



# Outdoor Alaska



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"Protecting your hunting, fishing, trapping, and outdoor heritage since 1955"

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## Federal land agencies escalate planning efforts to drive outdoors people off public lands in Alaska.

*By Rod Arno*

Over 60% of Alaska is federal lands, regulations limiting Alaskan's ability to access public resources on 2/3 of the State has large ramifications to us and all future generations of Alaskans. Not since the drafting of the *Alaska National Interest Lands Conservation Act* (ANILCA) have I seen such a push by Department of Interior agencies to lock up more of Alaska's lands.

In **ANWR**, the U.S. Fish & Wildlife Service has recently added a "wilderness review" to their updated Comprehensive Conservation Plan (CCP). The Service is now taking public comment on three new Wilderness Study Areas; the Porcupine Plateau, Brooks Range, and the Coastal Plain, they will be evaluating whether these areas need further protection by Congress to meet the Refuges goals. The Service is also conducting a Wild & Scenic review of the; Atigun River, Canning River,

Marsh Fork of the Canning, East Fork of the Chandalar River, Hulahula River, Jago River, Kongakut River, Okpilak River, Neruokpuk River and Porcupine River. What additional protections does ANWR need? Why are more Congressional Wilderness designations needed to protect the wilderness values of the Refuge? Are too many outdoors people getting to ANWR? How many visitors are impacting ANWR every year? Thousands?

In the **Togiak National Wildlife Refuge** guided and unguided anglers floating the navigable Kanektok River will all have to get a permit from the Service, even though the Kanektok River is a State managed waterway. One permit will be issued per day; guides would alternate with unguided floaters. Are the salmon and rainbow trout in the Kanektok River so depleted that only one group/day can fish it under

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# Presidents Message

By Bill Iverson, AOC President

I attended my first Board of Game (BOG) meeting in October. It was to deal with the Nelchina caribou herd hunts and allocations. It seemed like a great process. People, clubs, organizations and State Fish & Game (F&G) agencies get to testify for or against proposals that were submitted by the public, F&G, or local Advisory Committees (AC).

I was disappointed by the lack of participation of the public at this venue, but as I stated this is my first BOG meeting so who am I to criticize anyone. The heads of the Anti-groups were there. People bused in by Athna showed up. A couple of AC reps showed up. The lawyers showed up. For AOC, there was Rod Arno and I. Where was the rest of the public? Like the rest of us, they have lives and jobs and it is hard to make time. That has been always been my excuse but it doesn't make it right. This meeting was in Anchorage where most of the people live. I even sent out an email alert to get our membership to show up and testify. No one showed. There were a few concerned people that came all the way down from Fairbanks. Anchorage just seems to be asleep at the wheel. Unless we get the word out to our friends and family and start letting the BOG, BOF, your local AC and legislators know how you feel, we will keep losing ground.

Day one: public testimony. Day two: more public testimony and F&G dept. staff and others reports. I even testified for the first time. I felt like a deer caught in the headlights but I made it through. Day three: Board deliberations. All looked like the process was working as it should. Discussions seemed to be proceeding along and a consensus seemed to be formulating and then wham. One board member used a proposal to springboard into a predetermined agenda, to get around the court ruling against CHP allocations, instead of accepting the idea that the CHP allocation was a bad idea that could mushroom into one of the biggest problems in the state. One board member said several times on several different point that he didn't like this or that provision but he would vote for it anyway. Another new board appointee said it wasn't what he had hoped for but it was the best they could come up with. My opinion is it you don't like it or it isn't your best you keep working until it is. There were many good ideas that came out from the public, that were all ignored. What the final approved proposal did will allow the Community Harvest Program (CHP) to continue against the courts order. See our website to see the full text of the approved proposal.

To make it more palatable they threw in other hunt ideas that had some merit, but a bad apple will spoil the whole barrel, is what my Dad taught me. The amended proposal did not allow any public testimony.

In a 4 to 3 vote it was hoisted on us all. This was not in the best interest of all Alaskans but there was enough there to placate most. It is an attempted buyout. They just tried to bury the problem in a prettier wrapper. We need to stand united



and say this is not good enough and go back to the table.

On October 16th we had our Mat-Su Annual Banquet and had a great turn out. We invited any politician that wanted to come. Those that showed were Governor Sean Parnell, Lt. Governor Candidate Mead Treadwell, Senate Candidate Joe Miller, State Representative Carl Gatto, State Senator Charlie Huggins and State Representative Bill Stoltze, plus staff for Rep. Mark Neuman. Also present was Corey Rossi from Alaska Dept. of Fish & Game.

Governor Sean Parnell, Lt. Governor Candidate Mead Treadwell, and Senate Candidate Joe Miller spoke to us to let us know what they were doing, or will do, for the AOC membership.

Recently retired ADF&G employee Bruce Bartley was given an award for his decades of service as "spokes person" for the department.

Pam (my wife) and I worked the front door so had very little time to socialize. The fund-raiser was very successful. Thank you to all who turned out and contributed financially to AOC. Hopefully all went away with something from the banquet.

## Outdoor Alaska

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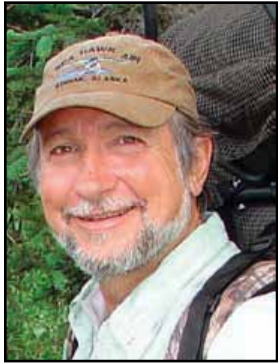
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# Executive Director Report

By Rod Arno, AOC Executive Director



***Just as we were to go to press:***  
**News Update- The department has chosen to withdraw their proposed regulation, 5 AAC 95.320, until they are able to meet with the public to discuss the effects of implementing bailable citations for stream-crossing violations.**

Proposed ADF&G Regulation: 5 AAC 95.320 Restrictions on use of wheeled and tracked vehicles

The Alaska Outdoor Council membership is well aware of the importance of conservation of habitats crucial to the continued well being of Alaska's abundant fish stocks. Conservation of natural resources is AOC's 1<sup>st</sup> purpose. The 2<sup>nd</sup> purpose in AOC's bylaws is about access to those public resources. As such, AOC membership is interested in what was the departments rational in proposing a new section to Title 5, Chapter 95, Article 3 regarding restrictions on use of wheeled and tracked vehicles, 5 AAC 95.320. (The proposed regulation is available on the ADF&G website, Habitat Division)

Fish and Game Habitat. Article 3 of Chapter 95 deals with activities that are currently prohibited on public waters. So far, it has only been the citizens of Kachemak Bay who have taken advantage of this article by convincing the ADF&G Habitat Division to adopt regulations that prohibit on-bottom aquatic farming and the use of **Personal Water Craft** within the Fox River Flats and Kachemak Bay Critical Habitat Areas.

If the Commissioner of DNR chooses to adopt the proposed regulation it will apply to all persons who drive a **wheeled or tracked vehicle** across ANY of the currently cataloged 17,000 anadromous water bodies found in 5 AAC 95.011.

The current Atlas of these cataloged water bodies is contained in 6 volumes; *An Atlas to the Catalog of Waters Important for Spawning, Rearing or Migration of Anadromous Fish*.

Under the new regulation, if a person operates a wheeled or tracked vehicle on that portion of the bed(s) or banks, up to the ordinary high water mark, of a river, stream, or lake that is cataloged in accordance with 5 AAC 95.011 as waters important for the spawning, rearing, or migration of anadromous fishes, without or contrary to the terms of a permit issued by the Commissioner, that action could be cited by a bailable citation.

Habitat Director Kerry Howard wrote AOC stating that; *"The purpose of this proposed regulation is to provide a better suited enforcement tool for the State to address an already existing statutory limitation."*

Yes, AS 16.05.871 does already prohibit the crossing of anadromous streams by vehicles without a permit. But there is much more to it than that;

1. Are Wildlife Troopers unable to protect anadromous fish habitat under current regulations?
2. Are wheeled or tracked vehicles starting to degrade fish habitat in many areas of Alaska?
3. What alternative will vehicles have to continue stream cross other than being permitted?
4. Will same areas of public lands be made inaccessible to ground transportation?
5. Can the department pre-authorize public stream crossing on all recorded motorized trails?

There are a number of unanswered questions that could better help outdoor people understand the rational of supporting this new regulation. ORV/ATV trail use is an issue that the administration and at least three departments; ADF&G, DNR, and DPS need to coordinate with the legislature. AK Wildlife Troopers have been overstretched since the days of Governor Jay Hammond in the late 70's. Adding trail citations to their responsibilities will only increase their work load.

AOC asked Habitat Director Kerry Howard these four questions regarding stream crossing permitting:

1. Has the department found that current regulations, 5 AAC 95.420, authorizing vehicle stream crossing General permits are not adequately protecting waters, under 5 AAC 95.011, important to anadromous fish?

*Director Howard replied; "One case that highlighted the need for change occurred last year in Haines where an individual drove a pickup truck across several braids of the lower Chilkat River."*

This one example doesn't help me understand whether or not a better suited law enforcement tool is needed to prevent material damage from occurring in cataloged waters important to anadromous fish.

2. To your knowledge are vehicle stream crossing activities under a General Permit currently being enforced?

Director Howard wrote that bailable citations will *"allow for more fairness in the level of the fine and give the courts an option not to convict a person of a criminal offense where the circumstances do not warrant it."*

This is a major issue that should be fleshed-out fully before adding more enforcement tools. What warrants a citation? If you're crossing an anadromous stream in a vehicle without a permit you're in violation. I can see that if you're looking to ticket a driver in a licensed truck, for crossing an anadromous stream, where a bailable citation would be simpler for the enforcement officer and the Courts. Would ORV/ATV drivers and vehicles need to be LICENSED in order to get cited for violations?

3. How would this new regulation affect the permitting process?

*Continued on Page 15 :ED*

# Alaska's Largest Caribou Herd Is Stable

By Jim Dau, Wildlife Biologist ADF&G

Alaska's largest caribou herd, the Western Arctic Herd (WAH), numbered about 401,000 animals as of July 2009 according to the Alaska Department of Fish and Game. Although this is a slight increase from 2007 when the herd estimated 377,000 caribou, department biologists interpret the 2009 estimate as evidence of herd stability. The difference of 24,000 caribou is minimal for a caribou herd of this size in such a remote portion of the state.

The WAH last peaked around 2003 at 490,000 caribou.

The WAH ranges over a 140,000 square-mile area bounded by the Arctic Ocean, the lower Yukon River and the trans-Alaska pipeline. About 40 communities and 13,000 people live within its range. For the indigenous people of these communities, the herd is both a vital link to their cultural heritage and a staple local food source. The WAH is also important to visiting hunters, and is an important source of income for commercial operators. Because of its tremendous size, the ecological importance of the WAH to Northwest Alaska is incalculable. Although they are important prey for wolves and bears, Western Arctic caribou directly and indirectly impact the entire food web through nutrient cycling - affecting organisms from bacteria to vegetation to moose.

The 2009 census, and annual estimates of adult mortality and calf survival, suggest that the 2007 population estimate may have been conservative. In 2007 department biologists found 99% of the collared caribou and were confident that no large segment of the herd went undetected. However, some aerial photos had long shadows in them that could have hidden caribou on the prints. Also, some small groups of caribou that lacked radio collared individuals near the main aggregations may have been missed.

In 2009 the caribou were aggregated to a far greater degree than usual, and no living, collared caribou were found during months of radio tracking after the photography was completed.

Additionally, the prints were very clear. All of these factors contribute to improved accuracy of the count.

Biologists classify factors that limit the size of caribou herds into 2 categories: density dependent and density independent factors. Density dependent factors exert a greater negative force on the caribou population as it grows. Examples of density dependent factors are range condition, predation and disease. Density independent factors possess effects not related to caribou herd size, such as weather or resource development. Both types of factors can affect caribou herds simultaneously, and predators can shift from a prey species that becomes scarce to one that is more abundant. This web of interactions makes it difficult to understand what causes caribou numbers to change.



Although the WAH has numbered over or around 400,000 caribou since 1990, the body condition of caribou from this herd has consistently remained. Additionally, the department has found no evidence that disease has become a problem for this herd. So far, it appears that the WAH is not being limited by density dependent factors. Instead, the decline of this herd from 2003 to 2007 may have been largely attributable to severe icing during one or two winters.

At this point, population stability or even a slow decline is probably preferable to continued growth. In 1970, the WAH numbered 242,000 caribou but then declined to roughly 75,000 individuals by 1976 – an 18% annual rate of decline <sup>1</sup>. The department recently intensified its monitoring program so that when this herd next declines it won't catch anyone by surprise.

## Look Mom!

The next census is scheduled for 2011.

(Endnotes)

<sup>1</sup>. Many residents of northwest Alaska still question the 1976 estimate.



*Fed: Continued from Page 1*

State fishing limits? Has ADF&G closed commercial fishing in the Kuskokwim Bay? No.

Wilderness eligibilities studies are also taking place on National Park & Preserve lands. In the **Gates of the Arctic National Park** CCP management plans are now addressing user capacity; the types and levels of use that preserves the Park's values. Gates of the Arctic National Park is developing zones of use with different levels of restrictions to access and seizures of visitor groups. Are too many visitors getting to the non-road accessible Park? Are more access restrictions needed to protect the Parks wilderness values? Are the local residents of the Park abusing the resource? Public Comments are due by November 15<sup>th</sup>.

The Draft EIS for the Nabesna ORV Management Plan, located in **Wrangell- St. Elias National Preserve**, is a loss of access for both non-local recreational ORV users and federally qualified subsistence ORV users. Even the ANILCA Title VIII protection for rural subsistence users doesn't stop the NPS preferred management alternative from restricting subsistence uses in designated wilderness areas. The draft EIS and proposed management alternatives can be viewed on the NPS website, comments are due by November 10<sup>th</sup>.

The **Noatak National Preserve** has limited the number of individuals/year, to 357, who may be commercially transported to the Preserve to hunt each year. Does anyone believe current hunting regulations would allow an overharvest of the wildlife resources found on six million acres?

The **Yukon-Charley Rivers National Preserve** action of harassing boaters on the Yukon River is the most recently publicized example of overreach by federal land managers. The State's Attorney General, Dan Sullivan, has filed a petition with the DOI to repeal or amend federal regulations that have allowed Feds to take actions against Alaska residents on navigable waters under State of Alaska jurisdiction. Alaska resident John Sturgeon, with four decades of experience hunting moose in and near the Yukon-Charley Rivers NP, has hired legal council to also petition the Secretary of Interior Ken Salazar, to repeal and amend unlawful regulations adopted by the NPS giving them authority to harass boat traffic on the Yukon River and all other navigable waters located within NPS areas of Alaska. If neither of these two petitions results in repealing or amending federal regulations that are contrary to federal law, the next step would be litigation in federal court. The State has also submitted an Amicus Curiae in the federal court case against Alaskan resident James Wilde, who was cited by Park Rangers after they inspected his boat. The State has joined the suit in order to protect the State's interest in maintaining access for citizens on the navigable waters of Alaska.

The USDA, **Forest Service** has proposed action that would limit commercial users in the Ketchikan-Misty Fjords Ranger District in order to allocate recreational carrying capacities for the Ranger District. The Sitka Ranger District has been removing stream crossing bridges on logging roads no longer used by the logging

industry. ORV use is blocked.

The Bureau of Land management (**BLM**) is now conducting a public scoping process on amending the Kobuk Seward Peninsula Land Use Plan. The stepdown plan is called the Squirrel River Special Recreation Management Area; it requires that an environmental assessment (EA) of the effects non-local hunters have on federally qualified subsistence users be conducted. Public meeting are scheduled for November and comments are due by December 3<sup>rd</sup>. Public meeting dates and details of the plan can be found on the BLM website.

In each of these planning areas, involving all the federal land managers under the U.S. Department of Interior in Alaska, access to public resources is being restricted. The rationale of the federal agencies in each of these planning sessions has been that added protection for public lands is necessary to protect the values of these lands. The question AOC has is where are the values of Alaska's federal conservation lands currently being degraded? If Alaskans don't advocate for continued outdoor use on federal lands during the planning process the land managers will be free to further restrict our access to public resources. As weighted against us as the federal land planning process is without our comments it would only result in more restrictions to access. This is another case of if outdoors people don't participate in the regulatory process we and future generations will lose.

Join AOC and one of its member clubs to keep informed on Regulatory Public Meetings on outdoor issues.

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## Tough Moose Cuts

*By Pam Iverson*

Some of our moose cuts are tough, so this year we decided to buy a small pressure cooker, just for cooking meat. We follow the recipes in the canner cook book and have had great results with the ribs and roasts. I especially like the one that uses red wine and beef broth along with your typical vegetables such as garlic, onion, carrots, celery and potatoes. Lightly brown the meat in a small amount of oil in the bottom of the cooker and then add your other ingredients, season and put on the lid. Heat up the fire, add the pressure cooker top and cook for the allotted amount of time, (usually under an hour). But, cook early because it takes at least ½ hour to let the pressure drop back down. Strain the juices away and make some great gravy with a bit of corn starch or flour. Voila! A great meal in one pan.

# PERSONAL WATERCRAFT CLUB OF ALASKA

*By Gina Poths, Secretary/Treasurer*

I think it's been awhile since PWCA wrote anything for the Alaska Outdoor Council's newsletter so Rod Arno asked me if I would submit something. Our club is still going strong and we are still hoping one day to open Kachemak Bay to the use of personal watercraft. Even if you don't ride in some of Alaska's wide open ocean it's important that you all help fight for equal access. This is a major reason we (PWCA) members have been a club member of AOC for several years. Access issues seem to come up everywhere for those who enjoy motorized sports, hunting and fishing. We have to stick together and join in all public comments periods when asked.

Ok so now for what we've been up to.

The AOC sponsors several banquets throughout the state in the fall to raise money to help with legislative issues and to keep the club going. In October 2009 PWCA sponsored a table and sent 7 members to enjoy the festivities. We all bought raffle tickets for several different items and the table also received a few tickets for the grand prize. Well, I was shocked when they called my number and I had won the grand prize which was a full 6 pack fishing charter with the Halibut Grove out of Valdez. Hmm, which 6 people were going to go!!

So, summer rolls around and I contact Mel Grove owner and Captain of the Halibut Grove to find out what Saturday he might have open for us. We originally scheduled a day in June but the weather didn't cooperate and we had to reschedule. Part of our problem with scheduling was the 6 of us going wanted to ride our pwc's from Whittier to Valdez so it was going to be a 3 day event. We would leave on a Friday and overnight in Valdez because we had to be at the Halibut Grove at 6:00 am. (The members going on this trip all live in Anchorage.) Then fish all day Saturday, overnight again then ride our pwc's back from Valdez to Whittier on Sunday. It's pretty much impossible to schedule a 3 day weekend of good weather in Prince William Sound or all of Alaska for that matter.

So, we settled on August 7<sup>th</sup> for the fishing charter with Mel. It had been raining for pretty much a month straight and we figured it would be raining all weekend but as long as the wind was calm and the water pretty flat we knew we could handle the rain. Of the 6 going on the charter 2 folks (Gene and Vicki Gerken) decided they would drive instead of taking their pwc's. Apparently they knew we wouldn't be able to bring all our fish back on the pwc's and volunteered to bring our haul back. Which by the way was a darn good thing cuz like Mel told me up front; you WILL catch fish with me.

And fish we caught. Although I really don't believe we were in Alaska that day. See when we left the Valdez Narrows and headed towards Mel's fishing grounds around Hinchinbrook and Montague Island the sun came out. I hadn't seen the sun in weeks and asked Mel if he somehow beamed us to Hawaii! The sun shined the entire day and believe it or not I fished in a tank top!



Anyway, we all caught our limit of 2 each of halibut and I even caught a nice size octopus. Mel wanted to keep it for bait but I said no way, I'm taking that home to eat. After we got our halibut Mel took us to some wild place full of huge ling cod and within 30 minutes the 6 of us caught our limit of 2 each in huge ling cod. That was the most exciting fast paced fishing I'd ever done catching those ling cod. Mel says this is going to be fast, drop your line, hit the bottom, reel up a bit so you don't snag and then jig a minute and you'll have a fish. I thought he was joking but, it happened exactly like he said, my line was down, I reeled up a couple cranks and wham- Fish On!

Now, as far as the ride goes from Whittier to Valdez on Friday then back again on Sunday, we got lucky and had very calm seas. The sun didn't shine like it did on Saturday (Because remember I don't think we were in Alaska) but we had flat water and only a few small rain showers that didn't last long to ride through. We didn't see any whales while riding but we encounter a sea lion fishing and several Dahl porpoise.

I have included a few pictures of our ride over. The scenery was as usual breath taking and we for sure plan to do it again next year. Even if we don't win a trip I'm sure we'll still visit Valdez and maybe even purchase a charter with the Halibut Grove because I know we'll get fish!

Members riding personal watercraft to Valdez include: Gina Poths, Jan Durrington, Chris Nelson and John Lang. Members who drove include Gene and Vicki Gerken. For more pictures of our trip and other activities visit our website at [www.pwcalaska.org](http://www.pwcalaska.org)

Club Member John Lang is working on a long distance race on personal watercraft, if you haven't heard of an upcoming 2000 mile personal watercraft race check out [www.wetdograce.com](http://www.wetdograce.com) In May of 2009 we did about 1000 miles of this trip to "Pave the Way" and see if the route could be done. We're hoping in May 2011 to finish the Paving the Way expedition and Founder of the race John Lang hopes to kick off the first race in 2012. (This is not a PWCA event but solely the brain child of one person, John Lang.)

P.S. We plan to attend this year's AOC banquet on October 16th in Wasilla, hope to see you all there.

# Finding the Balance

By Corey Rossi

In spite of individual wants, needs, or desires, most Alaskans understand and are generally tolerant of the fact that our state is made up of a wide array of natural resource users. Nonetheless, as these various factions vie for their own interests, user conflicts inevitably arise. The fish and wildlife arena is often one of the most contentious and politically volatile of the various natural resource management conflicts.

Yet, as part of its public trust responsibilities, the State is obligated to manage its natural resources (including wildlife) for “the maximum benefit of its people” (Alaska Constitution, Article VIII, Section 2). Article VIII provides direction for the State’s natural resource management policy. Implicit in Article VIII is the intent and general guidance for encouraging natural resource development and utilization. The desire to develop and benefit from Alaska’s resources was a primary catalyst for statehood, yet, it is how those resources are developed and distributed that has become a source of contention.

John B. (Jack) Coghill (one of the few living authors of the Alaska Constitution) wrote; “establishing resource management policies and principles at the constitutional rather than the legislative level protects agency practices from immediate political influences and the changing nature of public sentiment in an ever more urban population.” (Sustained Yield – Alaska’s Constitutional Mandate for Action, Coghill, 1994)

Coghill went on to say that “replenishable resources are to be managed to provide a high or maximum sustained level of consumptive utilization for humans, by Alaskans.” According to Coghill, we are to manage our resources at the upper end of the range of sustainability, for the maximum benefit of Alaskans.

Article VIII’s focus on maximizing our natural resources for development, utilization, and yield has left some people wondering where non-consumptive use fits into the equation. Interestingly, a policy of maximizing our wildlife resources also enhances non-consumptive use (such as viewing), as abundance creates increased opportunity for all. Additionally, every organism (even those that are harvested) is fully available for non-consumptive use for its entire life.

As we seek to manage wildlife for multiple uses, it is important for us to ask ourselves; why do we manage wildlife? The short answer is that we do so because wildlife are important to people. If they were not, there would be no need to manage them. As previously noted, the Alaska Constitution sets the general policies

and principles for wildlife management. However, Alaska statutes often lay out a more detailed description of how these management policies should be implemented. For example, AS 16.05.020 (2) states that “the commissioner shall manage, protect, maintain, improve, and extend the fish, game and aquatic plant resources of the state in the interest of the economy and general well-being of the state.”

The legislature further defined their intent in the “Intensive Management Law.” AS 16.05.255 (4) states that “intensive management means management of an identified big game prey population consistent with sustained yield through active management measures to enhance, extend, and develop the population to maintain high levels or provide for higher levels of human harvest, including control of predation and prescribed or planned use of fire and other habitat improvement techniques.”



While the Alaska Constitution and statutes are abundantly clear that Alaskans always intended consumptive use to be a management priority, this in no way diminishes the legitimacy of non-consumptive use. The Alaska Department of Fish and Game is quite proud of its programs that are specifically designed to conserve traditionally “non-game” species and provide unique opportunities for wildlife viewing.

In addition, the Department just celebrated the 50-year anniversary of its refuge, or “Special Areas Program”, which includes such jewels as McNeil River, Round Island, and Stan Price Sanctuaries. This vital program includes approximately 3.2 million acres of State land that has been classified as being essential to the protection of fish and wildlife habitat.

Although many wildlife resource users choose not to hunt or trap, it is important to consider that the vast majority of consumptive users also enjoy non-consumptive uses. Has anyone ever known a hunter who didn’t thoroughly enjoy viewing or photographing wildlife, as well as participating in the hunt? It is erroneous to assume that non-consumptive use is necessarily synonymous with anti-hunting ideology.

In most cases, a policy of maintaining, extending, and improving the State’s wildlife resources will ultimately provide greater opportunity for all users. The State should, and likely always will, manage wildlife for multiple uses. Fortunately, consumptive and non-consumptive uses are rarely mutually exclusive. With a little planning, there is room for a variety of uses to coexist. In the end, the resource and the public will be best served if we all work to find that balance.



# Federal management of Alaska's fish and game

By Rod Arno, *Alaska Outdoor Council*

The federal government isn't supposed to manage fish and game. Fish & Game management was left to each State. Apparently the U.S. Secretaries of Interior and Agriculture aren't in agreement on whether the State of Alaska manages public resources. The Department of the Interior (DOI) News Release, Aug. 8, 2010, announcing the appointment of a new Federal Subsistence Board (FSB) chair, mentions how they believe he is qualified to strengthen the role of the FSB in "managing fish and game on the public lands in Alaska."

There wasn't ever any question about who managed the fish and game in Alaska after statehood until passage of two bills in the U.S. Congress; the *Marine Mammal Protection Act, 1971* and the *Alaska National Interest Lands Conservation Act (ANILCA), 1980*.

The Alaska Department of Fish & Game (ADF&G) couldn't manage marine mammal in compliance with federal law, so they told the feds to manage it themselves. Today the federal government manages marine mammals once managed by the State of Alaska. Today ADF&G only remains active in marine mammal research projects.

ANILCA was supposed to be neutral on giving the federal government management authority over fish and game. Section 1314(a) of ANILCA clearly states:

*Nothing in this Act is intended to enlarge or diminish the responsibility and authority of the State of Alaska for management of fish and wildlife on the public lands except as may be provided in Title VIII.*

The question of what kind of exceptions under Title VIII of ANILCA would allow for a federal takeover of game management on federal lands in Alaska may be played out soon. The DOI review of the Federal Subsistence Management Program may very well show Alaskans how far federal managers are willing to go toward managing game.

The Secretaries of Interior and Agriculture have directed the FSB to review the Master Memorandum of Understanding (MMOU) between DOI agencies and the State of Alaska to

clarify federal authorities regarding management of fish and game on federal lands. **The FSB will meet in Anchorage November 9–10, 2010 to discuss the MMOU and the Secretary's direction of the review.**

Under the MMOU the federal managers agree that as long as state regulations are found to be compatible with documented federal lands goals, objectives or management plans hunting is authorized in accordance with state law. The catch is what happens when the federal land managers find the Alaska Board of Game's adopted regulations to be incompatible with their goals?

If the incompatibility between state hunting and trapping regulations occurs on National Park Service (Service) lands they revise their Park Compendium and disallow state hunting and trapping regulations from being implemented on Park lands. The only thing about compendium regulations is that they are temporary and a permanent solution must be proposed through federal rulemaking.



That is exactly where we are today due to federal closures and restrictions imposed by the Service in the Gates of the Arctic and Denali Park and Preserve. Either the AK Board of Game withdraws their adopted regulations allowing artificial lights at den sites and the taking of cubs at den sites or the Service will start the rulemaking process to authorize their own permanent hunting rules.

On Unimak Island the U.S. Fish & Wildlife Service trumped state game management when they demanded that a National Environmental Policy Act (NEPA) review must first be completed by their agency prior to the state conducting any predator reduction to save a threatened caribou population.

Maybe it was just a slip up in the DOI News Release when they wrote about the FSB "managing fish and game on the public lands in Alaska." If not Alaskans will know soon enough with the Secretary Salazar's review of the Federal Subsistence Board program underway just how far the feds are willing to go toward taking over wildlife management in Alaska.



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# Right 2 Fish Halibut Update

By Richard Yamada

The Charter Halibut Limited Entry Permit program, developed by the North Pacific Fishery Management Council (NPFMC) and administered by the National Marine Fisheries Service (NMFS), takes effect on February 1, 2011. From this date forward, charter boats will need a halibut permit to take clients halibut fishing. These permits are based on a charter operator's halibut fishing effort in 2004, 2005, and 2008.

In hindsight, because the NPFMC did not conduct a thorough economic analysis to understand the dynamics of charter boat businesses, the Charter Halibut Limited Entry Permit program will result in an unanticipated reduction in the charter fleet by 34 percent in South Central Alaska, and 43 percent in Southeast Alaska. This will undoubtedly affect trip availability and prices, and we'll have to wait and see what its final impact will be.

The buzz word in Washington DC these days is Catch Shares. It has been lauded as the solution to overfishing stocks of decreasing abundance, during times of increasing harvest. This was done to Alaska's halibut fishery over 15 years ago when the commercial halibut fishery went to a limited entry program and commercial fishermen were given Individual Fishing Quotas (IFQs).

The concept is simple. You divide up the harvestable stock of fish to commercial fishermen who have traditionally fished an area, and limit the commercial harvest to these fishermen. You issue permits to these commercial fishermen for a quantity of fish they have historically harvested. The amount of fish allotted to each permit, or catch share, varies from year to year depending on stock abundance. Fishery managers use catch shares to keep commercial harvest within sustainable harvest levels by controlling the number of commercial fishermen, and the total poundage of fish that each commercial fisherman will be able to harvest. This catch share concept is now being offered as a solution to potential overharvesting in the recreational sector.

On a national level, the catch share concept for recreational fishing has met with harsh resistance. Based in Washington DC, the Recreational Fishing Alliance is adamantly against applying catch shares to recreational fishing, stating that recreational anglers will not be divided into haves and have nots. Catch shares on an individual angler basis goes against equal access by all citizens, to a public trust resource, and the model for the commercial fishing sector will not work for the recreational fishing sector. Is there another solution?

The North Pacific Fishery Management Council (NPFMC) is

in its final review stages of a charter sector "Catch Sharing Plan" (CSP). This plan is not a "catch sharing plan" as defined by Washington DC. It is not a limited entry program. Individual charter operators will not be given catch shares. It's meaning comes from sharing catch allocations between the charter sector and commercial sector. This is a halibut allocation plan between the guided recreational and commercial fishing sectors. This allocation will replace the current Guideline Harvest Level (GHL)

system being used in making resource management decisions. NPFMC's CSP will be the first hard allocation for the guided recreational sector.

The Alaska Charter Association (ACA) along with the Alaska Outdoor Council (AOC), have attended recent NPFMC meetings to highlight some serious flaws with the Charter Halibut CSP. Foremost is the initial allocation to the charter sector at implementation. The allocation will be more than 30 percent lower than the current GHL.



Given the current level of fishery biomass in South Central Alaska, the CSP allocation will result in a loss of 1 million pounds of halibut for guided recreational anglers. Had it been adopted in 2010, South Central Alaska guided anglers would have had a 2 halibut bag limit, with one under 32 inches. There are provisions for an angler to retain a second larger halibut, but this involves the captain of the charter vessel leasing IFQ shares from a commercial fisherman. Inevitably, this additional expense will be passed on to the angler, and at current prices, could cost the angler another hundred dollars!

Implementation of the CSP could turn a charter captain into a commercial fisherman. The captain no longer just provides the means and opportunity to catch halibut, but he or she could now sell halibut to their clients. These flaws are only the tip of the iceberg. The NPFMC is aware of these flaws but has failed to take action to correct them. The pressure to get this catch sharing plan out of the NPFMC and passed on to Washington DC for approval, has led to an attitude of "we will fix it later." Unfortunately, experience has shown that what starts off as an interim measure usually becomes permanent.

ACA is working on a guided recreational "catch sharing plan" that will treat anglers as a group with their allocations being placed in a common pool, instead of as individuals with individual catch shares. This pooled allocation will be supplemented in the future, by purchase of commercial halibut quota shares. The objective is to purchase enough commercial quota shares to meet the guided recreational demand for a minimum bag limit of 2 halibut a day,



any size.

Currently, this plan is designed for guided recreational anglers. However, the International Pacific Halibut Commission recently stated in a letter to the National Marine Fisheries Service that any effective management plan must include the entire recreational sector, guided and unguided.

In 2009, guided recreational anglers in Southeast Alaska harvested 1.2 million pounds of halibut, and unguided anglers harvested 1.1 million pounds. Unguided angler demand has been on the increase, likely due to restrictions placed on guided anglers in Southeast Alaska. It's only time before harvest accountability will be applied to the unguided sector. The writing is on the wall. Resident Alaska anglers will be facing an allocation battle similar to the battle the charter sector is going through. A common recreation pool including all recreational anglers may be the best answer, before recreational anglers are even further divided.

Please contact AOC ([richard@alaskaoutdoorcouncil.org](mailto:richard@alaskaoutdoorcouncil.org)) and join our fishery action email list so we can keep you informed!



## Richard Yamada

### *New Board Member*



Richard Yamada is a Southeast Alaska sport fishing lodge owner (Shelter Lodge) and has been doing this for the past 29 years. He was raised in Hawaii growing up with a love for the outdoors and the ocean. He spent many years diving and fishing all over the Hawaiian Islands. He became a PADI certified diving instructor and trained his students to appreciate and enjoy the undersea environments of the islands.

Richard attended the University of Hawaii from 1967 - 1970, then enlisted in the United States Air force and was trained as a Russian linguist. He was stationed in 1972 at Eielson Air Force Base, Fairbanks Alaska. After an honorable discharge from the Air Force, he went to work for the University of Alaska, Fairbanks, in the Cross-Cultural Education Development Program (Dept. of Education). From here he had the opportunity to travel to many remote villages throughout the State of Alaska from as far as Point Hope up north to Angoon in Southeast Alaska. Coinciding with his employment with the University of Fairbanks, he held a position with the native non-profit regional corporation, the Tanana Chiefs Conference, developing materials for their Land Claims College.

During his residence in Fairbanks, his neighbor Jim Greiner (curator of the University Museum and outdoor writer) took him under his wings and taught him what it took to become an Alaskan. Within a short time, Richard had his private pilot's license, learned how to run a river boat on the Tanana River, learned how to dip net salmon down at Chitina, and how to hunt big game.



Richard left Fairbanks in 1980 for Juneau. He opened an advertising company which he operated only for a couple of years before the attraction of the outdoors led him to his current business as a lodge owner and charter captain.

Over the past few years, Richard has attended and testified at Alaska Board of Fish meetings, International Pacific Halibut Commission meetings, and North Pacific Fishery Management Council meetings. He has been the fundraising chairperson for the Charter Halibut Task Force which had to raise funds to support two law suits. He currently is the vice president of his local charter boat association and is vice president of the Alaska Charter Association, a statewide charter boat organization.

We must insure that our fisheries are healthy for the future and that they are utilized in a manner that brings the most economic benefit to our local communities. A healthy recreational fishery will do this.

Richard says: "I feel privileged to be on the board of AOC and hope to represent AOC at future fisheries meetings."

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# Rebirth of the GMU 13 CHP

By Rod Arno, AOC Executive Director

On a vote of 4/3 the Board of Game (Board) directed the Department of Fish & Game (ADF&G) to construct a racial profile of Nelchina caribou hunters who apply for a GMU 13 community or group harvest permit (CHP) 5 AAC 92.072. (The newly adopted CHP regulations are found in RC52, which can be found on the AOC website) In spite of a recommendation from Dan Sullivan, Alaska's Attorney General, to the BOG to not re-adopt another CHP for GMU13 Vice-chair Ted Sparker was able to convince three other board members to tweak the original CHP that was found unconstitutional by the Superior Court judge and reinstate it for the 2011 season.

To get around the Alaska State Constitutional guarantees of equal access to public resources the Ahtna CHP was expanded to include groups of 25 or more Alaskans that could "walk the Athna walk" of communal hunting. The Department will make the determination whether or not to accept a community or groups application based on a "communal pattern" of sharing established by Athna Athabascan communities within the Copper River basin.

On November 1st ADF&G will start evaluating applicants applying for GMU 13 community harvest permits based on the 2006-170- BOG Findings. (The 2006-170-BOG Findings for GMU 13 caribou and moose subsistence uses can be found on the AOC website) The applications for Tier I hunts in GMU 13 will be published in the ADF&G Permit Hunt Supplement, [http://wildlife.alaska.gov/permits/pdfs/tier1\\_tier2\\_supp.pdf](http://wildlife.alaska.gov/permits/pdfs/tier1_tier2_supp.pdf)

All GMU 13 CHP applicants that fail to meet the qualifications

necessary to "walk the Ahtna walk" of communal hunting will be notified prior to the December 31st deadline, which should allow them to re-apply for the Tier I registration Nelchina caribou hunt or any other caribou permitted hunt.

It is possible that the department will allow all those who apply for a GMU 13 CHP to be issued one. In that case the Board may need to increase the subsistence CHP allocation of caribou and add moose to the GMU 13 CHP.

The GMU 13 community harvest permit (CHP) hunt violates State statutes and regulations. When the harvestable surplus of Nelchina caribou exceeds the low end of the amount necessary for subsistence (ANS) a Tier I is implemented under AS 16.05.258(b) (2). The 2006-170-BOG findings used to determine which communities and groups qualify to participate in the GMU 13 CHP unlawfully segregates out two types of Tier I hunters.

Under the newly Board adopted GMU 13 CHP the State will remain out of compliance with statutes, AS 16.05.258, and regulations, 5 AAC 99.010 regarding allocation of the Nelchina caribou during years of high harvestable surplus. The Alaska Supreme Court has already dealt with this issue, State v. Morry. (Alaska 1992). Where the Supreme Court reversed a Superior Court ruling that upheld a Board regulations that distinguished among subsistence users at the Tier I level.

Until the Board rewrites the 2006-170-BOG Findings, which established two classes of Alaskan subsistence users, allocation of Nelchina moose and caribou will remain in turmoil and in the courts. The Board will meet March 4-10, 2011 in Wasilla, at which time they could come into compliance with State law by deleting the racially based "communal pattern".



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Dear Governor Parnell:

The Butte Community Council, Alaska Outdoor Council and Alaska Outdoor Access Alliance would like to thank you for the newly created access point on the Old Glenn Highway at the Knik River Bridge.

We would also like to thank Mike Nizich and Lance Wilbur, Neil Hensley and Harry Hensel and the Palmer Department of Transportation crew that were instrumental in re-opening this access point. Without the help of your office and the Department of Transportation, many recreational users would have to find an alternative place to launch their watercraft or recreational vehicles; and possibly trespassing on private property to do so.

We have included pictures with this letter of the progress that was made on the project. This access point has been an important part of the Knik River for many years not only for recreation but for rescue operations and fire department training. Since this new entrance to the Knik River has been constructed in May, there have been many people using the driveway for launching watercraft and accessing the Knik River Public Use Area with their families using various forms of transportation.

Thank you again for your support.

Sincerely,  
AOC, AOAA, BCC



*ED: Continued from Page 3*

Director Howard wrote *"This new regulation would not affect the permitting process in any way. It simply provides the State a new enforcement tool for an existing prohibition. Further, the new regulation does not change the existing statutory requirement that permits are required for activities in water bodies identified in 5 AAC 95.011 that could affect fish or fish habitat. Again, the department fully intends to continue the use of GPs (General Permits) when we believe it is appropriate to do so".*

What are the crossing conditions that would warrant a bailable citation? If you cross any of the currently listed 17,000 categorized rivers, streams, or lakes with an ORV/ATV do you first need a permit? (Estimates are that there are another 20,000+ anadromous water bodies yet to get listed). Does it matter; what your weight is, your PSI (pounds per square inch), and whether anadromous fish are in the stream at the time you are crossing?

4. Would permits be required on all water bodies identified in 5 AAC 95.011?

Was it the legislature's intent to have Wildlife Troopers cite anyone driving across one of 17,000 categorized bodies of water? Does the department want to have all ORV/ATV owners apply for and obtain a permit for EACH cataloged anadromous stream they cross?

AOC members have expressed concerns over the burden of additional permitting requirements that may arise should this proposed new section become regulation.

Others may have more questions that they would like the department to address. Because many ORV/ATV riders were out hunting this fall the public comment period has been extended by the department until November 22, 2010.

After the Commissioner of ADF&G chooses to adopt the proposed regulation it will be up to the Alaska Supreme Court to determine which offenses are bailable and what the maximum fines will be.

It is interesting when you look back to 2001 at the departments' rationale for banning Personal Water Craft in Kachemak Bay under Article 3. The debate at the time had more to do with a personal preference of not having jet-skis in the Bay, than it did to material damage of fish habitat. Outdoor ORV/ATV riders should ask for clarity and transparency, in the public process leading up to adoption of regulations that effect wheeled or tracked vehicle access statewide.

Comments may be submitted in writing to;

Kerri Tonkin  
Regulation Program Coordinator, Fisheries  
ADF&G  
P.O. Box 115526  
Juneau, AK 99811-5526.  
Or via email;  
"Tonkin, Kerri (DFG)" <[kerri.tonkin@alaska.gov](mailto:kerri.tonkin@alaska.gov)>



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