitoring and oversight or any reasonable expectations of efficacy in boosting moose densities or harvests.

Should the board decide to vote to revise the existing bear Policy to essentially allow bear control activities outside the process of a formal predation control implementation plan, we request that the board seriously consider mandates within any revised Policy that there can be no bear trapping seasons and no bear trapping allowed anywhere in the state without some kind of strict oversight and monitoring and the ability to release non-target brown/grizzly bear catches, and that there must at least be some reasonable expectation of efficacy involved.

When and where there really isn't any reasonable expectation of efficacy in allowing bear trapping in certain areas, then essentially all such a new “management tool” is - let's be honest with ourselves here – is a new method to increase bear hunting/trapping opportunities.

Proposal 31 – 5AAC 92.125 Predation control areas implementation plans.
Reauthorization of the Intensive Management Plan for Unit 13

SUPPORT

AK BHA supports reauthorization of the wolf control program in Unit 13.

Proposal 36 – Implementation of black bear trapping regulations

OPPOSE

Note: the recent reclassification of black bears as also being furbearers in order to allow for the sale of black bear hides and parts (excluding galls) as a new incentive for hunters to harvest more bears in no way forces the board or otherwise puts the board under any obligation to authorize any bear trapping seasons anywhere in Alaska.

This proposal and recommendations from the Alaska Department of Fish & Game to legalize “black bear” trapping seasons in some areas of Alaska by the public is fraught with inconsistencies, 180-degree position shifts, lack of sound wildlife management principles having to do with any real efficacy in any new bear trapping seasons leading to measurable increases in moose recruitment and densities, and offers no protections for the grizzly bears we know would also be caught in foot snares set for black bears.

It’s important to recognize that nowhere else in North America is it legal to trap/snare black bears under a general trapping season in areas where grizzly bears are also present. We believe there is a good and valid reason for that, having to do with conservation concerns for grizzly populations, the ecological and economic importance of grizzly bears, the ethical and safety concerns of trapping grizzly cubs and sows with cubs, and public perception and acceptance of trapping grizzly bears.

Lack of Efficacy in this Proposal

To make the point about the lack of any real efficacy (and even any concerns for efficacy and actual results) we see throughout this proposal, we point to the recommendations to allow black bear trapping in Unit 20E and the northern part of Unit 12 that is part of the Upper Yukon/Tanana predation control area.

The following quotes are from data and recommendations for this area provided by the department in 2009:

*“Research conducted...within Unit 20(E) indicates brown bear predation on calves and wolf predation on all sex and age classes throughout the year are important factors limiting moose population size and growth; in the research study area, wolves killed 12-15 percent of neonate moose calves, brown bears killed 52 percent, **and black bears killed three percent**; in addition, wolves and brown bears accounted for 89 percent of all yearling and adult moose mortality during the study...” [all emphasis is ours]*

*“Research has shown that **wolf and brown bear predation are the primary causes of moose mortality and hence the primary factors limiting moose population growth in the area.**”*

Alaska Backcountry Hunters & Anglers – BOG Comments October 2010

*“Based on research data in Alaska and Canada, **a 60 percent reduction** in the brown bear population within the 4,040 square mile brown bear predation control area specified in this program is expected to result in an increase in moose calf survival.”¹*

“Recommended Changes to the Predation Control Implementation Plan

Change: Delete grizzly bear predation control area (4,050 mi²) and reference to moose as a benefit species.

*Rationale: Current methods of grizzly bear control are not effective and methods that would be effective (e.g. poison or aerial shooting) are not currently acceptable to ADF&G or the public. In addition, extensive fires in Unit 20E may have displaced grizzly bears from major portions of the moose range, **reducing this source of predation, and reducing the need for bear control**”²*

We are dismayed that the department would recommend black bear trapping in this area to ostensibly help the moose population when 1) black bears only account for 3% of neonate calf predation, 2) the grizzly bear baiting control effort, in which there was no minimum check time that hunters had to check their baits in this remote area, was ineffective, 3) the extensive wildfires of 2004 “reduced the need for bear control,” 4) there is an ongoing and extensive wolf control program in this same area that, along with the benefits of wildfires and regrowth, is showing increases in moose densities, and 5) every bear control implementation plan we have seen states that a 60 percent reduction of the overall target bear population is required for efficacy that results in tangible increases in overall moose calf survival and moose densities.

By recommending black bear trapping in this area, knowing all these above statistics, knowing that there can't possibly be any efficacy in black bear trapping to measurably increase moose calf survival and densities and hunter harvests, the department has thrown into serious question all the recommendations in this proposal and whether or not this is truly about efficacy in increasing moose numbers or more about simply providing a new bear hunting opportunity and method and means for hunters/trappers in some areas.

“Incidental” Catch of Grizzly Bears

The only real data we have so far in Alaska as to the overall percentage of grizzly bears that may be caught in bucket snares set for black bears in areas where both black and grizzly bears are present comes from the experimental snaring program in the Unit 16B bear control area, conducted under the supervision of a paid contractor and experienced volunteer trappers who underwent an ADFG orientation course and in-the-field training.

The snaring itself was conducted by these permittees out of bear snaring camps in mostly remote locations with ADFG personnel present to tranquilize and release any grizzly

¹ Upper Yukon/Tanana Predation Control Plan Renewal 2009

² Recommended Changes to the Predation Control Implementation Plan 2009

Alaska Backcountry Hunters & Anglers – BOG Comments October 2010

bears captured. Snares had to be checked a minimum of every 24 hours. The Department was supposed to pre-screen snaring sites in order to choose areas where grizzly bears were not as prevalent.

In 2009, 81 total bears were snared. Approximately 10% (8 bears) of the total catch was grizzly bears. Most of the grizzlies were released; 3 were euthanized. (We only have 2009 data available at this time.) Some things were learned during the program to help better avoid non-target catches of grizzlies, one of which was decreasing the opening of the bucket snare sets so that the larger adult grizzly paws could not get through to trip the snare.

What this subsidized snaring program proved beyond a doubt was something that was already assumed, and that was discussed by the Board in 2009 deliberations – that it is impossible for even trained participants to just catch black bears and never catch a grizzly in areas where both species are present.

So here we have not just the potential, but a guarantee that if "black bear" trapping/snaring seasons are ever authorized in Alaska, some grizzly bears will also be caught by independent trappers. **Legalizing black bear snaring in essence is also to legalize grizzly bear snaring**, even if the state mandates forfeiture of any grizzly killed at snaring sites, declaring the keeping of those animals to be technically "illegal."

So if 5AAC 92.260 is to ever allow for the taking of "black bear" sows with cubs, and cubs, by any "black bear" trapper during an open trapping season, since grizzly bears are members of the same Ursidae family being specifically targeted and there is a 100% guarantee that some grizzly bears will also be caught, it would seem that the Board would also have to legalize the taking of grizzly bear cubs, or sows with cubs.

Or provide the same kind of protections to grizzly bears we do now in the Unit 16B bear control area, by only allowing bear trapping to take place under the oversight and presence of trained professional biologists authorized and trained to tranquilize any captured grizzly bears.

Other Issues to Consider with this Proposal

There are several concerns we have in how this proposal is worded, just what it would allow for under the new statutory language, and the possible outcomes.

- **Aircraft use:** We oppose the use of aircraft to establish and visit snaring sites unless the pilot/trappers remain at the site. The mandate to check sites every 24 hours, or even every 48 hours as the department is now proposing, is basically an ethics issue on how long we consider is ethical for a live bear to be caught in a foot snare. Given the real world reality of how fast Alaska flying conditions can change, if we allow aircraft to be used for bear snaring, it is a certainty that the minimum check time will at times not be met. And it could easily be a week at times before flying conditions improve enough to get back to check snares.

Alaska Backcountry Hunters & Anglers – BOG Comments October 2010

- **Same-day-airborne, spot from the air, land and shoot:** Under a trapping license according to this proposal, in areas where trapping may be authorized, is an allowance for pilots to spot black bears from the air, that aren't at snaring sites, and then land and shoot the same day. **We oppose that provision** and don't think it should be a part of any bear trapping regulations.
- **Unlimited number of snare sets:** The allowance for trappers to set an unlimited number of bucket snares in an open bear trapping area could lead to problems among some who decide to make a lot of sets in differing parts of a unit in meeting the minimum check time and in more incidental catches of grizzly bears. Even in Maine and Canada where black bear foot-snaring is allowed, there are strict limits on the number of sets a trapper can run.
- **Lack of sealing requirements in this proposal:** A new program like this should have some means of strictly monitoring harvests even in areas where sealing of bears is not required.
- **Forfeiture of grizzly bears killed at snaring sites:** We know that some grizzly bears will be caught in snares set for black bears. At times this could include a number of grizzly bears should a cub be captured and then the mother and any other cub need to be dispatched. Given the time it takes to properly skin a grizzly bear and remove the skull for sealing/forfeiture, and the likely distances involved to pack/haul the hide(s) and skull(s) out, and in some areas the lack of any ADFG personnel or office to turn these parts over to the state, and the fact that after a predetermined number of grizzlies are caught in a unit the trapping program would be shut down, we believe there is the real potential for some to simply not report grizzly captures/kills at snaring sites.

We are not alluding or recommending at all that grizzlies should be allowed to be snared or kept by trappers, but once again this brings up yet another reason why there is nowhere else in North America that it is legal to trap black bears in areas where grizzlies are also present.

- **Nonresident participation:** AK BHA strongly opposes any nonresident participation in any bear trapping seasons. And interestingly, the department in 2009 strongly opposed nonresident participation in any aspect of the black bear control program in Unit 16B: "*The department is opposed to the participation of nonresidents in any control program because of the similarity in costs associated with sport hunting and control activities (i.e., non-resident license and tag fees, transportation costs, etc.). Also, the perception that hunting by non-residents is the same as non-resident control activities would blur the distinction between the two activities thereby jeopardizing the current public support for sport hunting and control programs.*" [our emphasis]

Alaska Backcountry Hunters & Anglers – BOG Comments October 2010

- **Permitting Requirements, Costs, and Oversight:** Participation in the black bear foot-snaring efforts in the Unit 16B bear control area requires an ADFG orientation course and in-the-field training, and participants must be experienced trappers. There is also department and paid contractor oversight of those snaring efforts and the ability for department personnel to release any captured grizzly bears.

This proposal leaves the decision on any permitting requirements for a general bear trapping season to the board's discretion. And there is no oversight whatsoever required out in the field. Does the department have the funding to conduct the same kind of orientation courses and in the field training for permittees should this proposal pass? Would applicants undergo the same level of scrutiny?

The department stated that this proposal is in part to "*experiment with bear trapping techniques as a management tool.*" Which is what the department also stated the Unit 16B bear snaring control efforts were in part about. Why then should this brand new allowance for the public to trap bears have any less scrutiny, permitting requirements, and oversight than the 16B snaring program? Or no means to release captured grizzly bears?

Public Perception of Bear Trapping in Alaska

Few would deny that the notion to allow the trapping of black and grizzly bears, including sows with cubs, and cubs, in parts of Alaska under a general trapping season is highly "controversial."

The fact that such a recommendation comes from our own Alaska Division of Wildlife Conservation and thus has the ostensible backing of numerous professional biologists and managers makes it even more so.

Black bear foot-snaring is legal in Maine and a few Canadian provinces where grizzly bears aren't present. The snares must be checked a minimum of every 24 hours, as this is considered the "ethical" standard time period that a live bear can be caught in a snare. (The department recommends doubling that to a two-day minimum check time in this proposal.)

The claim can be made that in Maine and the few Canadian provinces where it is legal to foot-snare black bears that there is little controversy over those regulations. Whether that is true or not has absolutely no bearing on how controversial it would be in Alaska where grizzly bears are also present and would be caught.

We are certainly not alluding that the Board should base decisions solely on whether or not they may be controversial. However, it is our strong belief that the majority of hunters and trappers in Alaska do not support bear trapping seasons or the snaring of any bears outside any formal bear control implementation plans.

And we have fears we think are entirely valid that opening up bear trapping to the general public by independent trappers, that includes the allowance for trappers to kill any captured grizzly bears and other family members that may be present at a snare site – even if those bears must be forfeited to the state – has the real potential should pictures and stories make their way to the internet and media, to cause a backlash to the hunting and trapping community, to the reputation of the department and the board and in how the rest of the country views Alaska and our system of wildlife management.

Other Solutions to Increase Bear Harvests

The board has tried to provide an incentive for hunters to harvest more black bears by reclassifying them as furbearers so as to allow the sale of hides and claws and skulls. This only became legal on July 1st of this year, however, so there hasn't been time to gauge how effective this incentive will be to increase harvests.

We think the board should slow down on approving more extreme solutions like bear trapping seasons before we've even given this new incentive time to show results, and recommend that the Board also discuss and consider other possible solutions to try to get hunters to harvest more black and grizzly bears in areas where moose densities are below objectives and bear predation is a primary factor.

We have heard a number of different ideas on how to increase incentive and harvest of bears under more traditional hunting methods and means, some of which the board has already authorized in some areas, such as SDA for hunters who want to fly (fixed wing) to a bait station and be able to take a bear the same day they land, longer black bear baiting seasons, and the allowance for more bait stations.

Other newer ideas range across the spectrum, from preference points of some kind for hunters who take a predator from a certain unit, to less restrictive ways to try to hunt bears over gutpiles or carcasses in the fall, to possible bear "derbys". And the board is continually voting on various proposals over the last several years that ask for grizzly bear baiting in certain units.

Part of the education efforts we'd like to see is for the board and the department and groups to reinforce that black bears (and grizzlies) in the interior especially are good healthy sources of game meat all summer long. And certainly black bears throughout the state are a great source of game meat in the spring.

Final Thoughts on ADFG Proposal 36

What was bear "control" yesterday simply cannot be relabeled as a new management tool today, whereby the process and requirements and monitoring and oversight by which we have in the past conducted any bear control programs is suddenly waived.

Alaska Backcountry Hunters & Anglers – BOG Comments October 2010

Alaska chapter Backcountry Hunters & Anglers – AK BHA

Mark Richards – Co-chair

Dave Lyon – Co-chair

www.alaskabackcountryhunters.org

alaskabha@starband.net

Michael Tobin
PO Box 33578
Juneau, AK 99803
September 29, 2010

Sherry Wright
ADF and G Regional Coordinator, Board of Game
333 Raspberry Road
Anchorage, AK 99518-1599

RECEIVED
SEP 29 2010
BOARDS
ANCHORAGE

To: Alaska Board of Game

Re: Opposition to Regulation Proposal 36

I am against the reclassification of black bears as fur bearers, the sale of bear parts, and the further liberalization of black and brown bear snaring and baiting regulations. As an Alaskan who spends time traveling and camping on public lands, taking care to keep a clean camp, and keeping human food away from bears as per the Department's recommendations, I think encouraging more bear baiting stations directly affects the safety of myself and everyone else out there.

The public has been denied a significant opportunity to consider this proposal, or submit its own proposals, as the Board did not inform the public in its call for proposals for the October 2010 meeting that liberalizing snaring regulations for brown and black bears would be considered at that meeting. I request that the Board vote No on Proposal 36.

Sincerely,



Michael Tobin

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P! 82

RECEIVED

SEP 29 2010

BOARDS
ANCHORAGE

To: State Board of Game
Re: Opposition to Regulation Proposal 36

September 27, 2010

Dear Chairman Judkins and Board of Game Members,

My name is Jenny Pursell and I am a resident living in Juneau, Alaska. I am writing to you to state my strong opposition to Regulation Proposal 36 which was submitted by the Alaska Department of Fish and Game, (department). In addition I want to state that I don't believe that Alaskans were given sufficient time to respond to this far reaching BOG agenda item entailing Black Bear Trapping. I found out about this specially called meeting less than 3 weeks ago and believe that more time should have been allotted for Alaskans to submit regulation proposals addressing this significant reclassification of black bears as furbearers and the allowances that such reclassification affords.

Attn: Scott
Public Comment
BOG Nelchina

My first opposition to 36 is the allowance of the selling of black bear meat and hides. I believe that this will elicit poaching and other illegal hunting and trapping practices for monetary gain. As we are all aware our State Troopers are already under budgeted and staffed and will likely be over burdened with illegal activities associated with this proposal. The department relays in their ' Bear Trapping Recommendations and Proposed Regulations (September 2010) on page 50 of the proposal booklet, that they are recommending establishing trapping seasons for black bear in a 'FEW' areas of the state. I believe that this is a gross understatement as the areas that will be included are sections of GMU 12, GMU 16(B), GMU 19(A) and 19(D), GMU 20(E), and GMU 25(D). These areas cover a significant portion of interior Alaska. This management plan will surely impact adjacent regions to the specified GMUs as well as predator-prey populations respective to the designated areas. In addition the department states in the Bear Trapping Recommendations and Proposed Regulations that it intends to " experiment with bear trapping techniques as a management tool" (page 50 sentence 5 under RECOMMENDATIONS). It is EXTREMELY disturbing that the department would implement all of the methods and means, etc. found in regulation proposal 36 as an 'EXPERIMENT'. Alaskans believe that the state's wildlife should be managed by sound science NOT by experiments.

I object to the allowance of the trapping of sows with cubs and individual cubs to achieve the goal of increasing moose populations in those GMUs. This is an inhumane and unethical practice that will give Alaska and trappers a ' black eye '. I also object to the extensive open trapping season of 6 months with no bag limits in all of those areas as well as the allowance of non-resident hunters and one day land and shoot to take black bears close to baiting stations that have snared a bear. In addition to the numbers of black bears that will be harvested using these methods there will be incidental takes of brown bear and other species.

These frivolous, experimental management tools should not be allowed to assault our wildlife and the ecosystems in which they live. Any management area of this scale needs to have the most recent relevant research and scientific study to ensure that these natural wildlife resources are not jeopardized for a short term fix to boost moose populations in interior Alaska. SCIENTIFICALLY BASED management of wildlife in Alaska needs to be managed for all user groups and in

P 282

the best interest and welfare of ALL Alaskans. Our wildlife should never be managed as an experiment for a chosen few.

Respectfully Submitted,



P.O. Box 33578, Juneau, AK 99803

Sep 30 10 09:40a KJ Metcalf

907 586 6738

p.1

DEFENDERS AND FRIENDS OF ADMIRALTY ISLAND
AND
TONGASS WILDLANDS WATCH



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Admiralty_friends@Yahoo.com

RECEIVED

SEP 30 2010

BOARDS
ANCHORAGE

Att'n Scott
BOG Melchior
Public Comments

To: State Board of Game
Re: Opposition to Regulation Proposal 36

September 30, 2010

Dear Chairman Judkins and Board of Game Members,

Friends of Admiralty Island, is opposed to Regulation Proposal #36.

Specifically:

1. We believe the public notice was too short and violates the intent of public in-put to provide the Board of Game (BOG) members a true sense of public support and/or concerns. .
2. Snaring of bears (sows/adults, cubs and "by-catch" brown bears) is inhumane and is precedence setting for Alaska.
3. Allowing bear trapping is justified as a "management experiment". Many Alaskans and organizations, including Friends of Admiralty would like to examine the science that has led to this "experiment".

Again, this is a major and precedent setting regulation that requires considerable public discussion and departmental (ADF&G) preparation and background work prior to the BOG acting.

Friends of Admiralty Island is a state and federally recognized non-profit public advocacy corporation. Founded in 1997 we have over 350 members.

Sincerely,

K.J. Metcalf, Board President

TO: ALASKA BOARD OF GAME SEPT 30 2010

I AM WRITING TO EXPRESS MY OUTRAGE AT THE PROPOSALS THAT WOULD ALLOW ^① TAKING ANY BLACK BEARS INCLUDING SOWS & CUBS ^② BEAR TRAPPING AND ^③ BLACK BEARS TO BE RECLASSIFIED AS FUR BEARERS. I STRONGLY OPPOSE ~~ANY~~ THESE PROPOSALS WHICH DO NOT REQUIRE THE BOARD OF GAME TO GO THROUGH THE NORMAL PROCESS OF DRAFTING A FORMAL PREDATOR CONTROL PLAN. PLEASE CONSIDER MY COMMENTS IN YOUR DECISION REGARDING THESE PROPOSALS.

THANK YOU

Walter Bennett

WALTER BENNETT

PO BOX 4234

PALMER AK 99645



United States Department of the Interior
NATIONAL PARK SERVICE

Alaska Region
240 West 5th Avenue, Room 114
Anchorage, Alaska 99501

IN REPLY REFER TO:

L30(AKRO-SUBS)

SEP 29 2010

Mr. Cliff Judkins, Chairman
Alaska Board of Game
Board Support Section
P.O. Box 25526
Juneau, Alaska 99802-5526

Dear Chairman Judkins:

There are many proposals before the Board of Game (Board) in this special meeting but the National Park Service (NPS) is, at this time, only commenting upon one. We appreciate your consideration of our comments.

As you have heard from the NPS in the past, our mission and mandates differ from the State of Alaska and other federal agencies, and may require different management approaches consistent with NPS enabling legislation and the Alaska National Interest Lands Conservation Act (ANILCA). With that point in mind, and consistent with many past letters to the Board, we are asking that NPS areas be excluded from any regulations affecting black bears where the intent is to reduce the subject population for the benefit of other species. In the case of Proposal #36, both Denali and Yukon-Charley Rivers National Preserves will be affected if the proposal is passed as it is submitted.

Specific comments:

Proposal #36: Affecting a number of regulatory provisions for furbearer trapping (black bear) (GMUs where NPS preserves are located: 16B, 19D, 20E) – This complex proposal would open seasons for black bear trapping, allow incidental take of brown bears, establish bag limits, allow remuneration for use of bait and bucket foot snare stations, allow the use of artificial lights for taking, allow the taking of cubs bears and female bears with cubs, allow the use of firearms (as a trap), allow the use of bucket foot snares, and allow same day airborne taking by the trapper, if they are 300 feet from the aircraft among other things.

It is important to point out the existing NPS regulations found at 36 CFR 5 prohibit the proposed allowance to give or receive remuneration for activities in NPS areas including for bait and bucket foot snares stations; and regulations found at 36 CFR 13 prohibit: same day airborne taking and the use of a firearm as a trap (firearms may be used in NPS areas to dispatch a furbearer already in a trap); therefore, even if Proposal #36 is passed as written these activities

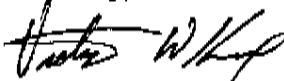
would remain prohibited in Denali and Yukon-Charley Rivers National Preserves. By exempting NPS lands in GMUs 16B, 19D and 20E from these regulations trappers will be spared the need to understand both sets of regulations so they can lawfully trap. Voting to pass the proposal without exempting NPS lands will move state/federal trapping regulations further out of alignment and we believe that this confusion is avoidable.

We are also concerned about having a "no limit" bag limit and an unlimited number of bucket foot snares being allowed with the resulting increased potential for user conflicts. The proposed season spans all of the summer months when the greatest number of visitors are in the preserves pursuing a variety of recreational activities. Thus, we have public safety concerns for the non-hunting visitor as they may unknowingly be entering areas where bait is being liberally added to the environment with the goal of attracting bears. Further, snared bears and associated bears pose a potential risk to other users over a temporal window of up to two days. We believe the existing hunting regulations which allow either the taking of three or five black bears annually by each hunter is generally sufficient to meet most hunters' needs whether they are required to salvage meat or hide.

In summary, we believe that our mission and mandates are different than those of the state and the goals underlying this proposal. We again ask that NPS preserve lands in GMUs 16B, 19D, 20E simply be excluded from the areas affected by this proposal. The result will be that trappers will have clearer regulations and both the state and the NPS can act as we are directed to by our legislative bodies and do so in a cooperative manner.

If you have any questions please contact Debora Cooper, Associate Regional Director for Resources and Subsistence at (907) 644-3508.

Sincerely,



Victor W. Knox for
Sue E. Masica
Regional Director, Alaska Region

cc:

Denby Lloyd, Commissioner, ADF&G
Corcy Rossi, Director, Wildlife Conservation, ADF&G
Pat Pourchot, Special Assistant to the Secretary of the Interior for Alaska
Debora Cooper, Associate Regional Director, Resources & Subsistence, NPS
Paul R. Anderson, Superintendent, Denali NPRES, NPS
Greg Dudgeon, Superintendent, Yukon-Charley Rivers NPRES, NPS
David Mills, Team Manager, Subsistence, NPS
Sandy Rabinowitch, Subsistence Manager, NPS
Andee Sears, Special Agent, NPS

September 30, 2010

Alaska Board of Game
C/o Alaska Dept. of Fish and Game
P.O. Box 115526
Juneau, AK 99811-5526

To the Board:

Re: Bear Cub and Sow Snaring proposal

Neither am I informed on this proposal nor do I have time to be, not aware of the existing policies, history, or all sides of the debate. Apologies. Just sharing my reaction, from the hip, as it has stunned me. This is more emotions than science, but still has merit.

MANkind has lost its sense of moral decency when a title like "Bear Cub and Sow Snaring", and similar, are cavalierly displayed, much less potentially instituted. Guess its reality (not good) and gets the attention it needs (good), however, it's disgusting.

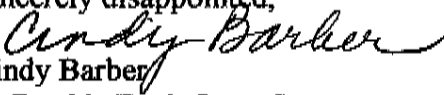
I tried to read into it, but for lack of time, I'm not clear on whether the taking of mothers and young already exists, and this is simply another method. But, I don't need to know. My gut says 'absolutely not!' This is ethically and morally wrong.

There is a fundamental and profound lack of reverence for life here. MANkind has meddled with the natural world way too long, and it has come to this—killing babies, and mothers with babies. Are the proponents of these proposals males? Is it a male-dominated board/department? If so, I understand the mentality, as the male gender has shown its shameful and inexcusable behavior towards human women and children through the millenniums. If there are women proponents-- even more shocking.

A proposal to legally bait, trap (torture) and kill cubs, for God's sake! What kind of black hearts think that way?! Humans have more options to feed themselves than wildlife. So they have to work harder, or change their diet. Control humans! I know it's more complicated than this, but let the natural carrying capacity dynamics take care of it. As brutal as the wild can be, it is the natural intent and order of things. Humans have the brains and heart (I thought) to selflessly rise above it.

It is time to clean house. I advise the resignations of those in favor of this proposal. You have lost my support. Here's to respectable proposals and management policies that honor and revere life, especially that of mothers and their young.

Sincerely disappointed,


Cindy Barber
71 Double Eagle Lane S.
Ketchikan, AK 99901

*Page 1 of 2***FAX****To: Alaska Board of Game, Fax: 907-465-6094****From: Deirdre Butler, private citizen of the USA****Date: September 29th, 2010****Nos. of pages incl. this one: 2****Re: Special meeting scheduled for October 8-12, 2010**

I am writing to voice my extreme concern and opposition to the following proposals and to express my dismay at this lack of due process on such controversial and radical methods of predator control.

PROPOSAL 33 – OPPOSE

I oppose the reclassification of black bear as a furbearer. Black bear do not become sexually mature until the age of 2 - 4 years. Reclassification will result in an increased level of take and without detailed population studies and close monitoring resident black bear populations might dramatically reduce resulting in local extirpations. Black bear cub mortality rates are high between the ages of 0 – 2 years further reducing the breeding stock in any particular area.

PROPOSAL 34 – OPPOSE

I oppose the harvest of any black bear including sows and cubs, either together or alone. Black bear cub mortality rates are high between the ages of 0 – 2 years resulting in naturally reduced numbers without the added impact of take through hunting. Black bear do not become sexually mature until the age of 2 - 4 years. Any increase in take will further reduce the breeding stock in any particular area. Harvest of sows will result in overall reduction of black bear populations as the opportunity for breeding is removed for both that generation and the potential next generation of black bear. Detailed population studies must be conducted before such a change in harvesting is approved as dramatic population declines resulting in local and extended black bear population extirpations might occur before such losses and significant declines in local black bear populations become apparent.

PROPOSAL 35 – OPPOSE

I oppose black bear baiting and foot snaring. This method of take is inhumane and indiscriminate and does not uphold the worthy ethics of “fair chase” and a “clean kill” long supported by hunters around the world.

PROPOSAL 36 – OPPOSE

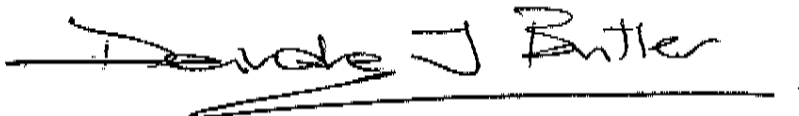
I oppose this proposal on the basis it is null and void relative to my opposition to Proposals 33, 34 and 35.

Alaska is one of the last remaining truly wild States in the U.S. Many of us who live south of your borders hold Alaska in high esteem. Although I am not a resident of Alaska, I do have the opportunity to vacation in Alaska and can make the decision on whether or not to spend my time and money in your state.

Studies conducted by the U.S Fish & Wildlife Services show that discretionary monies spent on wildlife watching have far exceeded those spent on hunting and fishing and the rate of increase in spending on wildlife watching far exceeds that of hunting and fishing. I respectfully urge you to reconsider current attitudes to your natural wildlife resources and instead spend time and effort enabling your residents and native peoples to benefit from expanding eco-tourism and wildlife watching. All animal populations are being impacted by climate change. Apparently abundant mammal populations, particularly large predators like black bear will begin to suffer from climate change, if they are not already suffering. The time to benefit from their presence in terms of recreational wildlife watching is now.

Thank you in advance for considering my input.

Yours faithfully,



Deirdre J. Butler (Mrs.)
117 Apple Ridge Road,
PO Box 1337
Lyons, CO 80540

**Alaska Office**

333 West 4th Avenue, #302 | Anchorage, AK 99501 | tel 907.276.9453 | fax 907.276.9454
www.defenders.org

September 30, 2010

ATTN: Board of Game Comments
Alaska Department of Fish and Game
Boards Support Section
P.O. Box 115526
Juneau, AK 99811-5526

To Whom It May Concern:

The Alaska Center for the Environment, The Alaska Wildlife Alliance, and Defenders of Wildlife appreciate the opportunity to submit these written comments on proposals that will be considered at the October 8-12, 2010 meeting in Anchorage, Alaska.

Organizations Submitting Comments

The Alaska Center for the Environment (ACE) is a non-profit environmental education and advocacy organization, whose mission is to enhance Alaskans' quality of life by protecting wild places, fostering sustainable communities and promoting recreational opportunities. ACE advocates for sustainable policy on behalf of nearly 6,000 Alaskan members.

Founded in 1978, the Alaska Wildlife Alliance (AWA) is the only group in Alaska solely dedicated to the protection of Alaska's wildlife. Our mission is the protection of Alaska's natural wildlife for its intrinsic value as well as for the benefit of present and future generations. AWA is your voice for promoting an ecosystem approach to wildlife management that represents the non-consumptive values of wildlife. AWA was founded by Alaskans and depends on the grassroots support and activism of its members.

Established in 1947, Defenders of Wildlife (Defenders) is a non-profit membership based organization dedicated to the protection of all native wild animals and plants in their natural communities. Defenders focus on the accelerating rate of species extinction and associated loss of biological diversity and habitat alteration and destruction. Defenders also advocates for new approaches to wildlife conservation that will help prevent species from becoming endangered. We have field offices around the country, including in Alaska where we work on issues affecting wolves, black bears, brown bears, wolverines, Cook Inlet beluga whales, sea otters, polar bears and impacts from climate change. Our Alaska program seeks to increase recognition of the importance of, and need for the protection of, entire ecosystems and interconnected habitats while protecting predators that serve as indicator species for ecosystem health. Defenders represents more than 3,000 members and supporters in Alaska and more than one million nationwide.

National Headquarters

1130 17th Street, N.W.

Washington, D.C. 20036-4674

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Irregularity of Process for the October Meeting

Prior to introducing our comments on the proposals themselves, we would like to take this opportunity to address our great concern that the Board of Game (BOG) violated longstanding policies and procedures for accepting an agenda change, the call for proposals, and public notice for the October meeting, thus disregarding the public's interest. In March of 2010 the BOG apparently made a change to the regular agenda for the upcoming fall meeting based on a verbal request from the Alaska Department of Fish and Game (ADF&G). The BOG's summary of actions for this meeting indicates that the topic of the verbal agenda change request from ADF&G "concerns various black and brown bear regulations including methods and means, and trapping season dates for black bears for Units 12, 13, 16, 19, 20, 21, 24 & 25." This violated the BOG's regulations as all agenda change requests must be in writing (5 AAC 92.005) and there is no indication that this was the case.

On August 4, 2010, the BOG agreed to reschedule bear trapping topics for the central and interior regions from the November meeting to a special October meeting which had been scheduled to make regulatory changes on the Nelchina Caribou Herd. However, despite these decisions having been made, the August 10, 2010 call for proposals for the October meeting did not mention these changes, indicating that the only topic up for discussion was "regulations pertaining to Nelchina Caribou subsistence hunting in Game Management Unit 13." The deadline for submitting proposals for this meeting was set for September 2, 2010.

Despite the lack of public notice about the new scope of the October meeting, some individuals who attended the March and August meetings were aware that the call for proposals failed to include all of the issues that were planned for discussion and amendment. However, even though bear trapping was on the agenda, the BOG refused to accept proposals on this issue.

When the September 7, 2010 Notice of Proposed Changes in the Regulations for the October meeting was distributed, it contained much broader changes than had originally been in the call for proposals or the agenda change request. It included not only proposed changes to the Nelchina Caribou subsistence hunt, but also a select set of bear trapping proposals from ADF&G, one Advisory Council and two Advisory Committees (see proposals 33-36). As well, the regulation booklet included a proposal for reauthorization of the wolf control program in Unit 13 (proposal 31) and new proposed policies for bear and wolf management (see pages 61-70).

The introduction of new proposed statewide policies for bear and wolf management and a wolf control implementation plan into the October agenda was highly irregular. The public was unaware that the BOG was issuing these documents until the proposal booklets arrived in mailboxes around September 15, 2010. In the past, these policies and plans have been developed and reviewed with widespread public input, giving the BOG and ADF&G time to hear from all interested parties. The BOG has now compressed the public process on these important changes in such a way that there is little opportunity for meaningful consideration of the long range implications.

The Joint Board Petition Policy, adopted by the BOG is clear. At least twice annually, the BOG solicits regulation changes (5 AAC 96.625(b)); several hundred proposals are usually submitted to the BOG annually and ADF&G compiles the proposals and mails them to all fish and game advisory committees, regional fish and game councils, and to over 500 other interested individuals. The BOG's own regulation recognizes that "[t]he 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" (5 AAC 96.625(d)). The BOG's regulation emphasizes the importance of this public process in noting that the predictability of the normal BOG process is a critical element in regulatory changes (5 AAC 96.625(e)).

Despite the public's reliance on this longstanding process, the BOG failed to adhere to it. The decision to consider some of these regulatory changes outside the normal schedule was made at least six months before the call for proposals went out. The BOG accepted four proposals on the subject of the agenda change, rejected others and accepted a proposal that was not on the call for proposals or in the agenda change request.

The proposed bear policy and the bear trapping regulations are significant, fundamental changes to the way black bears are managed in the state. The bear and wolf policies will determine all management decisions for these species for the next six years and should have been included in the call for proposals, pursuant to the BOG's own policy in 5 AAC 96.625. Even without following the normal process, any interested person can petition the BOG for changes under 44.62.220 and 5 AAC 96.625(a) at anytime. At a minimum, all the proposals that were submitted to the BOG on the issues that were already on the agenda for the October meeting should have been included in the booklet and considered at the meeting as required by AS 44.62.190-210. The BOG had no authority to reject these proposals because they did not fall under the limited call for proposals – one that failed to represent the true scope of the October meeting's agenda. Further, the BOG also had no authority to accept the intensive management proposal for GMU 13.

The BOG and the ADF&G are well aware of the widespread public interest over the management of Alaska's wolves and bears. Considering the gravity of the proposed policies, we would expect that under normal circumstances public participation in the October meeting would be substantial. If participation is low, the blame will fall squarely on the BOG and the ADF&G; that understanding will not be lost to the public. If on the other hand participation remains high, it will be in spite of the roadblocks set by this irregular process and demonstrate the Alaskan public's commitment to ensuring our wildlife is managed responsibly.

COMMENTS ON THE ALASKA BOARD OF GAME PROPOSALS

Proposal 2 – 5 AAC 85.025. Hunting seasons and bag limits for caribou; and 92.050. Required permit hunt conditions and procedures.

We **oppose** this proposal. The proposal seeks to modify the Nelchina caribou hunt so that any Alaska Resident will be eligible for one caribou permit for each wolf they legally

harvested in Unit 13. The proponent does not present evidence as to why this is a valid solution to regulating the Nelchina Caribou Herd. The caribou herd is not limited by wolf predation.

Proposal 31 – 5 AAC 92.125. Predator control areas implementation plans.

We **oppose** the passage of this proposal which seeks to reauthorize the Intensive Management Plan for Game Management Unit (GMU) 13. However, we provide recommendations on how the plan might be improved.

The wolf control program in GMU 13 is currently in its 7th year. This proposal calls for renewing the program for up to 6 more years. The new plan states that despite 6 years of aerial predator control, which has reduced the estimated wolf population to 1/3 of its pre-control level, moose population estimates remain below population objectives throughout most of the GMU. Further, methodologies utilized for estimating moose and wolf population levels, as well as evidence for the slight moose population increases reported in the plan, remain weak. Therefore, reauthorization of this highly controversial program in its current form is unjustified.

GMU 13 is one of the most important moose and caribou hunting areas in Alaska. Roads including the Glenn, Richardson, Parks, and Denali highways provide access to hunters as do several major rivers and a vast system of ATV trails. Numerous airstrips and water bodies provide aircraft access as well. This combined with a moose population and a caribou herd that provide thousands of animals available for harvest, has made this unit a prime destination for resident hunters since the 1950s.

GMU 13 has a long history of predator control including an extensive poisoning and aerial shooting campaign in the 1950s that reduced the wolf population in this 20,000 square mile area to one surviving wolf pack. Public aerial hunting after statehood kept wolf numbers depressed as did land-and-shoot hunting in the 1970s following passage of the Federal Airborne Hunting Act. In the late 1970s, an experimental wolf reduction program in a portion of the area virtually eliminated wolves. Despite the many years of wolf control moose calf survival failed to increase until brown bears were transplanted out of the area.

The current proposal suggests that increases in several population segments of moose have occurred for GMU 13 following recent reductions of wolves. However, these claims are based on moose herd composition surveys, not census data. It is well established in the technical literature that moose population trends cannot be accurately estimated with survey data. The number of moose counted with aerial surveys varies with total time spent searching; snow, light and wind turbulence conditions; and observer experience and fatigue. Extrapolation of population estimates made through this questionable methodology, as was done for this plan, introduces further error into the estimates. Reported increases may occur in the absence of true differences in the moose population due to sampling error alone. Further, conclusions cannot be considered valid unless significant differences in population levels over time are confirmed by statistical analysis.

In addition to the questionable validity of reported population increases per subunit, in section A (ii) the proposed plan indicates that while the number of moose calves decreased between 1996 and 2000, from 2000 to 2009 the number of calves increased by 150%. As the data is not presented in a manner conducive to determining exactly when the supposed increases began to occur, it is impossible to determine whether or not the increases began prior to or after the implementation of predator control in 2004. Thus we cannot conclude whether or not the potential increases can be wholly attributed to wolf control.

In a 2008 "white" paper the Alaska Department of Fish and Game (ADF&G) pronounced the Unit 13 wolf control program a success because moose cow: calf ratios increased along with total moose numbers. In Section 1 A (iii) of the proposed reimplementation plan the percentage increase of calves in each subunit range between a 1-4% while for subunit 13C there was no reported increase in the percentage of calves. In addition to the fact that the reported increases are very small, the plan does not indicate that any statistical analysis was applied to the data. Again, in the absence of statistical analysis, conclusions cannot be considered valid.

In section 1A (vi) the proposal indicates that calf: cow ratios have increased throughout GMU 13, from 11:100 to 23:100 between 2000 and 2009. Again, as the ratio was increasing prior to the implementation of predator control it is therefore difficult to determine how much of the increase can be attributed to predator control rather than other factors. Further, if the data is analyzed unit by unit, the increase varies between a 2-9 calves per cow. Only subunit 13E showed any appreciable increase in calf: cow ratio. However, there is no indication as to whether this reported increase or any of the others is statistically significant. It is entirely possible that increases, especially those at the lower end, can be attributed to sampling error alone.

Though the evidence used to demonstrate an increasing trend in moose population remains weak it is still possible that the population in this region is increasing. However, whether or not adequate habitat exists to support such an increase, there is no guarantee that this trend is sustainable. Indeed, a decline in the moose population from 1988-1994 was attributed to severe winters, to which this region is prone. Therefore, should moose populations increase to a higher density the population may be more severely impacted during the next harsh winter cycle than would have been the case if moose populations were allowed to remain at their natural moderate densities.

Methodologies utilized to determine wolf population estimates presented in the proposed plan suffer from deficiencies similar to the methodologies used to estimate moose numbers. For example, section 2 C (ii) indicates the current fall wolf population estimate of 260-280 wolves was based on wolf track sightings gathered from individuals including hunters, trappers, pilots, and wolf control permittees. Unfortunately, information collected from many of these sources is inherently biased. This type of data is inferior to estimates derived from winter aerial wolf surveys and is a poor basis for estimating current wolf numbers. We maintain that accurate wolf estimates is critical to insuring the continued viability of the wolf population in this region.

Section 1 D (ii) of the proposed plan presents past and current harvest data for wolves in GMU 13. The proposal indicates that from the period of 2006-2009 an average of 36% of

the population was harvested from this population. This number is slightly above the estimated sustained yield of 30-35% for wolf populations in Alaska. While this may not be cause for significant concern, the plan is unclear as to whether this percent harvest also includes animals taken through predator control permits and trapping. If those figures are not included we can conclude that the overall take is much higher than 36% and that this wolf population continues to be overexploited. In order to insure that the population will not decline below management objectives and that the population is being managed according to the sustained yield principle the plan should clearly state the total percentage of the estimated population taken from this unit by all means annually.

Several of the sections on harvest implementation outlined in this plan are of great concern. For example, section 1 B (iii) indicates that in 2009 new harvest opportunities were opened up for moose in unit 13 including 50 hunt drawing permits for non-resident hunters. In 2010 the non-resident hunt drawing permits were increased to 110. The plan clearly states that management objectives are not being met for most of the subunits in Unit 13, yet an increased number of non-resident permits are being issued. **This is one of many examples where hunting is allowed by non-resident hunters in regions where game is said to be depleted and controversial predator control programs are being implemented. If ADF&G deems the moose population to be recovered sufficiently to issue permits to non-resident moose hunters then predator control is not justified in this area.** Moose hunting opportunities should not be open to non-residents until the moose have increased to a level where predator control is no longer being implemented.

In addition to concerns over who is allowed to hunt moose in this GMU, we question how this plan will be implemented and under what conditions predator control will cease. For example, section 5 A indicates that the commissioner may *reduce* the wolf population within the Unit 13 predation control area for up to six years (emphasis added). However the data provided on wolf population objectives throughout this plan indicates that the population target for Unit 13 is already being met. Therefore, there is no need to further reduce the population. If the intent is to maintain the population at its current level then this section should state "the commissioner may maintain the wolf population within the Unit 13 predation control area at its current level for up to six years." In addition, under section 6 A (i) ADF&G indicates that the commissioner will suspend wolf control activities when prey population management objectives are attained. However, this plan calls for a continuation of predator control programs throughout the entire GMU; including subunit 13A where moose population objectives are currently being met, thus contradicting the statement that wolf control will be suspended when objectives are attained.

Finally, the ADF&G states that if the program is not re-adopted that moose populations will "likely" fail to recover and that caribou population will "possibly" decline. Throughout these comments we have argued that insufficient methodologies and data analyses have failed to demonstrate whether moose populations are significantly increasing and whether any potential increases can be attributed to wolf control. Thus, we disagree with the statement that moose will "likely" fail to recover if this program is not continued. Further, whether or not caribou populations will decline if predator control were ceased is not at issue in this proposal as the predation management plan was not implemented to protect the Nelchina herd from predation. Indeed, the Nelchina herd is within the management

objectives set by the BOG and ADF&G recently expressed concern that if enough animals were not harvested the herd could increase beyond carrying capacity. Any mention of caribou in this proposal is therefore misplaced as too few caribou is not at issue.

CONCLUSION

In 1997 the National Research Council (NRC) released its review of past predator control programs in Alaska and Canada. The review found that many prior control programs had unclear outcomes, i.e., it could not be determined whether or not predator control "worked" in terms of increasing ungulate numbers. The review stated that this was due to the fact that predator control activities were conducted as management programs with insufficient attention to ensuring that the results could be evaluated. The NRC recommended that management actions should be planned as experiments so it is possible to assess their outcome. Control actions should be designed to include clearly specified monitoring protocols of sufficient duration to determine if predictions are borne out and why.

Unfortunately, despite this blueprint for success, when the Board approved the GMU 13 predator control program it failed to heed the NRC's advice and Proposal 31 does not rectify that shortcoming. Failure to implement this type of design into its programs will continue to limit the ability of managers to evaluate the success or failure of reducing wolves in predator control units because the protocol guiding the reduction does not provide a valid means of conducting an evaluation.

Because the predator control program protocol does not include an experimental control (i.e., an area where wolves were not reduced) it is impossible to determine whether or not reducing wolves resulted in the slight increase reported for moose in GMU 13. If an increase in moose did occur, it is impossible to determine what caused the increase as several other variables including bear predation, winter severity, hunting, and habitat quality are well-known to affect moose in this area. In the absence of an experimental control, we cannot conclude that reducing wolves was the only cause of potential increases in moose rather than the single or combined effects of other variables. As a result, the controversial, expensive program of wolf control cannot be evaluated on a biological or public policy basis.

RECOMMENDATIONS

As stated in the proposed plan, the population objectives are currently being met in subunit 13A. The proposed plan clearly states that if management objectives are being met, the commissioner will discontinue the wolf control program. We therefore see no reason why wolf control should continue in this subunit or why the BOG would not take this opportunity to demonstrate effectiveness of predator control in this subunit. Should the BOG choose to continue with this proposal, we recommend the following modifications.

1. In the past, Defenders has recommended the development of an experimental control area in a portion of the GMU – specifically in subunit 13A. We continue to recommend this course of action.

GMU 13A has the most detailed and inclusive data on past moose population as a result of research conducted there since the 1970s including the recent studies of Dr. Ward Testa. This should allow an adequate base of information on which to compare future moose

population changes. GMU 13A also is the only area within the entire unit with past moose census efforts that produced valid estimates of population size. If this portion of the unit were removed from the wolf control program, it would be possible in the next several years to compare moose population parameters in areas where wolves are reduced in relation to those where they are not. An experimental control is the only way to assess the effect of wolf predation alone in contrast to other variables, and the only way to verify whether or not reducing wolves in this unit results in increases in moose populations.

We caution that any experimental control must be of sufficient size to allow re-establishment of wolf packs and a return to predation patterns on moose similar to those pre-dating the control effort. Establishing an area that is too small to allow this would negate the purpose of the experimental control. Obviously, it is also important to avoid changes in bear and moose hunting regulations that would affect the impact of these variables on moose and thereby confound interpretation of the research results.

2. In addition to setting up an experimental control in subunit 13A, we propose that ADF&G revisit their methodologies for estimating populations for both moose and wolf populations in all predator control areas. Wolf and moose survey methodologies used should be well-established and accepted protocols with high levels of confidence.
3. We also recommend that each population parameter used to report population increases or decreases be analyzed utilizing rigorous statistical analysis in order to determine whether differences are significant. The significance level should be included in data reporting.
4. Further, we recommend that no non-resident hunting permits of any type be issued in this or any other GMU subject to either wolf or bear predation control plans.
5. Finally, we recommend that private citizens or "agents of the state" not be permitted to participate in aerial hunting programs. All predator control should be conducted by trained department personnel only.

Proposal 33 – 5 AAC 92.990 (7)(C)(iv). Definitions; and 92.200. Purchase and sale of game.

We **oppose** this proposal. The proposal seeks to reclassify black bear to allow trapping and sale of hides in GMUs 25, 20, and 12 in order to limit predation on caribou and moose. GMUs 25, 20, and 12 are not included in a formally adopted bear control implementation plan.

Proposal 34 – 5 AAC 92.260. Taking cub bears and female bears with cubs prohibited.

We **oppose** this proposal. The proposal seeks to allow taking cub bears and female bears with cubs at den sites in GMU 25D. GMU 25D is not included in a formally adopted bear control implementation plan.

Proposal 35 – 5 AAC 92.085. Unlawful methods of taking big game; exceptions.

We **oppose** this proposal. The proposal seeks to allow black bear snaring in GMU 25D. Unit 25D is not part of a formally adopted predator control implementation plan.

Alaska Department of Fish and Game (ADF&G) Bear Trapping Recommendations (recommendations)

We **oppose** consideration of any regulations that would allow:

1. Utilization of trapping as a management tool for black bears and grizzly bears.

Policies which conflate predator management with wildlife management confuse the public's understanding of wildlife management in general and decrease the public's approval of all wildlife management practices. Further, the trapping of large mammals, especially brown bears and sows with cubs, causes high levels of stress and can produce extremely unsafe conditions – especially for individuals lacking sufficient training, skills or equipment to handle highly stressed animals. In addition, ADF&G only recommends that trapping regulations require that snares be checked every two days. Such a protracted period of time for allowing large mammals to be trapped is completely unacceptable due to both the direct suffering of the snared animal and the high level of stress caused to accompanying adults or cubs.

2. Incidentally trapped brown bears to be retained by black bear trappers.

In ADF&G's recommendations, they state that seasons for hunting and trapping of black bear and brown bear should be aligned in order to prevent confusion should the Board of Game decided to allow incidentally trapped brown bears to be retained. We strongly **oppose** the consideration of any regulations that would allow incidentally taken animals to be retained. As indicated in our comments below on the revised bear policy, we believe that legalized trapping of black bears where they co-occur with brown bears amounts to the legalization of brown bear trapping. Allowing trappers to retain incidentally caught brown bears would invite abuse of black bear trapping regulations which would be difficult to track and enforce.

3. Non-residents to participate in black bear trapping.

The ADF&G clearly states in its recommendations that the “complexity of implementation increases by including nonresidents in black bear trapping, particularly as regards the statute preventing take of brown/grizzly bears without a guide.” Additionally, the currently approved bear management policy indicates that trapping of black bears is considered a predation control activity and is not intended for implementation under general harvest regulations. Allowing non-residents to participate in any predator control activities has been

expressly prohibited in the past and should under no circumstances be allowed. We strongly **oppose** any action which seeks to directly or indirectly expand the participation of non-residents in highly controversial predator control programs.

*Additional concerns are substantively addressed in the analysis of the Board of Game's Bear Policy (below).

Proposal 36 – 5AAC 84.270;92.0XX;92.051;92.080;92.095;92.165; 92.200; 92.220; 92.990; and 99.025.

We **oppose** the adoption of this proposal which would institute black bear trapping seasons for Game Management Units (GMU) 12, 19A, 19D, 20E, and 25D, and allow non-residents to participate in black bear trapping.

The Alaska Department of Fish and Game's (ADF&G) recommendations for black bear trapping indicate that the primary purpose for establishing trapping seasons is to alleviate predation on moose calves. However, the majority of the GMUs for which regulations are proposed lie outside bear predation control areas. Indeed Unit 25D is not even part of a formal predator control implementation plan. As indicated in our comments on the revised bear management policy, the widespread implementation of bear trapping circumvents the formally approved process for developing predator control implementation plans.

In addition to our concern over the expansion of bear trapping absent biological justification, as mentioned above we are also concerned that these regulations consider allowing non-residents to participate in these programs. The ADF&G clearly states in its recommendations that the "complexity of implementation increases by including nonresidents in black bear trapping, particularly as regards the statute preventing take of brown/grizzly bears without a guide." Additionally, the currently approved bear management policy indicates that trapping of black bears is considered a predation control activity and is not intended for implementation under general harvest regulations. Allowing non-residents to participate in any predator control activities has been expressly prohibited in the past and should under no circumstances be allowed. Again, we strongly **oppose** any action which seeks to directly or indirectly expand the participation of non-residents in highly controversial predator control programs.

*Additional concerns are substantively addressed in the analysis of the Board of Game's Bear Policy (below).

Board of Game Bear Conservation, Harvest, and Management Policy #2006-164-BOG

We **oppose** the adoption of the revised Bear Conservation, Harvest, and Management Policy (bear policy). The proposed bear policy is primarily focused on bears as predatory

species in need of reduction through a wide variety of means. It fails to prioritize conservation and ethical treatment of bears in Alaska. The proposed bear policy broadly expands the power of the Board of Game (BOG) to develop regulations on management of both black and brown bears in absence of biological justification and through the use of highly controversial harvest practices. The types of liberalized harvest methods this proposed bear policy would allow should be developed only under a formal predator control planning process initiated by the Alaska Department of Fish and Game (ADF&G) and subject to public review and comment.

Specifically we **oppose** the following changes outlined in the bear policy:

1. the patent change in tone regarding bear viewing and the elimination of language regarding expanding bear and other wildlife viewing opportunities;
2. the extensive changes to the bear policy's *Guiding Principles* which virtually eliminate all language referring to the conservation of bears in Alaska;
3. the elimination of language regarding the importance of monitoring bear harvest and population size;
4. the elimination of language regarding effectiveness of bear control in reducing predation on ungulates including the *Board Consideration* section of the policy which outlined under what scenarios bear control could be considered;
5. the elimination of the restriction that liberalized means of harvest be instituted solely for the purposes of bear control as well as the expansion of controversial methods and means of bear harvest.

1. Wildlife Viewing:

While language regarding the rapidly growing industry of bear viewing in Alaska is included in the revised bear policy, the tone of the section has been altered from the 2006 version. Though not explicitly stated, the revised bear policy implies that wildlife viewing is a cause of conflict over competing uses (i.e. hunting) rather than an opportunity to be promoted. The revised bear policy eliminates language regarding maximization of public benefits and the need to pursue management programs designed to provide wildlife viewing opportunities. As well, language regarding the exclusion or integration of other uses in areas important for viewing is eliminated in the revised plan. Rather than broadening the purposes of bear management for a variety of uses or improve the conservation of bear species as it should, the intent of the revised bear policy is to instead focus on the importance of bear hunting and the need to reduce bear numbers because of the predatory role they play in the ecosystem.

2. Guiding Principles – Bear Conservation:

Unlike the guiding principles established in the 2006 bear policy the new guiding principles are aimed almost exclusively at the management of bears as predators and implementing strategies to reduce their populations rather than the conserve the species in Alaska.

We **oppose** changes to the new bear policy which eliminate:

- a. the need to work with enforcement agencies to identify enforcement priorities and to assist with and encourage adequate enforcement activities;
- b. language regarding protecting of genetic diversity of bears;

- c. language regarding the need to consider the short-term and long-term effects of habitat loss and fragmentation on bear populations.

If the BOG intends to allow such extreme methods to promote the increased take of black bears including baiting, unlimited harvesting, selling of bear parts, and taking of sows and cubs, it must ensure that harvest is strictly controlled and effectively enforced. Eliminating the need to work with enforcement agencies to insure adequate enforcement is unacceptable. The bear policy language should be amended in order to institutionalize partnerships between enforcement and management agencies.

Overall, the elimination of conservation related language from the revised bear policy calls into question the BOG's intentions concerning the long-term viability of bears in Alaska and reinforces the view that the BOG has little concern for the overall health of bear populations. It is not enough to state that bear populations will be "managed on a sustained yield basis." Rather, the bear policy must include language on how this will be achieved; we recommend that the *Guiding Principles* section be amended to include the formerly eliminated language on genetic diversity and effects of habitat loss and fragmentation.

3. Monitoring Harvest and Population Size:

The revised bear policy states that in some areas monitoring bear numbers and harvests is of lower priority than regions where trophy quality is important. While we agree that it is important to alleviate burden of sealing requirements for subsistence harvesters in remote areas, this does not mean that adequate data should not be collected for these harvested populations. Indeed, failure to monitor bear populations in remote regions may result in over-exploitation. This is especially true of brown bear populations which are more vulnerable to overharvest. Though the bear policy states that community harvest surveys may be used to gain knowledge about the level of harvest over time, these surveys are sorely lacking in most regions of the state – especially in areas where monitoring is of low priority. The revised bear policy must therefore maintain the need to adequately monitor all harvested wildlife populations. For remote areas, this might include ADF&G instituting data gathering processes which request that subsistence harvesters collect and report skull measurement data or extract teeth for aging purposes in order to insure population viability.

4. Efficacy of Bear Control to Increase Ungulates:

We oppose changes to the new bear policy which eliminates the need for:

- a. bear predation to be determined as an important factor in the decline of a prey population or preventing recovery of a low density prey population;
- b. bear predation being shown to be an important factor preventing attainment of approved prey population of human-use objectives;
- c. efforts to control bear predation to be reasonably expected to achieve improvement in sustainable human use of ungulates.

The revised bear policy calls for the wide application of liberalized harvest methods such as snaring of black bears to reduce black bear populations and increase ungulates – namely moose – for human harvest. However, an increase in black bear harvest through snaring will not necessarily result in a substantial reduction of bear populations, nor is there any

guarantee that moose population or harvest will increase as a result of these controversial programs. As is often the case with Alaska's predator control programs, field studies demonstrating that black bear predation is strongly limiting ungulate populations are lacking, as is data demonstrating that reduction in predation by black bears leads to an increase in moose numbers.

Unfortunately, this revised bear policy does nothing to increase the scientific credibility of Alaska's programs or its bear management policies. In the 2006 version of the bear policy, the *Research Strategies* section stated that the department may conduct research to quantify the contributions of each bear species to the causes of declines in ungulate populations and that monitoring activities designed to determine the effects of high levels of bear harvest on recovery of depressed ungulate populations would help focus management efforts. However, any reference to the efficacy of management programs is conspicuously absent from the new bear policy. In order to increase the credibility of ADF&G's management policies, effectiveness must be thoroughly analyzed through field studies. Language regarding the need for this type of study must be reintroduced into the revised bear policy. The bear policy must also be amended to include the list of considerations the BOG must make prior to instituting any predator control plans.

5. Purposes for Liberalizing Harvest and Expansion of Controversial Methods:

We oppose methods of take that would allow:

- a. trapping using foot-snares, for black bears under bear management programs or predator control programs;
- b. incidental take of grizzly bears during black bear trapping programs;
- c. taking of sows accompanied by cubs and the cubs.

The bear policy approved in 2006 the BOG's stated intent was that the predation management section of the bear policy only be directed at specific target areas and was not intended for implementation under general hunting regulations. However, the revised bear policy eliminates the stipulation that bear snaring is not meant for general hunting purposes, expands the use of bear snaring to include general bear management and eliminates reference to limit snaring to populations targeted for reduction. Policies such as the revised bear management policy – which conflate predator management with wildlife management – confuse the public's understanding of wildlife management in general and decrease the public's approval of all wildlife management practices. These types of changes to the bear policy lead us to question the BOG's commitment to and understanding of sound wildlife management principles.

In addition to the issues surrounding the expansion of the purposes for black bear snaring outlined above, we oppose the use of snaring programs due to their potential to incidentally take co-existing brown bears. In the bear trapping recommendations and proposed regulations, the ADF&G states that black bear trapping is legal in Maine and in many parts of Canada, thus implying that bear snaring is a commonplace management technique. **What the ADF&G fails to mention, however, is that, because it is impossible to avoid accidental trapping of brown bears in black bear snares, black bear snaring is not currently legalized in any part of North America where brown bears occur.** There is

thus widespread agreement that legalizing the snaring of black bears in areas where they co-exist with brown bears essentially legalizes the snaring of brown bears. In addition, the trapping regulations would only require that snares be checked every two days. Such a protracted period of time for allowing large mammals to be trapped is completely unacceptable due to both the direct suffering of the snared animal and the high level of stress caused to accompanying adults or cubs.

The first authorized black bear snaring program in Unit 16B was conducted in an area thought to be free of brown bears; however, eight brown bears were incidentally trapped in the experiment. Fortunately, ADF&G staff was on hand to assist and were able to free five of the bears but had to euthanize the remaining three. One positive result of the experiment was the need to decrease the size of the bucket opening in order to prevent large adults from tripping the snare; however, the reduced size will not eliminate the snaring of smaller brown bears – especially cubs. As new regulations necessarily allow for the taking of animals not caught in traps, the result of these programs will be wide-spread “incidental take” of brown bear cubs as well as sows.

The new bear policy provides an interesting discussion of the resilience of brown bears to the effects of over-harvest and predator control campaigns. Even more interesting is the utilization of Kenai Peninsula brown bears as an example of how past conservation concerns dissipated with new information. The language utilized in this section implies that the “stakeholder process” resulted in the determination that the bear population on the Kenai remained stable despite initial concern. However, the attempt to conflate the stakeholder process with this determination is a clear mis-representation as the process did not make this determination, nor was it meant to. Rather, the stakeholder group developed a report titled “*A Conservation Assessment of the Kenai Peninsula Brown Bear*” which summarizes the current knowledge over population trends and conservation threats.

The main conclusion presented by the report was that significant knowledge gaps exist which are critical for effective management of the population. In fact, U.S. Fish and Wildlife Service (FWS) continues to be concerned over the Kenai’s brown bear population because the harvest has been liberalized substantially since 2007 and large numbers of animals continue to be taken annually in defense of life and property; including a high of 42 animals in 2008 alone. Due to this ongoing concern, the FWS recently initiated a study to determine the population size of Kenai brown bears – a study to which ADF&G was opposed. If so few examples exist to demonstrate the resiliency of brown bears to high levels of harvest then further research is clearly needed before implementing management measures that could affect brown bear conservation.

Despite the fact that ADF&G states that black bear trapping regulations would prevent over-harvest of brown bears by closing bear trapping seasons after **X number** of brown bears are incidentally taken, the bear policy leaves the door open to expand trapping and snaring to include brown bears (emphasis added). Indeed, ADF&G’s recommendations clearly state that it is their intent “to use trapping as a management tool for black bear and grizzly bears where hunting is not sufficiently effective to achieve population management goals.” The above argument that brown bears are resilient to over-harvest leads us to conclude that it is the BOG’s intent to further liberalize the harvest of brown bears in order

to substantially decrease their populations in the hopes of decreasing predation and increasing ungulate populations. We strongly oppose this intent.

In addition to the changes to the bear policy addressed above, we continue to oppose:

1. Baiting of black bears
2. Baiting of grizzly bears
3. Same day airborne taking of bears

Bear baiting is a highly contentious issue in Alaska and does not meet the principles of fair chase. Allowing the same-day airborne taking of bears invites abuse of the Airborne Hunting Act. Defenders of Wildlife does not oppose wildlife harvest methods that are biologically justified, and adhere to principles of sound wildlife management and fair chase. However, we will continue to oppose practices that do not adhere to these principles.

CONCLUSION

The proposed revised bear policy broadly expands the power of the Board of Game (BOG) to develop regulations on management of both black and brown bears in absence of biological justification and through the use of highly controversial harvest practices. The types of liberalized harvest methods this bear policy would allow should be developed only under a formal predator control planning process initiated by the Alaska Department of Fish and Game (ADF&G) and subject to public review and comment. The Alaskan public, and Alaska's wildlife deserve a bear policy that is based on sound conservation and wildlife management principles.

Board of Game Wolf Population Control and Management Policy #82-31-GB

We **oppose** the majority of changes made to the Board of Game's (BOG) Wolf Population Control and Management Policy (wolf policy); but **support** developing alternative methods to aerial control.

The revised wolf control policy represents a continuation of a well established trend which is a decreasing reliance on vital scientific information to justify Alaska's highly controversial wolf control programs. As well, the revised wolf policy omits all language referring to factors other than predation that may limit ungulate populations. While the purpose of the wolf policy is to amplify the reasons for wolf control in the state of Alaska, the wolf policy fails to link the reduction of wolves with sought- after increases in ungulate populations for the benefit of human harvest. Defenders continues to maintain that ADF&G has not collected sufficient data or conducted sufficient experiments to determine conclusively that their predator control programs are solely responsible for increases in ungulate populations. Nor has the ADF&G presented sufficient data to demonstrate wolf control programs have resulted in a statistically significant increase in prey populations. The revised wolf policy does not address these issues and fails to tackle significant weaknesses in Alaska's controversial predator control programs.

Wolf/Human Use Conflicts

The first overt change in the wolf policy language occurs under the section on wolf and human use conflicts. This section states that conflict arises when human uses of prey animals cannot be reasonably satisfied; eliminated is the final portion of the sentence which stated [because of predation by wolves]. We agree that conflict between humans and wolves arises when humans perceive scarcity or when hunter satisfaction is reduced, and we feel it is significant that this language is omitted. In fact, this omission provides further evidence for the widespread conviction that the ADF&G's predator control programs are often driven more by human perception than biological need. We maintain that hunting success rate is as much a result of human effort as prey scarcity or abundance. However, whether or not prey scarcity is real or perceived, it is easier to blame wolves and target them for reduction than to increase hunting effort.

Wolf Population Control

The approved and revised policies both indicate that wolf control means "the regulation of wolf numbers to achieve a temporarily lowered wolf population" and that "wolf populations are generally allowed to increase to or above pre-control levels once prey populations increase." Unfortunately, historical evidence from Alaska's predator control programs clearly demonstrates the fallacy of this statement. Rather, history of Alaska's wolf control programs shows that wolf populations will continue to be substantially suppressed over large areas of the state for extended periods of time. Just one example of this is provided by the predator control plan for Game Management Unit (GMU) 13 which is up for re-adoption in this proposal handbook. In GMU 13, the wolf population has already been reduced to 1/3 its pre-control level for a period of 6 years. Re-adoption of the plan would potentially continue to suppress the population to this level for an additional 6 years. The wolf policy, therefore, continues to be deceiving and leads readers to believe that this is a temporary solution when in reality these programs may very well be perpetual.

The proposed revised wolf policy adds the provision that wolves will always be managed to provide for sustained yield harvest. However, this provision does not alter the reality that wolf populations in wolf control areas have already been drastically reduced. Sustained yield can occur at a number of different population levels and, as long as a population does not continue to decline, one could claim that the provision for sustained yield is being met. ADF&G often assert that wolves are resilient to over-harvest. However, any population of any species that has undergone dramatic reductions is more susceptible to stochastic demographic, genetic, or environmental events and is thus more vulnerable over the long term. While it may satisfy a judge with no biological education or experience, adding a clause alluding to sustained yield does not insure that the goals of long-term viability for wolf populations will be met.

This section of the proposed revised wolf policy goes on to state that over thirty years of intensive wolf and moose management and research has "provided a great deal of information on what biologists can expect from intensive management programs." Interestingly, the evidence provided in the very next sentence is precisely the same as that provided in the original wolf policy – drafted nearly 30 years ago. Further, the information relates only to moose and no other prey populations for which predator control has been conducted. Considering the failure of ADF&G to develop scientifically rigorous procedures

for developing, implementing and monitoring the results of predator management programs, it is not surprising that no new information is presented here.

This section of the proposed revised wolf policy also presents a list of factors that may lead to consideration of wolf control. Under the revised wolf policy, wolf control would apparently be considered if "prey populations approved by the Department and the Board cannot be obtained because of predation by wolves or by wolves and bears." The addition of bears is noteworthy. It is well known that despite the reality that bears are significant predators of ungulates in many regions of the state the ADF&G has repeatedly expressed that conflicting management goals prevent them from reducing bear populations in some areas. However, if research determines that bears are contributing more heavily to declining ungulates than wolves then no level of wolf control will change the trajectory of the herd. Predator control programs – if justified – must be targeted to the species responsible for predation in order to be successful. The consideration of wolf control when other species are responsible is inappropriate and should not be included in this section.

The final paragraph of this section in the revised wolf policy may be one of the most significant of all. The previous wolf policy had admittedly weak language stating that [surveys *should* be made at least once a year in control areas to provide estimates of population sizes, productivity, mortality factors, and distribution or the respective populations] (emphasis added)." However, the revised wolf policy eliminates this language altogether; indicating that surveys should be conducted as frequently as necessary to ensure that adequate data are available to make management decisions. The omission of what types of data should be collected as well as the provision of increased latitude concerning the requirements for when surveys should be conducted is of great concern to those who have long advocated that increased rigor be applied to Alaska's predator control programs.

Public Use of Wolves

The section on the public use of wolves has omitted several key sections from the previous wolf policy version relating to the humaneness of taking of wolves. The clause on the use of poisons, for example, has eliminated language stating that [poisons are inhumane...and will not be allowed.] In place of this language, the wolf policy inserts use of poisons by the public will not be allowed (emphasis added). This wolf policy change is consistent with the BOG's recent approval of ADF&G's use of poisonous gas to kill wolf pups, which Defenders continues to oppose. Another omission in this section is the clause indicating that [methods and means will be liberalized where possible within the concepts of *humane taking* of wolves...] (emphasis added). ADF&G and the BOG should increasingly strive to insure that, when justified, wolf control programs meet the standards for ethical and humane treatment of predators. We oppose this language being deleted from the wolf policy. The new wolf policy should aim to decrease rather than overtly approve actions that have been long been deemed inhumane.

Changes to the section on the public use of wolves are also of concern. Under the approved wolf policy, the commissioner was allowed to issue permits to shoot wolves from an airplane as part of a population control program. We are fully aware that the commissioner has also been authorized to allow ADF&G personnel to utilize helicopters for the taking of wolves during predator control programs; however, this revised section indicates that either

department personnel or agents of the state might be authorized to utilize helicopters in state control programs. We do not support the expansion of means to take wolves through aerial gunning programs – especially by private citizens. If aerial control is biologically justified, it should only be conducted by expertly trained personnel and not by privately permitted citizens.

MANAGEMENT ALTERNATIVES

Reducing Habitat Loss

The revised wolf policy removes references to the fact that “by reducing or precluding habitat deterioration or loss, populations may be able to maintain their maximum size [within limits dictated by weather conditions, disease, accidents or other uncontrollable factors.]” The inclusion of this language is vital as it demonstrates the recognition that factors other than predation can limit ungulate populations. The revised version of this section also eliminates the reference that prey populations may be sustained or grown without the benefit of a predator control program [if habitat quality, quantity, and accessibility are not impaired.] The removal of language referring to additional limiting factors – some of which may be the primary causes in population declines – demonstrates the BOG’s general readiness to hold predators solely responsible for ungulate declines.

Restricting Human Use of Prey Species

As is the trend throughout this revised wolf policy, this section again eliminates important language referring to factors other than predation which limit prey populations including the role of ecological events such as the [effects of development projects on habitat quality, quantity, or accessibility and on animal movements and susceptibility to accidents, pollution or other mortality factors.]

Predation by Other Carnivores

While we welcome consideration of other species which may contribute to lower ungulate populations, this section implies that the BOG is considering the expansion of predator control programs to include species such as lynx, coyotes, and golden eagles. Control of eagles would be illegal under the Bald and Golden Eagle Protection Act. Defenders maintains that the predator control programs already in place lack necessary biological justification and broad public acceptance. We oppose the expansion of predator control programs to include additional species in absence of sound biological justification. We have no confidence that future programs would be any more scientifically-justified than those already in place.

Increased Trapping Take of Wolves

This section of the proposed revised wolf policy states that hiring seasonal trappers to take additional wolves may preclude the need for aerial shooting programs. This potential should be explored further and we **support** this aspect of the revised wolf policy if scientifically-justified. However, any liberalization of trapping or hunting of wolves must be both biologically defensible and socially acceptable. As Defenders has advocated in previous comments and proposals, programs must demonstrate that ungulate populations are suppressed and that predators are the primary cause. Further, programs must have a reasonable expectation that reduction in predators will result in an increase in ungulates; include standardized and peer reviewed protocols for determining wolf populations in order

to insure the continued viability of the population; and include habitat and disease assessments in order to determine other potential causes for declines. In addition, all trapping programs must be conducted during seasons where pelts are prime in order to avoid waste of a valuable wildlife resource.

*Note – as in the proposal handbook, underlined language in this section indicate additions that have been made by those who developed the revised wolf policy, while bracketed language indicates [deletions].

Thank you for considering our comments.

Sincerely,

Valerie Connor
Conservation Director
Alaska Center for the Environment

John Toppenberg
Director
Alaska Wildlife Alliance

Theresa Fiorino
Alaska Representative
Defenders of Wildlife

From: tmbrown3@aol.com

To: TMBrown3@aol.com

Date: Wed, Sep 29, 2010 4:50 pm

Board of Game

Alaska Department of Fish & Game

Boards Support Section

P.O. Box 115526

Juneau, AK 99811-5526

FAX: 907-465-6094

Re: October Meeting: 2010

Dear Board Members:

I am extremely disappointed in your proposed actions regarding the following:

- (1) The taking of any black bears, including cubs and sows;
- (2) Bear baiting and foot snaring (trapping) for black and brown bears;
- (3) The reclassification of black bears as furbearers, thus allowing for the sale of hides and parts.

For all intents and purposes, these tactics allow predator control without providing the public with the due process we are entitled in decisions like these. Additionally, fewer than 20% of Alaskans have hunting licenses; far more enjoy wildlife viewing, and tourism involving wildlife viewing is a thriving, growing industry in our state.

It is time that the Board of Game started clearly representing all user groups. I urge you to follow procedures with these controversial proposals.

Sincerely,

Tina M. Brown

19400 Beardsley Way

Juneau, AK 99801

907-523-5402

Brad Smith

Alaska Board of Game,

To Whom It May Concern,

Re: Proposal 2- (Objection to Proposal) to offer incentives for arbitrarily killing wolves is a method used by Teddy Roosevelt many years ago which devastated predators in North America. We expect better ideas from all of our Government officials to manage all of our wildlife more humanely. If the public/US citizens, want to photograph and view wolves instead of allowing some fur trappers and hunters wage a war on these beautiful creatures, the unanimous consensus of the country prevails. Tourist's dollars will far exceed revenues brought in by trappers and hunters. Trappers are not the future of managing our wildlife! Alaska's wildlife belongs to all of us. Not the trappers. They are a VERY small minority in this equation.

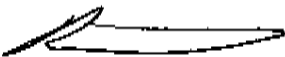
Re: Proposal 33 – (Objection to Proposal) the reclassification of Black Bear as Furbearer's. This will circumvent the current status and is merely being done to allow inhumane methods of trapping with snares and traps which is a cruel and inhumane method of killing ANY animal. If it's about culling, then do it in a humane manner of hunting with riffles.

Re: Proposal 34- (Objection to Proposal) Harvesting of any Black Bear e.g. sows, cubs etc is a very unscientific method of managing wildlife. It is arbitrary and leaves cubs to starve to death and does not promote a method of extending strong gene pools. Again... all methods of wildlife management should have the utmost consideration for a Humane approach. This is the United States, not Afghanistan. We can do better and we insist that we do.

Re: Proposal 35- (Objection to Proposal) Snaring is a barbaric and arbitrary method of killing animals and maim other animals as well. Make these hunters at the very least get out there and hunt them with a rifle. Again... all methods of wildlife management should have the utmost consideration for a humane approach. This is the United States, not Afghanistan. We can do better and we insist that we do.

Re: Proposal 36- (Objection to Proposal) All hunters/hunting should be done so with the civilized standards which Americans pride ourselves on treating our wildlife. Unlike Canada e.g. baby seal kills and Japan e.g. slaughtering whales. We insist on the humane treatment of all of our wildlife.

Sincerely,



**Brad Smith
10828 Heatherton Cir
Highlands Ranch CO 80130
303.887.9559**

AUG 3 1 2010

COMMENTS TO THE BOG ON GMU 13 NELCHINA CARIBOU SUBSISTENCE USE HUNT BOARDS

With an annual harvest quota of 2,500 Nelchina caribou, and at least 10,000 to 12,000 annual subsistence applicants, there must be a Tier-II level hunt pursuant to Alaska Subsistence Law AS 16.05.258(b)(3) and (b)(4).

However, Tier-II does NOT require one big Tier-II pool with only the longest-use applicants getting all the permits. Subdivide the Tier-II pool into 5-year blocks of past use and dependency with equal amounts of harvest quota per 5-year block. Then each block has equal eligibility.

The amount necessary for subsistence (ANS) is based on the number of subsistence applicants who apply for the harvestable Nelchina subsistence hunt. ANS cannot be used as a pre-screening for Tier-I or Tier-II applicants in order to unlawfully eliminate urban residents or reduce the applicant pool to a level lower than the total available harvest quota, just to get out of legislative-mandated Tier-II level subsistence hunt, like the BOG did in March 2009. See *Madison v. State*; *State v. Murray*; *Oswichek v State*; *Manning v. ADFG* 2009; AS16.05.258(b).

Do NOT use residency-based rural preference eligibility questions like "what community nearest the applicant's community of residency did you buy the majority of your gasoline last year", or buy groceries the last year. These have NOTHING to do with past use and dependency, are without any individual economic data, thus are ONLY granting a residency-based rural preference where everyone knows gas and groceries costs more in the bush.

And get rid of the how many days have you hunted or fished or picked berries in the GMU13, that is a residency-based question and has nothing to do with past use and dependency of the caribou subsistence resource. If it is to be equal to all, get rid of all residency based rural preference eligibility questions. Instead use ONLY individual achievement questions and for past use and dependency of the subsistence resource.

Do NOT attempt to use the community harvest permit (CHP) as an obvious attempt to grant special privileges to any community or race. The Alaska Native Claims Settlement Act 43 U.S.C. §1601 Sec 4(b) Aboriginal titles and claims, clearly extinguished all future native claims, including special hunting grants, such as earlier and longer hunting seasons, decreased antler restrictions (i.e., "any bull"), increased hunting areas, etc., that are NOT granted to all other individual Alaska residents, including the resident of a CHP community. See *Madison v. State*; *McDowell*, and Alaska Constitution Article VIII Sections 3, 15, 17. The CHP permits should be allowed ONLY after individual permits are awarded by ADFG, then the "community of residency" does not control pooling for CHP eligibility.

The BOG must get out of the mindset that it can continue to violate the statutory mandates that do not please any special interest group. The BOG is a very powerful agency of the State, and not even the commissioner of ADFG can veto the BOG actions.

Only the Courts can strike down the BOG actions. So that is why the BOG must take a more conservative and staunch compliance position with the statutes and constitutions, and court holdings, and stop the last decade of litigation from intentional defiance and abrasion of the laws and constitutions, per *McDowell v State*, 785 P2d 1 (Alaska 1989) (“common use” subsistence), *State v Morry*, 836 P.2d 358 (Alaska 1992), *State v Ostrosky*, 667-P2d 1184 (Alaska 1983), *Owsichek v State*, 763 P.2d 488 (1988), *Madison v State*, 696 P2d 168 (Alaska 1985), *Manning v. ADFG*, 2009 (Case No. 3KN-09-178CI; Superior Court Judge Bauman decision July 9, 2010).

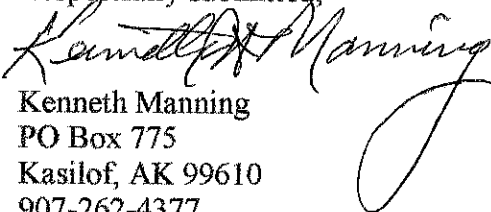
The BOG should NOT consider “uglies” (quoting from BOG March 2009 meeting), ways to discourage applicants from applying for eligibility to exercise their subsistence use rights. Imposing extreme limitations on all other hunting in Alaska if they apply for a Nelchina Tier-II hunt, clearly violates the equal protections of the Alaska Constitution Article I Section 1, Article VIII Section 3, and U.S. Constitution 14th Amendment, and will surely invite continued litigation.

Antler restrictions like must break the antlers and leave them in the field, have nothing to do with game management objectives where the bag limit is “one bull” or “one caribou.” Additional restrictions on what the applicant must or cannot do AFTER the animal has been lawfully reduced to the possession and property of the hunter (i.e., how to butcher in the field, what bones and non-edible parts must be salvaged, etc.) exceed the intent and authority of the BOG to manage game. I have been a foot-hunter for the vast majority of my 46 years of hunting, and boning-out the ribs which is 90% bones/10% meat, and back bone and neck, etc., reduces the number of foot-trips back to the kill site, allows meat to be properly stored in game-bags, is kept cleaner and protected from summer bugs, and is easier to back-pack out. Such butcher-options should be at the discretion of the hunter for field-determination. The BOG should re-consider and eliminate any and all restrictions for AFTER the animal is lawfully down and property of the hunter, that are not absolutely necessary for clear game management objectives, sustained yield, and maximum herd optimization.

The BOG will reduce litigation against it, and re-gain the respect, faith, and cooperation of Alaskan hunters, and will provide badly needed stability to hunting regulations, if it fully and directly complies with the laws and constitutional mandates without attempted unlawful deviation exemptions for special interests groups.

Thank you for your considering my comments.

Date: August 26, 2010
Respectfully submitted,


Kenneth Manning
PO Box 775
Kasilof, AK 99610
907-262-4377

PROPOSAL COMMENTS by Kenneth Manning,
Nelchina Subsistence Caribou Hunt and Bear Trapping Regulations

Proposal 1: OPPOSE.

An open "permit hunt" (i.e., open draw or lottery), does not protect subsistence or customary and traditional past use and dependency, in violation of Alaska Subsistence Law AS 16.05.258(b)(3) and (b)(4).

Proposal 2: OPPOSE.

Wolf predation is best managed as a separate program.

Proposal 3: OPPOSE.

Eligible for only one caribou permit every two years does not comply with Alaska Subsistence Law AS 16.05.258, and does not protect subsistence use or customary and traditional past use and dependency.

The RC566 once every 4-year lottery permits have already been struck down in *Manning v. ADFG*, Case No. 3KN-09-178CI(2009)(decision July 9, 2010).

Proposal 4: OPPOSE

An open "permit hunt" (i.e., open draw or lottery), does not protect subsistence use or customary and traditional past use and dependency, in violation of Alaska Subsistence Law AS 16.05.258(b)(3) and (b)(4).

Proposal 5: PARTIAL SUPPORT:

Support - Agree with the Nelchina subsistence hunt MUST remain a Tier-II hunt, by law AS 16.05.258(b).

Oppose elimination of off-road vehicles; however additional study should be done concerning effect of off-road hunting vehicle pressure on caribou habitat and herb optimization.

Oppose income eligibility points.

Oppose registration hunt; violates Alaska Subsistence Law to protect past use and dependency of the subsistence resource.

Proposal 6: OPPOSE.

Erroneous assumption. There is no "age" eligibility limitation.

Proposal 7: OPPOSE.

An open "permit hunt" (i.e., open draw or lottery), does not protect subsistence use or customary and traditional past use and dependency, in violation of Alaska Subsistence Law AS 16.05.258(b)(3) and (b)(4).

Proposal 8: OPPOSE.

A random draw, or open "permit hunt" (i.e., open draw or lottery), does not protect subsistence use or customary and traditional past use and dependency, in violation of Alaska Subsistence Law AS 16.05.258(b)(3) and (b)(4). Cannot be a Tier-I hunt where there are more applicants than harvestable annual quota, per AS 16.05.258(b)(4).

Proposal 9: Strongly SUPPORT:

This maintains the required Tier-II hunt in compliance with Alaska Subsistence Law AS 16.05.258 to protect subsistence while utilizing past use and dependency.

This proposal provides equitable caribou distribution for new hunters as well as long time past use and dependency; no one is left out of the eligibility process for life. The 0 to 25 years of past use get 50% of the annual harvestable caribou, and the 26 to 46+ years of past use get 50%. This fully complies with the “common use” holding of *McDowell v. State*, 785 P.2d 1 (Alaska 1989), and Alaska Constitution Article VIII Sections 3, 15, 17, and the recent decision in *Manning v. ADFG*, 3KN-09-178CI (2009)(decision July 9, 2010).

This proposal further allows a major change in how the Tier-II permits are distributed more equitably WITHOUT amending or violating the Alaska Subsistence Law AS 16.05.258, without Constitutional amendment, and fully complies with constitutional equal protections.

Proposal 10: OPPOSE.

An “equal draw” fails to comply with the Alaska Subsistence Law AS 16.05.258(b)(3) and (b)(4), violates Tier-II mandates, fails to protect subsistence use and does not consider customary and traditional past use and dependency, in violation of *McDowell v. State*, 785 P.2d 1 (Alaska 1989), and *Manning v. ADFG*, 3KN-09-178CI(2009)(decision July 9, 2010).

Proposal 11: OPPOSE.

An “equal draw” fails to comply with the Alaska Subsistence Law AS 16.05.258(b)(3) and (b)(4), violates Tier-II mandates, fails to protect subsistence use and does not consider customary and traditional past use and dependency, in violation of *McDowell v. State*, 785 P.2d 1 (Alaska 1989), and *Manning v. ADFG*, 3KN-09-178CI(2009)(decision July 9, 2010).

Proposal 12: OPPOSE.

An “equal draw” fails to comply with the Alaska Subsistence Law AS 16.05.258(b)(3) and (b)(4), violates Tier-II mandates, fails to protect subsistence use and does not consider customary and traditional past use and dependency, in violation of *McDowell v. State*, 785 P.2d 1 (Alaska 1989), and *Manning v. ADFG*, 3KN-09-178CI (2009)(decision July 9, 2010).

Proposal 13: OPPOSE.

A “general hunt,” or “registration hunt” fails to comply with the Alaska Subsistence Law AS 16.05.258(b)(3) and (b)(4), fails to protect subsistence use and does not consider customary and traditional past use and dependency, in violation of *McDowell v. State*, 785 P.2d 1 (Alaska 1989), and *Manning v. ADFG*, 3KN-09-178CI (2009)(decision July 9, 2010).

Cannot “Declare this a non-subsistence area” where in fact it is a highly subsistence use area including eight Ahtna native villages and numerous subsistence-base communities.

There are no “findings of fact and conclusions of law” to declare this a non-subsistence use area; will be subject to litigation.

Proposal 14: OPPOSE.

Dividing the Nelchina caribou resource into “local” Tier-II hunters and open draw violates the prohibition against residency-based rural preference per *McDowell v. State*, 785 P.2d 1 (Alaska 1989), and an “open draw” violates the Alaska Subsistence Law AS 16.05.258(b)(3) and (b)(4) for Tier-I and Tier-II, violates mandates to protect subsistence use, does not adequately consider customary and traditional past use and dependency, and violates equal protection (“common use”) of the limited state resource.

Providing special seasons and bag limits to special interest groups and or by local residency constitutes unlawful grants of special hunting privileges in violations of Alaska Constitution Article VIII Section 3, 15, 17, per *McDowell v. State*, and *Manning v. ADFG*, 3KN-09-178CI (2009)(decision July 9, 2010).

Proposal 15: OPPOSE.

Removing the current “subsistence” use and changing to a lottery, violates Alaska Subsistence Law AS 16.05.258(b)(3) and (b)(4) to protect subsistence and customary and traditional past use and dependency, per *Manning v. ADFG*, 3KN-09-178CI (2009)(decision July 9, 2010).

Proposal 16: OPPOSE.

“Registration hunts” fail to comply with the Alaska Subsistence Law AS 16.05.258(b)(3) and (b)(4) Tier-I and Tier-II mandates, fails to protect subsistence use and does not consider customary and traditional past use and dependency, in violation of *McDowell v. State*, 785 P.2d 1 (Alaska 1989), and *Manning v. ADFG*, 3KN-09-178CI (2009)(decision Jul 9, 2010).

Proposal 17 OPPOSE.

A “random draw hunt” fails to comply with the Alaska Subsistence Law AS 16.05.258(b)(3) and (b)(4) Tier-I and Tier-II mandates, fails to protect subsistence use and does not consider customary and traditional past use and dependency, in violation of *McDowell v. State*, 785 P.2d 1 (Alaska 1989), and *Manning v. ADFG*, 3KN-09-178CI (2009) (decision July 9, 2010).

Proposal 18: OPPOSE.

A “open draw” or “general hunt,” or “registration hunt” fails to comply with the Alaska Subsistence Law AS 16.05.258(b)(3) and (b)(4) Tier-I and Tier-II mandates, fails to protect subsistence use and does not consider customary and traditional past use and dependency, in violation of *McDowell v. State*, 785 P.2d 1 (Alaska 1989), and *Manning v. ADFG*, 3KN-09-178CI (2009)(decision July 9, 2010).

Proposal 19: SUPPORT (but only with passage of Proposal No. 9).

Proposal No. 9 supports the basis of Proposal No. 19 for more equitable distribution of the limited State Nelchina caribou resource.

Proposal 20: **Strongly OPPOSE.**

Ahtna CHP already struck down as unconstitutional residency based rural preference in *Manning v. ADFG*, 3KN-09-178CI(2009) (decision July 9, 2010). Any grant of special hunting privilege of 300 caribou to Ahtna, clearly violates Alaska Constitution Article VIII Sections 3, 15, 17, per *McDowell v. State*, 785 P.2d 1 (Alaska 1989), violates the Public Trust Doctrine per *Owsichuk v State*, 763 P2d 488 (Alaska 1988) referenced within *Manning v. ADFG* (2009)(decision July 9, 2010).

Attempts to grant special hunting rights to Ahtna native villages violates the Alaska Native Claims Settlement Act (ANCSA) 43 USC §1601 Section 2(b) and 4(b) that terminated and eliminated all additional and future claims to aboriginal hunting rights. Ahtna's attempt to gain special grant of native hunting rights through BOG regulations is in complete violation of the congressional passed ANCSA – i.e., they are 40 years too late and barking up the wrong tree! Special grants of hunting rights clearly violate Alaska Constitution Article I Section 1 equal protections, and Article VIII Sections 3, 15, 17 equal rights to common use, per *McDowell v. State*, and *Manning v. ADFG* (2009).

Proposal 21: **Strongly OPPOSE.**

Allocating a majority of Tier-II eligibility points based on a rural preference for increased local costs violates the holding of *Ahtna Tene Nene' Subsistence Committee v. State of Alaska Board of Game*, 3AN-07-8072CI (Judge Smith), that challenged income as a deciding eligibility factor for subsistence, and violates the prohibition against a residency based rural preference per *McDowell v. State*, 785 P.2d 1 (Alaska 1989).

Changing Tier-II points to un-equal eligibility categories still violates the equal protections of the Alaska Constitution Article I Section 1, and Article VIII Sections 3, 15, 17, per *McDowell v. State*, and *Manning v. ADFG* (2009)(decision July 9, 2010).

Ahtna's claim that it "will submit written comments to the Board of Game that will provide more details on how to adjust the value and allocation of points for the factors weighted in 5 AAC 92.070," leaves too much to unknown and arbitrary conditions that are not afforded public comment and review in blatant violation of the Alaska Administrative Procedures Act per *Kelly v. Zamarello*, 486 P2d 906 (Alaska 1971) as referenced and held in *Manning v. ADFG* (2009)(decision July 9, 2010), and subject to litigation liability for arbitrary and capricious proposed regulations, such that Ahtna proposals no. 20 and 21 MUST be denied.

Proposal 22: **Strongly SUPPORT.**

Existing regulation prohibiting a Unit 13 caribou hunter from hunting moose or caribou anywhere else in the state blatantly violates the equal protections of the laws afforded by Alaska Constitution Article I Section 1, Article VIII Section3, and the 14th Amendment to the U.S. Constitution.

Proposal 23: **Strongly SUPPORT.**

Ahtna CHP Already struck down as unconstitutional residency based rural preference in *Manning v. ADFG*, 3KN-09-178CI (2009) (decision July 9, 2010).

Proposal 24: **Strongly OPPOSE.**

Makes erroneous assumption that annual harvest quota exceeds amount necessary for subsistence (ANS). Where 10,000 to 12,500 Nelchina applicants for only 2,500 harvest quota, this requires Tier-II hunt by Alaska Subsistence Law AS 16.05.258(b)(3) and (b)(4), as in the last few decades.

The ADFG/BOG attempt to eliminate all urban applicants from subsistence use eligibility consideration thus changing the ANS to reduce the Tier-II applicant pool was already struck down as “**arbitrary and unreasonable**” in *Manning v. ADFG*, 3KN-09-178CI (2009)(decision July 9, 2010, page 20). The BOG **cannot** unlawfully pre-screen and eliminate urban or rural Tier-I or Tier-II applicants from subsistence eligibility. *Manning v. ADFG*, 3KN-09-178CI (2009)(decision July 9, 2010), and see *State v Morry*, 836 P2d 358 (Alaska 1992).

Proposal 25: SUPPORT.

The basis of this proposal is best supported by passage of Proposal No. 9.

Proposal 26: SUPPORT

Correct, permits cannot be granted for ‘community’ but must be for individual only, as held in *Madison v. State*, 696 P.2d 168 (Alaska 1985). In brief, the BOG cannot grant more subsistence rights to a community than it can to an individual, because it limits the individual subsistence use eligibility that the law intends to protect under AS 16.05.258(b)(3) and (b)(4). A community preference constitutes an unlawful residency-based preference, per *Madison v. State*, and *McDowell v. State*, 785 P.2d 1 (Alaska 1989), as referenced in *Manning v. ADFG*, 3KN-09-178CI (2009)(decision July 9, 2010).

Proposal 27: Partially SUPPORT

The Tier-II regulations should be adopted for the entire annual season – from Aug 10 to Sept. 20, and Oct. 21 to March 31.

The BOG should NOT attempt to “reexamine the amount necessary for subsistence,” with attempts to limit subsistence applicants just to get the number below a false and fraudulently determined ANS. This is clearly controlled by the number of subsistence applicants, and the BOG cannot eliminate any applicants by pre-screening Tier-I or Tier-II eligibility on the unlawful basis of “true subsistence user” or those subsistence users who “walk the walk” and go fishing or pick berries in Unit 13. These capricious and unsubstantiated actions were already held “**arbitrary and unreasonable**” in *Manning v. ADFG*, 3KN-09-178C (2009)(decision July 9, 2010, p.20), and residency-based criteria for eligibility held unconstitutional in *McDowell v. State*, 785 P.2d 1 (Alaska 1989).

Proposal 28: **Strongly OPPOSE.**

The amount necessary for subsistence (ANS) must be based on the number of subsistence applicants. Where more applicants than harvestable annual quota, there MUST by law be 100% of allowable annual harvest for ANS, in a Tier-II level hunt per Alaska Subsistence Law AS 16.05.258(b)(3) and (b)(4). The BOG attempt to reduce the number of Nelchina caribou ANS to only 600 – 1,000 by pre-eliminating all urban applicants, blatantly violates the clear legislative intent of the Alaska Subsistence Law to protect subsistence and past use and dependency, and violates numerous Alaska Supreme Court holdings

including the “arbitrary and unreasonable” decision in *Manning v. ADFG*, 3KN-09-178CI (2009)(decision July 9, 2010), and *Madison v. State*, 696 P.2d 168 (Alaska 1985), *Owsichuk v State*, 763 P.2d 488 (Alaska 1988), *Rosier v Kenaitze Indian Tribe*, 894 P.2d 632 (Alaska 1995).

Proposal 29: Strongly OPPOSE.

See comments for Proposal 27 and 28 above.

The BOG cannot arbitrarily direct that the Nelchina hunt be a “Tier-I” hunt, but must comply with the Alaska Subsistence Law AS 16.05.258(b)(4) when there are more subsistence use applicants than annual harvestable quota. Any decision to change from a Tier-II level hunt MUST be based on findings of fact and conclusions of law, and cannot be “arbitrary and unreasonable” as found in *Manning v. ADFG*, 3KN-09-178CI (2009)(decision July 9, 2010), where BOG attempted to unlawfully eliminate urban applicants so that the ANS would be equal or greater than required for a Tier-II level hunt. The BOG must not attempt to arbitrarily, capriciously, and falsely manipulate or eliminate the number of subsistence use applicants in order to intentionally and unlawfully set ANS to violate the Tier-II level hunt mandates, in blatant violation of the court decision and order of *Manning v. ADFG*, 3KN-09-178CI(2009)(decision July 9, 2010), and Alaska Subsistence Law AS 16.05.258(b)(3) and (b)(4).

Proposal 30: OPPOSE.

Pursuant to law AS 16.05.258, the Unit 13 area is in fact a subsistence-use area, with eight Ahtna native villages and numerous subsistence-use communities. The BOG cannot change the subsistence use status without clear substantiated findings of facts and conclusions of law based on community area surveys, professional report findings, and or professional qualified consultant studies and conclusions.

Proposal 31: OPPOSE.

Additional fact-finding and wildlife studies should be conducted, along with additional recent review of cause and effect of harvest levels, prior to intensive predator control.

Proposal 32: No Position

Proposal 33: No Position.

Proposal 34: OPPOSE.

Insufficient basis for elimination of black bear cubs.

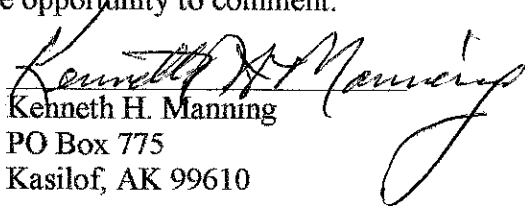
Proposal 35: OPPOSE.

Snaring is indiscriminate, allows wanton and waste.

Proposal 36: No Position.

THE END. Thank you for the opportunity to comment.

Date: Sept. 24, 2010


Kenneth H. Manning
PO Box 775
Kasilof, AK 99610

P.O. Box 2994
Homer, AK 99603

September 27, 2010

Sherry Wright
ADF&G Regional Coordinator Board of Game
333 Raspberry Road.
Anchorage, AK 99518-1599

RECEIVED

SEP 28 2010

BOARDS
ANCHORAGE

Attn: Scott BOG Nelson
Public Comment

Dear Board of Game Members:

I am appalled at the unfair methods used in not accepting bear proposals for the October 8 "Out of Cycle" BOG meeting. It was always my understanding that "out of cycle" proposals were not accepted except in the case of emergencies. In any case, it appears that the BOG accepted bear proposals for hunting, trapping, snaring, liberalizing hunting seasons, and reclassifying bears as furbearers but not proposals from others that oppose liberalizing bear hunting seasons and snaring. The BOG brags about its democratic process for public participation, but it seems in this case that the BOG is not even following the regulations for public notice and is not being fully forthcoming to the portion of the public that does not agree with the intensive predator control mission that the BOG has championed in its efforts to eliminate wolves and bears.

I am particularly disturbed to see broad proposals expanding seasons on brown bears. Proposal 33 which reclassifies black bears as furbearers from their traditional classification as big game is clearly only to allow snaring. I oppose this proposal. Snaring a black bear is a very dangerous practice. If a human is caught in a bear snare, that person could be killed or maimed for life.

Proposal 35 would allow black bear snaring. I am opposed to this barbaric method of killing a black bear. Snaring would cause a bear to suffer a long slow, agonizing death. This is not a humane way to take black bears and should not be permitted.

Due to the irregularities of public notice and the fact that there was no opportunity for the public to submit proposals to the October 8 agenda, the BOG of game should not act on the bear proposals currently in the Proposal book. But if the BOG does decide to act, I urge the BOG to not change the game regulations to allow snaring and not to liberalize the hunting seasons or reclassify black bears as furbearers.

Sincerely,

Nina Faust

Nina Faust

RECEIVED

SEP 29 2010



~~Daniel Lesh~~ <daniel.d.lesh@gmail.com>

Comment on Revisions to the Bear Conservation & Management Policy

Dan Lesh <daniel.d.lesh@gmail.com>

Wed, Sep 29, 2010 at 9:16 AM

To: ~~kristy.tibbles@alaska.gov, scott.crass@alaska.gov~~

To whom it may concern-

Please enter these comments into the official public input record for the upcoming Board of Game Meeting October 8-12 in Anchorage concerning proposed changes to the state's bear management and conservation policy and concerning new regulations regarding bear trapping.

I am adamantly opposed to these changes, including proposal #36. I am supportive of predator control efforts in certain, justified circumstances, but I adamantly oppose the regulations proposed. These new regulations would mix bear trapping and predator control efforts in a way that is unethical and unwise. Predator control must be done within a control implementation process.

Thanks for the opportunity to comment.

Dan Lesh
PO Box 22491
Juneau, AK 99802

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SEP 30 2010
BOARDS

September 27, 2010

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SEP 27 2010

BOARDS
ANCHORAGE

Sherry Wright
ADF&G Regional Coordinator Board of Game
333 Raspberry Road
Anchorage, AK 99518-1599
Phone: (907) 267-2354

Re: Brown and Black Bear Trapping Regulation Amendments

It has been brought to my attention that the ADF&G Board of Game will be considering an amendment to the trapping regulations to allow baiting and ensnarement of both black and brown bears, at their October 8th meeting. I am adamantly opposed to both.

What concerns me more, it is based on a verbal request, of last March, with NO public notice given. The State of Alaska has Public Notice Laws, these were not followed. In addition, ADF&G did not provide a draft of the "proposed" black and brown bear trapping regulations until a few weeks prior to the Oct. 8 meeting, which I believe is a direct violation of Legislative intent when the Board of Fish and Game was formed. It is there to ensure the public participation, and that is not occurring.

Therefore, I respectfully request, that the amendments as proposed be denied.

Thank you.

Very sincerely,



Milli Martin
P.O. Box 2652
Homer, AK 99603
907-235-6652

Attn: Scott
BOG Nelchina

Public Comment

RECEIVED

SEP 30 2010

BOARDS

I am writing these comments to OPPOSE proposal #36 by the Alaska Department of Fish and Game concerning changes to the bear trapping/snaring regulations. What concerns me most about this is the lack of public notice that this issue was on the agenda at the October BOG meeting and the BOG refusal to consider alternative public proposals.

William Lange
Fairbanks

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SEP 27 2010
BOARDS
ANCHORAGE

Attn: Scott
BOG Public
Comments
fieldchina