

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672  
6556 SENATE RESOURCES

960

## Case 5. Hunt 919: Unit 14A (East) Antlerless Moose

### Area

This hunt takes place in the eastern Matanuska Valley. The area is road-accessible to large population centers. In 1984, there were 29,836 residents of the Mat-Su Valley area.

### Former Allocation System

In 1984, the antlerless moose hunt was based on a random draw system. Anyone was permitted to apply for a drawing permit to take cow moose. There was also a bull moose season in 14A (East) with no permit requirement.

### Tier II Allocation System

The Tier II system offered 200 antlerless moose permits in 14A (East). There were 658 applications for the 200 Tier II permits. Of these, 495 applicants (75 percent) lived in the hunt area, GMU 14A, mostly Palmer (300) and Wasilla (151); 163 applicants were from outside GMU 14A, mostly Anchorage (102) and Eagle River (37). Of the 200 permits issued, 194 (97 percent) went to Unit 14A residents. Anchorage residents received 3 permits, Eagle River 2, and Peters Creek 1. Of residents of the hunt area, 320 applicants (61 percent) did not receive a permit. All applicant scores of 71 or better received permits. Ten of 46 applicants with a score of 70 were selected randomly and issued permits.

### Performance

The Tier II system appears to have resulted in a different way to allocate a relatively small number of hunting permits among a large number of potential hunters. Instead of random draw, residency of individual applicants was the more important first-cut criteria. Besides place of residence, the question that appears to have had the most effect on applicant success was sufficiency of income. Of the 200 permit winners, 194 responded "no" to whether they had adequate income to purchase substitutes for moose. Of the 458 unsuccessful applicants, 84 (18 percent) reported insufficient income.

## Conclusions

As shown by the five cases discussed above, the performance of the Tier II system varied considerably between hunts. Changes did occur in the allocation of permits between hunters residing in different areas for certain hunts. In some instances, relatively more permits were allocated to hunters outside the hunt zone (the Minto Flats moose case); in other instances relatively more permits were allocated to persons in the hunt zone (the Nelchina caribou case); and in other instances some permits were left unallocated (the Mentasta caribou case). Overall, these changes were not large in magnitude in comparison with the 1984 hunts.

A second conclusion is that the relative importance of particular survey questions in awarding permits varied between hunts. For undersubscribed hunts, point scores were irrelevant (the Mentasta caribou case). In hunts with a large number of applicants with equivalent residency scores (the Nelchina caribou, Copper Basin moose, and 14A (East) moose), survey questions other than residency became important, such as income and dependency.

A third conclusion is that for previous random draw hunts (Cases 2, 3, 4, 5), the Tier II system changed the basis of allocation away from chance to selection based on individual characteristics of the applicant in comparison with other applicants. For hunts previously under permit registration (Case 1) or permit award based on residency and dependency criteria (Cases 2, 3), the Tier II system tended to increase the applicant pool with persons residing away from the registration and hunt zones; however, the Tier II system did not substantially alter the basis of allocation.

Finally, it can be expected that the performance of the survey will change in subsequent years if a Tier II system is continued. In particular, changes in the size and location of the applicant pool relative to the hunt can be expected to affect future permit allocations.

## STATEWIDE INFORMATION

**5 AAC 92.054. PRIORITY FOR SUBSISTENCE HUNTING.** (a) When the board has eliminated nonsubsistence uses of game, and the board finds that it must further restrict the taking of game to assure that the game population is maintained and managed on a sustained yield basis, or to assure the continuation of subsistence uses of a game population, tier II hunting permits will be allocated to people who receive the highest number of points according to the following criteria:

(1) customary and direct dependence upon the game resource as the mainstay of the person's livelihood, as indicated by past participation and the extent that the person depends on that game resource;

(2) local residency, as indicated by the location of the person's domicile and distance from there to the hunting area; and

(3) availability of alternative resources, as indicated by the presence of other fish and game resources authorized and available for harvest in the hunting area, or in another area reasonably accessible to the individual, and by the person's financial circumstance.

(b) The board will establish a point system for ranking a tier II hunting permit applicant based on each criterion set out in (a) of this section. A tier II hunting permit will be issued to each highest ranking applicant until all permits authorized for each hunt have been issued. If, at the cutoff point, the number of applicants with equal scores exceeds the remaining permits available, permittees shall be selected by random drawing among those applicants.

(c) Each applicant for a tier II hunting permit must be a resident at least 12 years old.

(d) Only one person in a household may apply for each tier II hunt, except that two people in a household may apply for each tier II caribou hunt.

**5 AAC 92.056. POINT SYSTEM FOR CUSTOMARY AND DIRECT DEPENDENCE.** (a) Except as provided in (b) of this section, a maximum of 30 points will be given an applicant for past participation in a hunt and degree of dependence based on the following schedule:

(1) 1 point for each year the applicant harvested an animal from the population; a maximum of 10 points will be given;

(2) up to 20 points for degree of direct dependence on the noncommercial harvest of the population for the principal means of support (primary food source) of the applicant:

- (A) great dependence, 20 points;
- (B) moderate dependence, 15 points;
- (C) slight dependence, 10 points;
- (D) no dependence, 0 points.

(b) For a hunt on a game population that has only been hunted under a permit drawing system, each applicant will be given 30 points for customary and direct dependence on the resource as the mainstay of the applicant's livelihood, because the board finds that as a consequence of the random nature of the distribution of hunting opportunity under the system no person has been able to develop customary and direct dependence on that game population that is different in degree from any other person.

## STATEWIDE INFORMATION

**5 AAC 92.058. POINT SYSTEM FOR LOCAL RESIDENCY.** (2) A maximum of 30 points will be given, based on the location of an applicant's domicile according to the following schedule:

- (1) residency zone 1: 30 points;
- (2) residency zone 2: 20 points;
- (3) residency zone 3: 10 points;
- (4) residency zone 4: 0 points.

(b) Except as provided in (c) of this section:

- (1) residency zone 1 means the hunting area;
- (2) residency zone 2 means outside the hunting area, but within the game management unit or units containing the hunting area;
- (3) residency zone 3 means in game management units adjacent to the game management unit or units containing the hunting area;
- (4) residency zone 4 means in another game management unit.

(c) If the board determines that the zones in (b) would treat a specific concentration of similarly located individuals differently, or would be inappropriate due to the range and distribution of the resource, the board will, by regulation, modify the boundaries of the zones.

**5 AAC 92.060. POINT SYSTEM FOR AVAILABILITY OF ALTERNATIVE RESOURCES.** A maximum of 30 points will be given to an applicant for availability of alternative resources based on the following schedule:

(1) availability of fish and game resources in the hunting area, or other area reasonably accessible to the applicant:

- (A) greatly available: 0 points;
- (B) moderately available: 5 points;
- (C) slightly available: 10 points;
- (D) not available: 15 points;

(2) 15 points will be given if the applicant's financial circumstance is not adequate to purchase non-wild resources as a reasonable alternative to taking the game.



1985 TIER II HUNTS

Species	Hunt No.	Permits Avail.	Hunt Description
Bison	406	12	Either sex, Chitina Herd
Bison	451	40	Either sex, Farewell Herd
Bison	403	15	Bulls, Delta area
Bison	404	40	Cows, Delta area
Caribou	50	200	Either sex, Kenai Mountains
Caribou	510	350	Either sex, Wrangell Mountains
Caribou	515	1800	Either sex, early season, Nelchina Antlerless, late season, Nelchina
Caribou	530	140	Bulls, Macomb Plateau
Caribou	570	200	Either sex, Delta Herd
Mt. Goat	831	2	Resurrection Creek, west, Kenai Peninsula
Mt. Goat	834	4	Mills Creek, Kenai Peninsula
Mt. Goat	835	4	Placer River, west, Kenai Peninsula

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Species	Hunt No.	Permits Avail.	Hunt Description
Mt. Goat	843	2	Andy Simons Mountain, Kenai Peninsula
Mt. Goat	855	4	Twin Lakes, Kenai Peninsula
Mt. Goat	872	20	Crown Mountain, Kodiak
-----			
Moose	901	15	Either sex, Berners Bay
Moose	959	45	Bulls, Upper Lynn Canal
Moose	961	200	Bulls, Yakutat Forelands
Moose	967	20	Bulls, west Copper River Delta
Moose	968	20	Cows, west Copper River Delta
Moose	910	20	Antlerless, Portage area
Moose	911	40	Antlered, Portage area
Moose	913W	200	Bulls, Nelchina except part of 13(A)
Moose	919	200	Antlerless, Matanuska Valley, east
Moose	920	200	Antlerless, Matanuska Valley, west
Moose	923	up to 50	Late winter, Fort Richardson
Moose	925	15	Antlerless, Knik River/Hunter Creek

Species	Hunt No.	Permits Avail.	Hunt Description
Moose	927	20	Antlerless, Ship Creek
Moose	928	15	Antlerless, Peters Creek
Moose	974	75	Either sex with bulls having spike/fork, Eagle River archery
Moose	975	125	Either sex with bulls having spike/fork, Eklutna archery
Moose	978	up to 30	Either sex with bulls having spike/fork, Anchorage archery, late winter
Moose	929	Closed	Antlerless, 15(A) part
Moose	931	14	50" antlered, 15(B) south of Skilak Lake
Moose	933	6	50" antlered, 15(B) Funny and Killey Rivers
Moose	935	12	50" antlered, 15(B) Timberline Lake
Moose	937	8	50" antlered, 15(B) southwest of Funny River
Moose	939	10	50" antlered, 15(B) Indian Creek
Moose	981	up to 75	Either sex, 16(B) north, late winter
Moose	982	up to 75	Either sex, 16(B) south, late winter
Moose	985	60	Bulls, Minto Flats, split-early/late seasons
Moose	994	60	Bulls, portion of 25(D)

Species	Hunt No.	Permits Avail.	Hunt Description
Dall Sheep	1102	120	Full curl ram, Tok area
Dall Sheep	1103	150	Full curl ram, Delta area
Dall Sheep	1110	10	Ewe, 14(A) Matanuska Valley
Dall Sheep	1130	26	7/8 curl ram, 14(C) Eklutna area, early hunt
Dall Sheep	1131	26	7/8 curl ram, 14(C) Eklutna area, late hunt
Dall Sheep	1132	18	7/8 curl ram, 14(C) north side of Eagle River and Peters Creek, early hunt
Dall Sheep	1133	18	7/8 curl ram, 14(C) north side of Eagle River and Peters Creek, late hunt
Dall Sheep	1134	16	7/8 curl ram, 14(C) south side of Eagle River, early hunt
Dall Sheep	1135	16	7/8 curl ram, 14(C) south side of Eagle River, late hunt
Dall Sheep	1106	4	Full curl ram, 20(D) & (E), Mt. Harper area
Dall Sheep	1107	4	Full curl ram, 20(E), Seventy-mile River area
Dall Sheep	1108	4	Full curl ram, 20(E), Upper Charley River area

APPENDIX

APPENDIX TABLE 1

TIER II PERMIT HUNTS

HUNT	PERMITS AVAILABLE	PERMITS AWARDED	THRU SCORE:	RANDOM DRAW SCORE	RANDOM NUMBERS GENERATED	RANDOM WINNERS	PERMITS UNISSUED	VALID APPLICANTS	REJECTS	TOTAL APPLICANTS
0403	15	15	90	85	29	6	0	248	11	259
0404	40	40	90	85	40	31	0	417	20	437
0406	12	12	70	65	6	4	0	45	4	49
0451	40	40	55	50	9	5	0	116	12	128
0501	200	200	31	30	12	4	0	239	5	244
0510	350	170	10				184	171	9	180
0515	1800	1800	47	46	58	29	0	2718	92	2810
0530	140	134	15				6	134	8	142
0570	200	200	41				0	266	14	280
0831	2	2	75				0	10	0	10
0834	4	4	60	55	4	3	0	14	0	14
0835	4	4	30				0	6	0	6
0843	2	2	65				0	19	0	19
0855	4	4	57				0	14	1	15
0872	20	20	60	55	10	9	0	30	2	32
0901	15	15	70				0	158	12	170
0910	20	20	66				0	87	4	91
0911	40	40	66	65	21	10	0	209	10	219
0913W	200	200	71	70	57	11	0	506	16	522
0919	200	200	71	70	46	10	0	658	26	684
0920	200	200	71	70	56	22	0	637	29	666
0923	50	50	80	75	24	23	0	110	6	116
0925	15	15	66				0	35	3	38
0927	20	20	60				0	42	2	44
0928	15	15	80	75	4	2	0	51	2	53

APPENDIX TABLE 1 (Cont.)

TIER II PERMIT HUNTS

HUNT	PERMITS AVAILABLE	PERMITS AWARDED	THRU SCORE	RANDOM DRAW SCORE	RANDOM NUMBERS GENERATED	RANDOM WINNERS	PERMITS UNISSUED	VALID APPLICANTS	REJECTS	TOTAL APPLICANTS
0931	14	14	66				0	61	2	63
0933	6	6	61				0	21	5	26
0935	12	12	61	60	5	3	0	54	6	60
0937	8	8	70	65	11	2	0	42	3	45
0939	10	10	66				0	65	5	70
0959	45	45	66	65	4	1	0	69	12	81
0961	200	173	5				27	173	25	198
0967	20	20	71	70	5	1	0	74	7	81
0968	21	21	75				0	95	11	106
0974	75	59	10				16	59	3	62
0975	125	92	25				33	92	7	99
0978	30	30	50	50	8	ALTS	0	41	3	44
0981	75	56	10				12	57	5	62
0982	75	43	20				34	43	5	48
0985	60	60	42	40	2	1	0	68	3	71
0994	60	60	30				0	60	26	86
1102	120	120	36	35	12	2	0	155	9	164
1103	150	150	ALL				0	150	5	155
1106	4	3	ALL				1	3	0	3
1107	4	0					4	0	0	0
1108	4	1	ALL				3	1	0	1
1110	10	10	76	75	3	1	0	43	1	44
1130	26	26	66				0	92	1	93
1131	26	26	46	45	6	3	0	35	0	35
1132	18	18	56	55	10	3	0	53	1	54

APPENDIX TABLE 1 (Cont.)

TIER II PERMIT HUNTS

HUNT	PERMITS AVAILABLE	PERMITS AWARDED	THRU SCORE:	RANDOM DRAW SCORE	RANDOM NUMBERS GENERATED	RANDOM WINNERS	PERMITS UNISSUED	VALID APPLICANTS	REJECTS	TOTAL APPLICANTS
1133	18	19	56	55	8	2	0	37	2	39
1134	16	16	75				0	59	0	59
1135	16	16	56				0	34	2	36
8888	0	0					0	0	158	158
*** Total ***	4856	4535					320	8676	595	9271

## APPENDIX TABLE 2

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## B I S O N

## TIER II PERMIT HUNTS

HUNT	PERMITS AVAILABLE	PERMITS AWARDED	THRU SCORE:	RANDOM DRAW SCORE	RANDOM NUMBERS GENERATED	RANDOM WINNERS	PERMITS UNISSUED	VALID APPLICANTS	REJECTS	TOTAL APPLICANTS
0403	15	15	90	85	29	6	0	248	11	259
0404	40	40	90	85	40	31	0	417	20	437
0406	12	12	70	65	6	4	0	45	4	49
0451	40	40	55	50	9	5	0	116	12	128
*** Total ***	107	107					0	826	47	873

APPENDIX TABLE 3

C A R I B O U

TIER II PERMIT HUNTS

HUNT	PERMITS AVAILABLE	PERMITS AWARDED	THRU SCORE:	RANDOM DRAW SCORE	RANDOM NUMBERS GENERATED	RANDOM WINNERS	PERMITS UNISSUED	VALID APPLICANTS	REJECTS	TOTAL APPLICANTS
0501	200	200	31	30	12	4	0	239	5	244
0510	350	170	10				184	171	9	180
0515	1800	1800	47	46	58	29	0	2718	92	2810
0530	140	134	15				6	134	8	142
0570	200	200	41				0	266	14	280
*** Total ***	2690	2504					190	3528	128	3656

APPENDIX TABLE 4

M T. G O A T

TIER II PERMIT HUNTS

HUNT	PERMITS AVAILABLE	PERMITS AWARDED	THRU SCORE:	RANDOM DRAW SCORE	RANDOM NUMBERS GENERATED	RANDOM WINNERS	PERMITS UNISSUED	VALID APPLICANTS	REJECTS	TOTAL APPLICANTS
0831	2	2	75				0	10	0	10
0834	4	4	60	55	4	3	0	14	0	14
0835	4	4	30				0	6	0	6
0843	2	2	65				0	19	0	19
0855	4	4	57				0	14	1	15
0872	20	20	60	55	10	9	0	30	2	32
*** Total ***	36	36					0	93	3	96

APPENDIX TABLE 5  
M O O S E

TIER II PERMIT HUNTS

HUNT	PERMITS AVAILABLE	PERMITS AWARDED	THRU SCORE:	RANDOM DRAW SCORE	RANDOM NUMBERS GENERATED	RANDON WINNERS	PERMITS UNISSUED	VALID APPLICANTS	REJECTS	TOTAL APPLICANTS
0901	15	15	70				0	158	12	170
0910	20	20	66				0	87	4	91
0911	40	40	66	65	21	10	0	209	10	219
0913W	200	200	71	70	57	11	0	506	16	522
0919	200	200	71	70	46	10	0	658	26	684
0920	200	200	71	70	56	22	0	637	29	666
0923	50	50	80	75	24	23	0	110	6	116
0925	15	15	66				0	35	3	38
0927	20	20	60				0	42	2	44
0928	15	15	80	75	4	2	0	51	2	53
0931	14	14	66				0	61	2	63
0933	6	6	61				0	21	5	26
0935	12	12	61	60	5	3	0	54	6	60
0937	8	8	70	65	11	2	0	42	3	45
0939	10	10	66				0	65	5	70
0959	45	45	66	65	4	1	0	69	12	81
0961	200	173	5				27	173	25	198
0967	20	20	71	70	5	1	0	74	7	81
0968	21	21	75				0	95	11	106
0974	75	59	10				16	59	3	62
0975	125	92	25				33	92	7	99
0978	30	30	50	50	8	ALTS	0	41	3	44
0981	75	56	10				12	57	5	62
0982	75	43	20				34	43	5	48
0985	60	60	42	40	2	1	0	68	3	71

## APPENDIX TABLE 5 (Cont.)

## M O O S E

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## TIER II PERMIT HUNTS

HUNT	PERMITS AVAILABLE	PERMITS AWARDED	TIRU SCORE:	RANDOM DRAW SCORE	RANDOM NUMBERS GENERATED	RANDOM WINNERS	PERMITS UNISSUED	VALID APPLICANTS	REJECTS	TOTAL APPLICANTS
0994	60	60	30				0	60	26	86
*** Total ***	1611	1484					122	3567	238	3805

## APPENDIX TABLE 6

## S H E E P

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## TIER II PERMIT HUNTS

HUNT	PERMITS AVAILABLE	PERMITS AWARDED	THRU SCORE:	RANDOM DRAW SCORE	RANDOM NUMBERS GENERATED	RANDOM WINNERS	PERMITS UNISSUED	VALID APPLICANTS	REJECTS	TOTAL APPLICANTS
1102	120	120	36	35	12	2	0	155	9	164
1103	150	150	ALL				0	150	5	155
1106	4	3	ALL				1	3	0	3
1107	4	0					4	0	0	0
1108	4	1	ALL				3	1	0	1
1110	10	10	76	75	3	1	0	43	1	44
1130	26	26	66				0	92	1	93
1131	26	26	46	45	6	3	0	35	0	35
1132	18	18	56	55	10	3	0	53	1	54
1133	18	18	56	55	8	2	0	37	2	39
1134	16	16	75				0	59	0	59
1135	16	16	56				0	34	2	36
*** Total ***	412	404					8	662	21	683

# STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

STEVE COWPER, GOVERNOR

REPLY TO:

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March 28, 1990

The Honorable Bettye Fahrenkamp  
Alaska State Senator  
P. O. Box V  
Juneau, AK 99811

Re: Subsistence questions

Dear Senator Fahrenkamp:

Attorney General Baily has asked me to respond to your March 15, 1990, letter posing several questions about subsistence. This issue is back before the legislature in part because the Alaska Supreme Court in McDowell v. State, 785 P.2d 1 (Alaska 1989), ruled that the rural limitation in the state subsistence definition violates the Alaska Constitution. Still pending is whether the mandate and priority for subsistence uses in the state law now apply to uses by all Alaskans, or whether they cannot be severed from the rural limitation, and thus are ineffective as well.

One important part of the background of this decision is the federal subsistence law, the Alaska National Interest Lands Conservation Act, title VIII ("ANILCA"). That law provides for federal management of subsistence uses on federal lands in Alaska, unless the state provides the same definition of subsistence uses, including a rural limitation, and the same priority for those uses as is found in ANILCA.

You first inquire what legal issues relating to subsistence would not be resolved if the adoption of the rural constitutional amendment returned subsistence to the pre-McDowell status. The main such issue, which you mention as your first example, is the one raised in the Kenaitze case: what is the meaning of "rural" in ANILCA? This question arises because in Kenaitze Indian Tribe v. Alaska, 860 F.2d 312 (9th Cir. 1988), the ninth circuit held that the state statutory definition of "rural area" in AS 16.05.940(25), focusing on the role of noncommercial fish and game use in an area or community's economy, is not consistent with ANILCA. However, the appeals court did not specify another definition. Rather, the ninth circuit assumed as a basic

The Honorable Bettye Fahrenkamp  
Alaska State Senator

March 28, 1990  
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premise that the use of the word "rural" in ANILCA relates in some way to population levels, without more clarification.

Thus, if a constitutional amendment returned the state to the pre-McDowell status, we would have a statutory definition of "rural area" which is not invalid, but which also is not consistent with ANILCA. Consistency could be regained either by amending ANILCA to insert the state's definition of "rural area" as a part of the federal law, or by repealing the state's definition and replacing it with a definition consistent with the ninth circuit decision. That latter option is somewhat problematic at this point, until more guidance is received from the federal district court on what would be an acceptable approach in light of the ninth circuit's interpretation. Enclosed is a March 22, 1990, memorandum from our office to Norman Cohen, Deputy Commissioner of Fish and Game, summarizing the possibilities regarding the meaning of "rural" presented in the Kenaitze case in federal district court. That memorandum lists a number of possible starting points for agency (or legislative) action in formulating an approach to identifying rural areas. As noted there, we have asked the judge for a decision as soon as possible clarifying which factors would be appropriate ones for further pursuit in seeking an approach consistent with ANILCA.

There are a number of other lawsuits raising subsistence issues which do not challenge the state statutes, as the Kenaitze lawsuit did. These other lawsuits, in general, challenge Board of Fisheries or Board of Game regulations, usually on one of two general grounds. One type of challenge asserts that the boards, in particular instances, incorrectly determined there were no customary and traditional uses of particular resources by particular rural communities or areas; the Skwentna, Sitka, and Sumner Straits lawsuits are examples of this. The second type of challenge asserts that the regulations providing for subsistence hunting and fishing opportunities do not provide adequate opportunity; the Dot Lake, Lime Village, and Batzulnetas cases are examples of this category.

You also inquired about a possible continuation of the McDowell lawsuit on federal constitutional grounds, if the Alaska Constitution were amended to authorize the 1986 law. The United States Constitution does not have a natural resources article equivalent to the Alaska Constitution's article VIII under which the Alaska Supreme Court ruled the 1986 law's rural limitation invalid. If an equal protection argument were made against the state subsistence law, based on the U.S. Constitution, the standard applied by the court would be less stringent than that applied under the Alaska Constitution's test. Thus, although one of the concurring opinions in McDowell did hinge on an analysis of Alaska's equal protection guarantees, and found the rural limi-

tation lacking, that analysis and conclusion does not necessarily foreshadow the outcome under the federal analysis.

You also asked for a list of actions which would be necessary to carry out the options which our office provided to the Senate Resources Committee earlier this year. That list has grown from 9 to 11 since its initial presentation. Enclosed is a March 7, 1990, position paper prepared by the Alaska Department of Fish and Game and the Alaska Department of Law, which explores those options, their feasibility, and their ramifications, in some detail. Below are listed the actions which would be required to trigger each option, but the position paper should be referred to for the advantages and disadvantages of each:

1. Ask the Alaska Supreme Court to reconsider its decision in McDowell: This has already occurred, and the petitions for rehearing filed by the state and the Alaska Federation of Natives have been denied.

2. Amend the Alaska Constitution to authorize a subsistence priority for rural residents: This has already been initiated, by the introduction of the governor's proposed constitutional amendment.

3. Amend the Alaska Constitution to authorize a subsistence priority for Alaska Natives: This has already been initiated, by the introduction of Representative Wallis' proposed constitutional amendment.

4. Amend ANILCA to eliminate the federal subsistence priority for rural residents: Action by the Alaska delegation would be necessary to initiate this option.

5. Amend ANILCA to preempt state law as necessary to grant rural residents a subsistence priority statewide: Action by the Alaska delegation would be necessary to initiate this option.

6. Amend ANILCA to preempt state law as necessary to grant a subsistence priority to Alaska Natives: Action by the Alaska delegation would be necessary to initiate this option.

7. Interpret section 804 of ANILCA as preempting state law on federal lands (as those may ultimately be defined by the courts), with implementation carried out by state officials: Before such a course was embarked upon, the governor would have to determine that it was an appropriate policy choice, and it would probably be advantageous for the Secretaries of Interior and Agriculture to agree with the approach.

The Honorable Bettye Fahrenkamp  
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8. Seek cooperative agreements with the Secretaries of Interior and Agriculture under which the ANILCA priority would be implemented by them, perhaps only through closure authority to avoid dual management of the resource: The administration would initiate discussions with the Secretaries of Interior and Agriculture about such cooperative agreements.

9. Amend state law to provide a subsistence priority to state residents most dependent on fish and wildlife, and then amend ANILCA to conform to the state law: Legislation establishing such a system would have to be introduced in both the Alaska Legislature and Congress.

10. Use current management tools -- seasons, bag limits, same-day (or even two-day) airborne prohibitions, etc. -- creatively to benefit those most dependent on fish and wildlife: The Boards of Fisheries and Game would have to adopt regulations based on this policy.

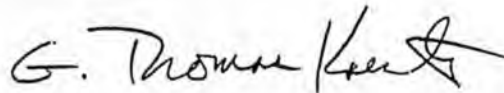
11. Challenge the ANILCA subsistence priority for rural residents and/or Congress' power to require such a priority on constitutional grounds: A lawsuit would have to be filed against the federal government by Alaska.

I hope this information has been of some assistance to you. I would be happy to meet with you at your convenience to discuss any of these matters in greater detail.

Sincerely yours,

DOUGLAS B. BAILY  
ATTORNEY GENERAL

By:



G. Thomas Koester  
Assistant Attorney General

GTK:LIS:tg

cc: Don Collinworth, Commissioner  
Norman Cohen, Deputy Commissioner  
Molly McCammon, Special Assistant  
Steve Behnke, Director  
Subsistence Division  
Department of Fish and Game

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Jim Torgerson, Special Staff Assistant  
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Jeff Bush, AAG  
Steve White, AAG  
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Department of Law

A CONSTITUTIONAL AMENDMENT ESTABLISHING  
A SUBSISTENCE PRIORITY FOR RURAL ALASKANS

Position paper prepared by  
Alaska Department of Fish and Game  
and  
Alaska Department of Law

March 7, 1990

I. The problem

On December 22, 1989, the Alaska Supreme Court issued a decision in McDowell v. State that the rural preference in the state subsistence law was unconstitutional. This ruling makes it constitutionally impossible for Alaska to enact a law consistent with Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA). That section makes federal officials responsible for providing a preference for subsistence uses of fish and wildlife by rural residents on federal public lands unless, in laws of general applicability, the state provides for such uses.

Without a solution to the problem created by the McDowell decision, management of fish and wildlife will be conducted both by the federal and the state governments. This will undoubtedly lead to conflicts over the allowable uses of fish and wildlife and take many of the decisions out of the hands of Alaskans and give them to the federal government. The state was granted a stay by the Supreme Court until July 1 with respect to existing regulations only.

II. Objectives to be achieved in any solution

We believe that any solution must meet the following objectives:

The state must retain its traditional role as manager of the fish and wildlife resources in Alaska in order to ensure the continued health and viability of those resources, as well as to make sure management of the resources is responsive to the needs of Alaskans.

There should be a priority for subsistence uses of fish and wildlife by those Alaskans who most rely on such uses, the majority of whom live in rural areas of the state.

The greatest certainty and predictability must be given to all fish and wildlife users, requiring that potential management conflicts between state and federal management agencies be minimized.

### III. Review process

Since the court ruling, the administration has received comments from a wide range of interested and concerned Alaskans, reviewed a number of recommended solutions, and met with a variety of user groups including Alaska Native organizations, commercial fishing organizations, and sportsmen and outdoor groups. Since allocation of Alaska's fish and wildlife resources touches nearly everyone in the state, the administration has kept an open mind in reviewing all proposed solutions. For that reason, a great deal of time has been spent in reviewing the legal parameters of the court ruling and all such proposals.

### IV. Options suggested

\* Ask the Alaska Supreme Court to reconsider its decision in McDowell.

The state requested a rehearing of the supreme court's decision, arguing that the court overlooked or misconceived several legal principles and material facts. That request for rehearing has been denied.

\* Amend the Alaska Constitution to authorize a subsistence priority for rural residents.

Since this is the preferred option chosen by Governor Cowper, it will be discussed in more detail in sections V and VI of this paper.

\* Amend ANILCA to eliminate the federal subsistence priority for rural residents.

The administration rejected this approach primarily because it does not have the support of either the Alaska Congressional delegation or the Alaska Native community, both of which would be essential for any amendment to pass Congress. ANILCA was crafted as a compromise which balanced a number of competing interests. Amending it would require an agreement among the state, the Alaska Native community, and the Alaska Congressional delegation at the very minimum. In addition, in the 1978 subsistence statute, throughout the ANILCA legislative process, in the 1982 statewide ballot referendum, and in the 1986 subsistence statute the state has continually supported a subsistence priority for rural residents.

\* Amend ANILCA to preempt state law as necessary to grant rural residents a subsistence priority statewide.

Under this scenario, we would ask Congress to apply the supremacy clause and require the state to give rural residents a subsistence priority statewide despite the constitutional problems addressed by the Supreme Court in McDowell. In light of state sovereignty principles, this was not considered to be an option that the state should willingly support. Without state support, it is probably not politically attainable.

\* Amend state law to provide a subsistence priority to state residents most dependent on fish and wildlife, as determined through some kind of individualized permitting system, and then amend ANILCA to conform to the state law.

This option was initially suggested by Governor Cowper early in the debate on how to resolve the dilemma posed by the supreme court's ruling. State officials went to great lengths to attempt to develop a system that would be consistent with the state constitution. The tentative proposal was for a three-member Subsistence Commission with powers and authorities similar to the Commercial Fisheries Entry Commission to determine who was a "subsistence user," using a set of criteria for making those determinations. This option was eventually rejected because 1) it would be extremely burdensome and intrusive on those Alaskans it was intended to protect; 2) it would create a large, cumbersome bureaucracy with a cost of many millions of dollars a year; 3) it was estimated that at least 100,000 individual determinations would need to be made, all of them subject to appeals and litigation; 4) it would require a minimum of three to four years to establish such a system and make the initial determinations; and 5) there was a serious question whether such a system would be consistent with the Alaska Constitution as interpreted in McDowell.

In addition, this approach would still result in state law being inconsistent with the subsistence preference provisions of ANILCA, in the absence of an amendment to ANILCA, already determined to be unattainable. This would create an unacceptable risk of a federal takeover of fish and wildlife management.

\* Interpret section 804 of ANILCA as preempting state law on federal lands (as those may ultimately be defined by the courts), with implementation carried out by state officials.

State and federal attorneys agree that Congress intended the ANILCA subsistence priority for rural residents to apply on federal lands and to preempt conflicting state laws. A legal argument can be made that, under the supremacy clause of the United States Constitution, state officials can implement the ANILCA subsistence priority by rural residents on federal lands directly under ANILCA. On the other hand, it can be argued that state officials are bound by the state constitution and cannot implement a conflicting federal law.

Another uncertainty is the geographic scope of the ANILCA which, after the date of enactment of this Act, are Federal lands, except [valid state and Native corporation selections]." "Federal land" is defined as "lands the title to which is in the United States after the date of enactment of this Act." "Land" is defined as "lands, waters, and interests therein."

The possible geographic scope of the ANILCA preference under these definitions ranges from "narrow" (wildlife only when they are physically present on federal land, and fish only when in non-navigable waters on federal land) to "broad" (wildlife throughout their migratory range, even when not on federal land, and fish wherever they are in any waters of the state, including the territorial sea).

This option is not the preferred option for reasons in addition to the uncertainty over the geographical scope of ANILCA. Since the state would be acting under federal, as opposed to state, authority there would undoubtedly be litigation challenging the ability of the state to proceed directly under ANILCA. The more direct avenue is to amend the state constitution to allow state agencies to act directly under state law. However, the preemption option may provide a fallback position if the constitutional amendment fails.

\* Seek cooperative agreements with the Secretaries of Interior and Agriculture under which the ANILCA priority would be implemented by them, perhaps only through closure authority to avoid dual management of the resource.

It is clear that a failure by the state to give rural residents a subsistence priority, something which McDowell now says is impossible under the state constitution, would result in a federal takeover of fish and game management for subsistence uses on federal public lands. The Secretary of the Interior has made it clear he wishes to see the state resolve this issue in order to bring us into compliance with the provisions of ANILCA. One former Interior Department official believes that the Secretaries' authorities to implement a subsistence priority for rural residents on federal lands is limited under ANILCA to their authority to close the lands to the taking of fish and wildlife until the priority is satisfied. However, current Department of the Interior officials have also made it clear that they believe their authority to be much more expansive than mere closure authority.

This is an option that, of necessity, is being discussed with federal officials both for the time period between July 1 and the effective date of a constitutional amendment, and in the event an amendment does not pass the Legislature or the voters. Because it

easily could result in a federal takeover of fish and wildlife management however, it is not the preferred option.

\* Use current management tools -- seasons, bag limits, same-day (or even two-day) airborne prohibitions, etc. -- creatively to benefit those most dependent on fish and wildlife.

Some people point to the fact that prior to the state's 1978 statute giving subsistence uses a priority, the Boards of Fisheries and Game had the authority to provide for subsistence uses using the traditional regulatory tools of methods and means. They argue that in order to make the state approach consistent with ANILCA, these traditional regulatory tools could be employed to explicitly favor rural residents. Any direct attempt by the boards to implement such a priority through regulations would be subject to the same constitutional challenge as the rural preference struck down in McDowell. In addition, ANILCA only stays the federal responsibility for providing the subsistence priority by rural residents on federal lands if the state has, in laws of general applicability, the same definition of and priority for subsistence as the federal law. Simply using traditional management tools would not satisfy that requirement of ANILCA, again running the risk of a federal takeover.

\* Challenge the ANILCA subsistence priority for rural residents and/or Congress' power to require such a priority on constitutional grounds.

The administration does not support this option primarily because we support the rural subsistence preference contained in ANILCA and believe an attempt to challenge that priority is not warranted. Such a challenge would probably be based on the grounds that the ANILCA priority violates 1) equal protection, applicable to federal statutes under the due process clause of the Fifth Amendment to the United States Constitution, and 2) the statehood compact. With respect to the first argument, the federal constitution has a much more deferential equal protection test than the Alaska Constitution, and the state is not considered to have very strong legal arguments. With respect to the second argument, a unanimous United States Supreme Court ruled in 1976 that the federal government has the constitutional authority to regulate fish and wildlife on federal lands.

\* Amend the Alaska Constitution to authorize a subsistence priority for Alaska Natives.

Although many of the rural residents who most rely on fish and wildlife for their economic and cultural well-being are Alaska Natives, there are also many non-Native rural residents who depend on the same fish and wildlife. The administration does not support

a Native only preference. Further, such a priority would not be consistent with ANILCA

Amend ANILCA to authorize a subsistence preference for Alaska Natives.

The same position as above applies to this option.

**V. The administration's preferred approach**

In McDowell, the Alaska Supreme Court struck down the state's subsistence priority for rural residents because it violated article VIII of the Alaska Constitution. It did not rely on any provisions of the federal constitution in striking down the subsistence priority for rural residents. Accordingly, the Alaska Constitution can be amended to make constitutional the subsistence priority by rural residents struck down in McDowell.

Amending the state constitution is the cleanest way to allow the state to again be consistent with ANILCA and provide a subsistence priority by rural residents. Such an amendment would ensure that the state would retain management of fish and wildlife on federal land, a goal which played a major role in the statehood movement. In addition, it would permit the state to ensure that rural residents most reliant on fish and wildlife have the necessary opportunities to take those resources when needed. The state has attempted to do so for more than 10 years now, only to be stymied by one court decision after another. By authorizing a subsistence priority for rural residents in the Alaska Constitution, the state would have clear authority to finally implement what has been state policy for more than a decade.

**VI. Further Discussion and Considerations**

**A. The amendment and its effect.**

The governor has proposed a constitutional amendment which would authorize the limitation of subsistence uses of fish and wildlife to rural residents. Such uses already can be the subject of a priority under the current article VIII, section 4, which authorizes "preferences among beneficial uses." The proposed section 19 would be added to article VIII, and would read:

Nothing in this constitution prohibits the Legislature from limiting the taking of fish and wildlife for subsistence uses to rural residents, and from providing for the allocation of that taking among rural residents on the basis of local or community residents, availability of alternative resources, and customary and direct dependence on

a fish or game population as the mainstay of

The wording of the proposed resolution makes clear that:

The intent of the amendment proposed by this resolution is to validate, ratify, and reinstate any provisions of [the 1986 state subsistence law] and of any regulations adopted [thereunder], which otherwise might have to be declared invalid under the Alaska Supreme Court's decision in McDowell v. State, 785 P.2d 1 (Alaska 1989), and to explicitly reverse the effect of the McDowell decision as to those provisions and regulations.

If this resolution passes the Legislature and in the November general election, the state would be authorized to have legislation consistent with ANILCA and the legislation which was enacted in 1986 would be validated retroactively, rather than requiring reenactment. The principle of retroactive validation is accepted in caselaw from other jurisdictions, and has been noted by the Alaska Supreme Court in Matthews v. Quinton, 362 P.2d 932, 938 (Alaska 1961).

B. What happens between July 1 and the general election?

If this resolution passes the Legislature, the state could ask the Alaska Supreme Court for an extension of the stay in McDowell until after the November general election results were certified. The justification for the request would be that, if the amendment does pass in the general election, the disruptions and start-up costs for a contingency plan which would only be effective from July 1 through the general election would not be in the best interests of the state.

The court may not be receptive to such a request, since in a February 26, 1990, order denying a request that the current stay be vacated, the court stated:

The stay entered on January 5, 1990, will expire on the close of business July 1, 1990. Extensions to the stay will not be granted.

The court may have been indicating that the state must face up to the consequences of the McDowell decision. The comment, however, was made in a context in which no party had asked for an extension of the stay. It is possible that if a constitutional amendment did pass the Legislature, the court might consider an extension. At the same time, we cannot rely on an extension of the stay. Thus, a contingency plan will have to be developed which would apply from July 1 until after the November election, in the

event the stay were not continued. The state is currently participating in the federal contingency planning process.

C. The amendment's relationship to the Kenaitze problem.

The proposed amendment only attempts to resolve the problem created by the supreme court's decision in McDowell, which conclusively precludes the state from having a law that is consistent with the definition of and priority for subsistence uses in ANILCA. This imminently threatens the unified management so necessary for the welfare of the fish and wildlife in Alaska and for those who use those resources. The proposed amendment does not attempt to address other subsistence issues, such as the inconsistency of the state's definition of "rural" and Congress's use of that term in ANILCA, as identified by the ninth circuit court of appeals in Kenaitze Indian Tribe v. State, 860 F.2d 312 (9th Cir. 1989).

In that case, the court held that the state's current definition of "rural area" found in AS 16.05.940(25) is not consistent with the use of the term "rural" in ANILCA. The state had defined "rural area" as:

a community or area of the state in which the noncommercial, customary, and traditional use of fish or game for personal or family consumption is a principal characteristic of the economy of the community or area.

The ninth circuit concluded that focusing on the economy of the community or area was not consistent with Congress's intent. It based its view on what it considered the "common sense" meaning of "rural" as being connected to population levels and densities. If the proposed constitutional amendment passes, it would not resolve the "rural" issue; unless the proposed constitutional amendment passes, however, the state cannot even attempt to achieve consistency between its definition of "rural" and the federal one.

Even if the McDowell decision had not been issued, it would still be premature to consider changing state law to define "rural" in a way which would be consistent with ANILCA. Although the ninth circuit said the state definition was not consistent, it did not say what the term "rural" in ANILCA meant, and gave the state no clear guidance as to how the state definition should be amended to make it consistent with ANILCA. The meaning of "rural" in the federal law is currently the subject of federal district court proceedings in the Kenaitze case. Until that litigation provides more guidance as to what would be consistent with ANILCA, it would be inappropriate to try to amend state law to match the federal law. At this point, of course, the state does not even

have the authority to define subsistence in terms of rural residents. The state has been validating the "rural" definition.

If this constitutional amendment passes, the state will in the meanwhile have gathered more information about the scope of the term "rural" in ANILCA through the federal district court case. A reasoned decision can then be made whether the best course is to repeal the state definition, replace the state definition with another definition, or attempt to amend ANILCA to reflect the state definition in the federal law.

#### D. Severability.

If the constitutional amendment validating the 1986 subsistence law does not pass, the ANILCA standards will apply to federal land in the state. However, what the rules would be for state and private lands depends on the question of severability.

Under McDowell, the limitation of the subsistence priority to only rural residents in the 1986 state law is invalid on state and private lands. However, the court did not decide whether the remainder of the 1986 law, including the priority of subsistence uses over other uses, is also invalid.

The basic question is whether the Legislature would have intended the subsistence mandate and priority to remain in effect if the class of subsistence users included all Alaskans. In that event, hunting by nonresidents and sport and commercial fishing would have to be eliminated before subsistence uses (open to all Alaskans) on any fish stock or game population could be cut back. (The subsistence uses would be subject to reasonable regulation, however, without requiring other uses be eliminated.)

If the Legislature intended that the rest of the law fall if the rural limitation were invalid, then the boards would not be required to authorize subsistence fishing and hunting (open to all Alaskans), and would not be required to give it a priority. The boards could in their discretion, however, authorize subsistence uses and give these uses (as opposed to users) a priority, in any given situation.

This question will probably be presented to the superior court when the case returns there from the supreme court.

# MEMORANDUM

State of Alaska

Department of Law

TO Norman Cohen  
Deputy Commissioner  
Department of Fish and Game

DATE March 22, 1990  
FILE NO 221-87-0046  
TEL NO 465-3600  
SUBJECT Kenaitze rural arguments

LIS

FROM Larri Irene Spengler  
Assistant Attorney General  
Natural Resources Section  
Juneau

You asked me to summarize the "rural" arguments presented to District Court Judge Holland on March 14, 1990, in the Kenaitze case. The position taken by Alaska Legal Services, representing the Kenaitze, is that the ninth circuit decision held that the entire Kenai Peninsula is rural, and that the district court need look no further. The second stage of the Kenaitze's argument was that even if the ninth circuit had not determined that the Kenai was rural, the district court should do so. In response to a question from Judge Holland on what rural means after the ninth circuit decision, the Alaska Legal Services attorney avoided proposing any definition, and rather asserted again that the ninth circuit had decided that the Kenai Peninsula in its entirety is rural.

In contrast, the state argued that the ninth circuit had held that the existing state statutory definition of "rural area," focusing on the role of the use of non-commercial fish and game in the economy of a community or area, is not consistent with the use of the term "rural" by Congress in ANILCA. We contended that the ninth circuit did not decide whether or not the entire Kenai Peninsula, or parts of it, are rural. We also argued that the district court should not be in the business of deciding which parts of the Kenai Peninsula are rural, because that would involve applying the law to the facts, which is an agency function. The results of such agency action can be reviewed by a court for consistency with a statute and reasonableness.

However, the state did urge Judge Holland to issue a decision as soon as possible offering further guidance about what the ninth circuit had indicated was an appropriate use of the term "rural" in ANILCA. We pointed out that the Alaska legislature, and possibly eventually the Alaska people, will be considering amending the state constitution in such a way that would allow the state to enact a statute consistent with ANILCA, and that an essential element to that debate--what "rural" in ANILCA means--is missing.

The premise underlying the ninth circuit assessment of the use of the term "rural" in ANILCA is that it is:

a standard word in the English language commonly understood to refer to areas of the country that are sparsely populated, where the economy centers on agriculture or ranching . . . . More broadly, rural is the antonym of urban and includes all areas in between cities and towns of a particular size.

Kenaitze Indian Tribe v. State of Alaska, 860 F.2d 312, 316-17 (9th Cir. 1988) (emphasis added). We noted to Judge Holland that this description does not supply the answer to the question of what "particular size" is relevant, nor how that population level should be used.

We described to the court several possible routes an agency (federal or state) could take to fleshing out the meaning of "rural" in ANILCA, in developing an approach which would ultimately be applied to all of Alaska, not only the Kenai. The first of those focuses on the examples of population levels used by the ninth circuit in demonstrating what it considered the "conventional" use of the word. In one of the examples given by the court, used for purposes of computing social security payments to hospitals, all of Alaska except Anchorage would be rural. For purposes of applying the Housing Act of 1949, rural area is defined "as any open country, or any place, town, village, or city which is not part of or associated with an urban area" and where the population does not exceed certain limits. Thus, under this approach, even if a community was lower than the relevant population level, if it was "associated with" a larger place, it would not be rural.

The same is true with the often quoted Census Bureau definition of rural of 2,500, another example given by the court. In fact, the Census Bureau definition is apparently not straightforward either, and depends on whether or not a smaller place is closely associated with a larger place, in which case it is not rural. The Census Bureau also provides for certain circumstances when communities with populations of higher than 2,500 are still considered rural, because of unique circumstances. In conjunction with discussing the Census Bureau's definition, we suggested that Judge Holland might want to ask the federal government to file a friend of the court brief with him, describing what it believes "rural" to mean, because we understand that when the federal agencies were planning to take over management in Alaska in 1985-86, they were at that time intending to use the Census Bureau definition, or at least the population level from that definition.

Another definition that we described to the court as possibly being relevant or useful to the appropriate administrative agency was the state's 1982 regulatory definition which was part of its initial packet submitted to the Department of the Interior and certified as being consistent with ANILCA. (It is noteworthy that even the ninth circuit admitted in Kenaitze that that initial certification by the Secretary was due deference by the courts.) That definition was later repealed on the advice of the Department of Law, because of potential equal protection problems based on what the state and the federal government at the time believed was the focus of "rural" in ANILCA--differences in fish and game use patterns in different parts of the state. Before that repeal it had provided that rural areas were those areas "outside the road connected area of a borough, municipality, or other community with a population of 7,000 or more." 5 AAC 99.020 (1982). (It is not clear from the face of the definition whether the term "road connected" referred to connected to a major road system, or connected within the borough itself. However, since the definition presumably was intended to exclude both Juneau and of Ketchikan, two of the named nonrural examples in ANILCA's legislative history, it is probably safe to assume that the requirement would have treated the Alaska Marine Highway as a road.

Another set of factors we pointed out to the court that an agency might look at are the population levels of the five rural examples named in ANILCA's legislative history, as those communities looked in 1980. The breakdown was as follows: Dillingham, 1,563; Kotzebue, 2,054; Barrow, 2,267; Nome, 2,544; and Bethel 3,576.

Another criteria which has been mentioned in several contexts as possibly being relevant to the appropriate definition of "rural" is the concept of density. However, in discussing density, one has to consider what land area is to be compared to what population level, and there are several different approaches possible. For example, city limits could be used, but that can result in very high densities in bush communities, which most people would think of as rural. Another possibility would be to use the area harvested by people living in the community compared with the number of people in the community. One possible difficulty with that is that the geographic range of harvests by Anchorage and Fairbanks residents may be rather large, which could result in lower than expected densities for those places. Another possible combination that has been suggested is the fish and game habitat area adjacent to or contiguous with the community in question.

Norman Cohen, Deputy Commissioner  
Department of Fish and Game  
AGO File 221-87-0046

March 22, 1990  
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A final factor which has been suggested by the Kenaitze, and which we mentioned to the judge, is the "rural character" of a place, regardless of its size. In considering the use of such a factor, it would be necessary to be very careful about what was included in that concept. At first blush it might seem fairly similar to the state's statutory definition, which the ninth circuit had already ruled is not consistent with the use of the word "rural" in ANILCA.

After the argument, Judge Holland said he was not very persuaded by the Kenaitze's argument that the ninth circuit had already decided that the Kenai Peninsula was rural, but that he was also had "serious misgivings" about whether it was appropriate for him to provide the guidance that the state had asked for, or whether he even had the power to do so. He took the matter under advisement.

LIS:tg

cc: Don Collinworth, Commissioner  
Molly McCammon, Special Assistant  
Steve Behnke, Director  
Division of Subsistence  
Department of Fish and Game

Douglas B. Baily, Attorney General  
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Office of the Governor

# Alaska State Legislature

## Senate Resources Committee

Senator Bettye Fahrenkamp, Chairman  
Senator Jay Kerttula, Vice Chairman  
Senator Dick Ellason  
Senator Steve Frank  
Senator Rick Hallord  
Senator Arliss Sturgulewski  
Senator Fred Zharoff



P.O. Box V  
Juneau, Alaska 99811  
(907) 465-4907

March 15, 1990

The Honorable Don Collinsworth  
Commissioner of Fish and Game  
P.O. Box 3-2000  
Juneau, AK 99802

Dear Commissioner Collinsworth:

As you know, the Senate Resources Committee is currently exploring possible solutions to the subsistence issue. I have held several hearings in order to brief members on what options the administration has pursued and to provide an historical perspective in regard to subsistence at both the state and federal levels.

In order to more fully understand the issue, it would be useful if you could illustrate for the committee the current level of subsistence use and what you envision as potential conflicts between subsistence use and sport or commercial use. In that regard it would be helpful if you could provide an enumeration of each subsistence hunt or fishery in the state, and the rationale the board used to determine the need for the subsistence use. Has the subsistence priority has ever been invoked, and if so, when? For example, are resident sport hunters or other classes of hunters precluded from some hunts as a result of the state's subsistence law? To what extent do you anticipate the enlarged class of subsistence users under McDowell to impact hunting and fishing? What specific restrictions, if any, apply to subsistence users under methods and means? For example, are subsistence users restricted from using aircraft or motorized vehicles while subsistence hunting or fishing?

I would like your suggestions for a definition of "rural" that, if placed in state statute or federal law, would resolve some or all of the legal issues in reference to litigation such as the Kenaitze case, the Sitka suit, and McDowell's continuation of his suit challenging federal constitutionality of the subsistence law.

The administration has provided the Senate Resources Committee with a list of nine subsistence options. It would be helpful to us to have a list of actions that would be necessary to carry out each option.

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March 15, 1990

I believe that in order to find solutions to the subsistence issue it is necessary for the legislature to understand the level of subsistence, actions that the board has taken to date, and what potential problems you anticipate occurring. I appreciate your attention to this matter.

Sincerely,

*Bettye Fahrenkamp*  
Bettye Fahrenkamp  
Chairman

BF:res/np

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX 3-2000  
JUNEAU, ALASKA 99802-2000  
PHONE. (907) 465-4100

March 29, 1990

The Honorable Bettye Fahrenkamp  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Senator Fahrenkamp:

Your March 15 letter requests information about how the subsistence law was working before the McDowell decision and what management problems we expect as a result of that decision. This letter responds to that request. We are consolidating our response to your other questions in a separate letter from the Department of Law.

Before the Alaska Supreme Court decision in McDowell, state law required that subsistence uses by rural Alaskans be authorized and protected, as long as sustained yield allowed a harvest. The court ruled that the rural limitation in the law violated the Alaska Constitution; still pending is whether the mandate and priority for subsistence have also fallen because they were not severable, or whether they remain in place but apply to all Alaskans.

The decision that Alaska's rural limitation is unconstitutional may result in loss of state management of subsistence fish and game on federal land in Alaska. This problem arises because the federal subsistence law, Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA), provides that subsistence uses by "rural Alaska residents" have a priority on federal land in Alaska.

Under ANILCA, those subsistence protections are to be administered by the Secretaries of Interior and Agriculture unless the state has laws of general applicability providing the rural limitation and the priority. As a result of the McDowell decision, the state no longer has the option of defining subsistence uses in a way consistent with federal law, absent a change in the state constitution.

How the process worked before McDowell

In assessing how the subsistence law worked before the McDowell decision, it seems useful to begin by describing the procedures used by the Boards of Fisheries and Game to implement the law. The boards followed a three-step process in making subsistence regulations:

1. The Joint Boards of Fisheries and Game decided which communities and areas were "rural." In state law, "rural" is defined as communities and areas in which customary and traditional, noncommercial uses of fish and game are a principal characteristic of the local economy. The board adopted a regulation listing thirteen criteria as a guide in determining rural (5 AAC 99.012). Federal law does not define rural.
2. Each board decided which rural communities or areas had "customary and traditional" uses of particular fish stocks and game populations. The boards adopted a regulation with eight criteria to guide these stock specific decisions (5 AAC 99.010(b)6). Only residents of those rural communities or areas showing a customary and traditional pattern of use of a particular fish stock or game population could participate in subsistence hunting or fishing for that particular resource.
3. Each board adopted regulations providing for subsistence uses by the residents of qualifying communities. AS 16.05.258 requires each board to adopt regulations giving a reasonable opportunity for customary and traditional uses for each game population and fish stock for which a harvestable surplus exists, with a priority over nonsubsistence uses, if necessary. This was done on a case-by-case basis, in response to proposals submitted by the public, fish and game advisory committees, and other groups.

If a fish stock or game population was in such short supply that only some subsistence users could be allowed to harvest it, the boards used three criteria to select among subsistence users. This has been called a "Tier 2" situation, in contrast with "Tier 1," where all subsistence uses could be accommodated. The three criteria for determining who can harvest at Tier 2 are (1) customary and direct dependence on the fish stock or game population as the mainstay of livelihood, (2) local residency, and (3) availability of alternative resources (AS 16.05.258). All nonsubsistence uses must be eliminated before "Tier 2" can be implemented.

Once the boards provided for customary and traditional subsistence uses, they could allocate any additional harvest surplus to other user groups. The 1986 law recognized personal use fisheries as a way to ensure that all Alaskans had an opportunity to harvest salmon and other fish by efficient means, primarily by net, dip net, and fishwheel (AS 16.05.251(d)). It also created a resident preference for taking moose, caribou, elk, and deer (AS 16.05.255).

#### Results of implementing the subsistence law

By 1989 the joint boards had designated 225 Alaskan communities as rural, encompassing about 110,000 people, approximately 20 percent of the state's population. Enclosure 1 lists which communities in the state were initially identified as rural. The boards had not fully completed refining the identification of rural areas at the time of the McDowell decision.

The separate boards had also largely completed a first cut at deciding which fish stocks and game populations were subject to subsistence uses. Rural residents did not automatically qualify for subsistence uses. In some remote areas, the boards concluded that most fish and game were customarily and traditionally used. In other areas, where people had more recently settled, they concluded that subsistence uses did not occur. For example, in some rural areas, they decided that sheep populations were not subject to subsistence uses. Enclosure 2 lists the game populations and fish stocks which the boards concluded were customarily and traditionally used, and the communities and areas which qualified for those uses.

In many cases the Board of Game decided that existing general hunting regulations provided sufficient opportunity for subsistence. In these cases they adopted parallel subsistence hunting regulations. In some areas where demand for wildlife was high, longer seasons, larger bag limits, or other changes in regulations were provided for subsistence use of selected species. Most of these advantages were in caribou, dall sheep, and moose regulations. Enclosure 3 lists hunts where subsistence regulations differ from general hunting regulations.

Review of this list shows that subsistence and resident hunting regulations are identical in more than half the game management units in the state. In 1989 there were only two game populations in the state limited to subsistence hunting only. These were the GMU 1D moose hunt, near Haines in southeast Alaska, and the moose hunt in the Minto Management area, a portion of GMU 20(B), near Fairbanks. In both cases, very small moose populations can support only a very limited harvest.

Longer seasons for subsistence provided advantages in some hunts. Subsistence regulations provided 8,635 potential hunting days for caribou statewide (the total of all the open hunting seasons in all the game management units). Resident regulations provided 7,550 hunting days, or 13 percent fewer. Resident moose hunts had 25 percent fewer hunting days compared with subsistence hunts.

Subsistence regulations provided other advantages in some game management subunits. These included less restrictive regulations about horn and antler size, for example. In other subunits, the bag limit was higher for subsistence. In some subunits, a combination of regulations provided multiple advantages, such as a longer season and less restrictive antler limits.

Caribou seasons are open in 50 of Alaska's 69 game management subunits. In 31 of the hunts, there is no difference between resident and subsistence regulations. Of those where subsistence has an advantage, five have longer seasons, five have less restrictive regulations, and two have higher bag limits. Seven hunts have multiple advantages.

Moose hunting is open in 62 of the 69 subunits. In 34 there is no difference in regulations. Fifteen have longer seasons, four have higher limits, and eight have multiple advantages for subsistence.

For example, the moose season in GMU 9B, in the northern Bristol Bay watershed, opens five days earlier in September for subsistence than for the general hunt. Other regulations are identical for subsistence and other resident hunters. A December season is open to both subsistence and resident hunters.

The situation is slightly different for subsistence fisheries, which frequently have shorter seasons than sport fisheries but allow more efficient gear and more liberal bag limits. Personal use fisheries, which are open to all Alaska residents, allow the same efficient gear but typically have shorter seasons and smaller bag limits than subsistence fisheries.

One example of a situation where all uses are accommodated while protecting subsistence is the Kuskokwim River, where subsistence fishing is extremely important to local residents. Any Alaska resident may fish for salmon with nets under personal use regulations, but because of high demand and competition for kings, the personal use fishermen may only fish after July 1 and cannot use king gear.

A very low percentage of the harvestable surplus of fish and wildlife in Alaska goes to subsistence--less than 4 percent of the total fish and wildlife by weight (enclosure 4). This is an extremely important contribution to the economy of rural villages,

providing 35 to 45 million pounds of high quality, nutritious food, that would otherwise have to be purchased with the limited cash typically available in these areas of the state.

The relatively small, clearly specified set of people who qualify for subsistence uses has created predictability for management and enforcement purposes, as well as for other user groups. For this reason, implementation of subsistence regulations has created few real conflicts with sport and commercial uses.

A number of controversies and court cases have resulted from the boards' ongoing efforts to implement the subsistence law. Enclosure 5 summarizes the status of current court cases involving subsistence.

What happens to alaskan's hunting and fishing opportunities and to fish and game management after July 1?

Attorneys still disagree about many of the legal and management implications of the McDowell decision. However, they seem to agree that there will be major changes in the way fish and game is managed and allocated in Alaska. Two of the largest problems appear to be "Tier 2" management and the division of fish and wildlife management jurisdiction between state and federal agencies.

One area of legal uncertainty is whether the McDowell decision means that only the rural limitation in the state subsistence law is unconstitutional, or whether the entire statute is unconstitutional. This hinges on whether or not the rural limitation is severable. If it is not severable, then in addition to the rural limitation, the definitions and priority for subsistence fall. This would mean that the boards could still authorize subsistence fisheries at their discretion that would be open to all Alaskans, but would not have a priority over other uses. If it is severable, then all Alaskans qualify for subsistence uses, and subsistence still has a priority.

We will not know the answer to these questions until the state superior court takes further action in the McDowell case.

Tier 2 disruptions

If the rural limitation is severable from the remainder of the subsistence law and all Alaskans qualify for subsistence uses, we face the same type of management chaos and harvest disruptions for the 1990 hunting seasons that we experienced after the Madison

court decision in 1985. Any subsistence hunts or fisheries on state lands where participation must be limited in order to protect the resource would have to be managed under the Tier 2 procedures described above.

The department has conducted a preliminary assessment of which hunts and fisheries may have to be limited to Tier 2 if all Alaskans qualify for subsistence. This assessment, enclosure 6, indicates that more than 30 hunts would have to be limited to Alaskans who qualify under Tier 2 criteria. These include some of the most popular hunts in the state, including the Nelchina caribou hunt.

Tier 2 hunts would substantially reallocate game and disrupt normal hunting opportunity because permit drawings could no longer be used to decide who participates in these hunts. Instead, the Tier 2 statutory criteria would have to be applied to create a point system to rank applicants and to decide who could hunt.

Because the McDowell decision appears to mean that one of the Tier 2 criteria (local residency) is invalid, the boards and department would have to rely on the other two criteria, "direct dependence on the resource" and "availability of alternative resources" in allocating permits. Nonresidents would have to be excluded from these hunts.

Tier 2, as the department learned from its experience in 1985, is time consuming and expensive to administer. It affects big-game guiding because of the nonresident exclusions. It also results in loss of revenues to the state from nonresident licenses and tag fees. It may be necessary for the Division of Wildlife Conservation to seek supplemental funds to operate these hunts in 1990. Enclosure 7 is a paper prepared by the department describing the effects of the 1985 Tier 2 hunts.

#### Federal management takeover

If the state cannot provide a rural preference for subsistence, ANILCA Title VIII requires federal agencies to provide a subsistence preference on federal lands. Federal agencies are currently planning for subsistence management on federal lands beginning July 1, unless the state is able to extend the stay granted by the Alaska Supreme Court after McDowell.

Although discussions between the state and the Department of Interior are underway, the scope of federal subsistence management is still unclear. Federal land managers are just beginning to draft a federal subsistence management plan. Until it is completed and released, we can only provide a broad overview of the possible effects of federal management.

The specific effects of federal subsistence management will depend to a large extent on the position the federal government takes, or is required by the courts to take, on three major issues. These are: (1) what lands and resources they will exert jurisdiction over, (2) what communities and areas the federal agencies will define as "rural", and (3) what process they will use for adopting subsistence regulations for federal areas. Their decisions on these questions will significantly affect all Alaskans who use fish and wildlife. In addition, Alaskans may have little say in these decisions.

### "Jurisdiction"

About 60 percent of Alaska is federal land. Many popular and important hunting and fishing areas in Alaska are on or adjacent to federal lands.

The federal government's jurisdiction over hunting and fishing in these areas is unclear and subject to a number of untested legal theories. At one extreme, the federal government may have very broad authority to reach out and control fish and wildlife far from federal land if necessary to protect subsistence uses on federal lands. At the other extreme, their authority may be very narrow, limited only to closing federal areas to access. It seems clear that federal agencies will regulate hunting on federal lands. For fishing, the issue is much more complicated. The federal government might initially claim relatively narrow jurisdiction and authority, and then face court challenges to determine whether ANILCA requires a broader interpretation.

Even a narrow interpretation of ANILCA, however, is likely to mean serious fish and game management problems and disruptions to users. The interlocking nature of federal, state, and private lands and waters, together with conflicting management goals, are likely to result in serious difficulty in coordinating state and federal management.

For example, the state boards may not be able to adopt regulations and authorize harvests until they know what regulations will apply on federal lands or waters. They might also have to reassess state regulations in light of each regulatory change by federal agencies. Otherwise, the state runs the risk of allowing an overharvest, which would be prohibited by the state constitution's sustained yield mandate. This problem would be exacerbated by emergency circumstances, which call for quick and effective action. This could result in the loss of harvest opportunities for Alaskans.

Alaskan hunting and fishing regulations are already complicated. Different regulations adopted by different agencies for adjacent lands are likely to seriously increase regulatory complexity. This will not only be frustrating for hunters and fishermen, but will also increase enforcement problems. In most areas of the state it is very difficult to determine where state lands end and federal lands begin. People cited for hunting or fishing violations may claim as a defense that they were confused as to what regulations apply at any given location.

Alaskans' hunting and fishing opportunities could be reduced by a federal takeover. This could occur because federal management would be less precise than state management has been, if the federal government does not adequately fund management on federal lands. This could force federal managers to be more conservative in authorizing harvests. If they do authorize harvests without adequate data, they could run the risk of overharvest.

Another potential reason for reductions in harvest opportunities are the management philosophies of the federal agencies. For example, the National Park Service (NPS) has attempted to minimize hunting and fishing, even in national preserves where those uses were authorized by Congress, by narrowly interpreting access provisions. NPS regulations closing subsistence and commercial fishing in the waters of Glacier Bay National Monument are another recent example with serious implications for both subsistence and commercial users. Other federal agencies have also demonstrated a disregard for Alaskan's uses of fish and wildlife.

Moreover, even if they initially choose to interpret ANILCA narrowly, over time the federal agencies are likely to exert jurisdiction over fish and game management on state lands and waters in cases where these resources are important for subsistence. ANILCA and its legislative history indicate Congress's intent to protect subsistence uses broadly. Together with other legal precedents, this may cause federal agencies, either through choice or court direction, to exert wider jurisdiction over fish and game. It seems safe to predict that Alaskans will be in court for many more years in order to establish the respective jurisdictions of the state and federal government over fish and wildlife, if federal agencies take over subsistence management under ANILCA.

#### "Rural"

During their 1985-86 contingency planning, federal agencies indicated that they would define "rural" as places smaller than 2500 in population. This straightforward population definition would be administratively convenient, but it would eliminate some places that many Alaskans and Congress agreed should have

subsistence uses, such as Bethel (4000), Barrow (3000), Nome (3100), and Kotzebue (2600). It might also include, as rural, places like Sterling (population 1700), which is only a few miles from Soldotna (population 3800) and Kenai (population 6500), and which is closely connected to those larger towns.

If federal agencies take a very narrow view of rural, they may cut out places that many agree should have subsistence uses. If they take a broad view and include more places as rural, urban Alaskan's hunting and fishing opportunities on federal lands may be more restricted.

#### "Federal Process"

Probably the most critical issue is who will make the decisions about hunting and fishing on federal lands, and what role the Alaskan public will have in making those decisions. As they planned to do in 1985-86, the federal agencies will probably create some type of federal subsistence board, with representation from the four major federal landowners. Federal land management policies can therefore be expected to be major forces in deciding hunting and fishing regulations.

A federal takeover is likely to accelerate the trend toward increased influence from national organizations in determining how fish and wildlife are used and managed on federal lands. Federal land managers may face greater pressure from national anti-hunting and trapping interests than the boards did in deciding hunting and fishing regulations.

We expect the federal government to initially adopt as much of the state's hunting and fishing regulations as they can. However, in areas of controversy over limited resources, they may act more conservatively by closing areas or reducing seasons or bag limits for nonsubsistence uses. We expect this to occur particularly in areas managed by the NPS, such as national preserves.

One suggestion has been for the state to contract or work out cooperative agreements with the federal government to allow the state to continue a major role in management on federal lands. While this is still being examined, it is possible that the state could contract for studies and information gathering for the federal agencies. However, it is unlikely that the state could make management decisions, in part because the federal agencies may not be able to delegate away the final decisions.

Another suggestion is that over time we will be able to develop a greater role for Alaskans and to resume state fish and game management on federal lands. One option for doing this would be

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amending ANILCA. However, the state's experience with federal statutes concerning the division of wildlife management responsibilities is not encouraging.

It is clear that under federal management Alaskans would have less say in how fish and game are managed and who gets how much. Federal regulations would be adopted under federal procedures, and would be ultimately signed off on in Washington, D.C. Alaskans would have less access to this regulatory process, compared with the state's board system, with its open public participation.

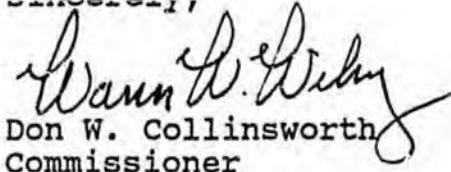
#### Summary

In summary, Alaska is faced with an extremely serious situation after July 1. In the short run, we face disruptions to Alaskans hunting and fishing opportunities. In the long run, we risk damage to highly valued resources, as well as even greater disruptions for users. On state lands, if all Alaskans qualify for subsistence, we will have to implement expensive and onerous Tier 2 hunts to determine which Alaskans are allowed to participate. On federal lands, federal agencies will be determining which hunts and fisheries are open, how many animals can be taken, and who gets to participate. Perhaps the greatest danger, however, is that for the first time since statehood, Alaskans will be letting the federal bureaucracy make these decisions for us.

As indicated throughout this analysis, there is tremendous uncertainty concerning the effects of the McDowell decision on fish and game management and Alaskans' uses of these resources. Because of the wide range of variables, including the fact that the federal plan is still being developed, this description of implications may be far from complete.

Please feel free to contact us for more detail on specific areas of concern.

Sincerely,



Don W. Collinsworth  
Commissioner

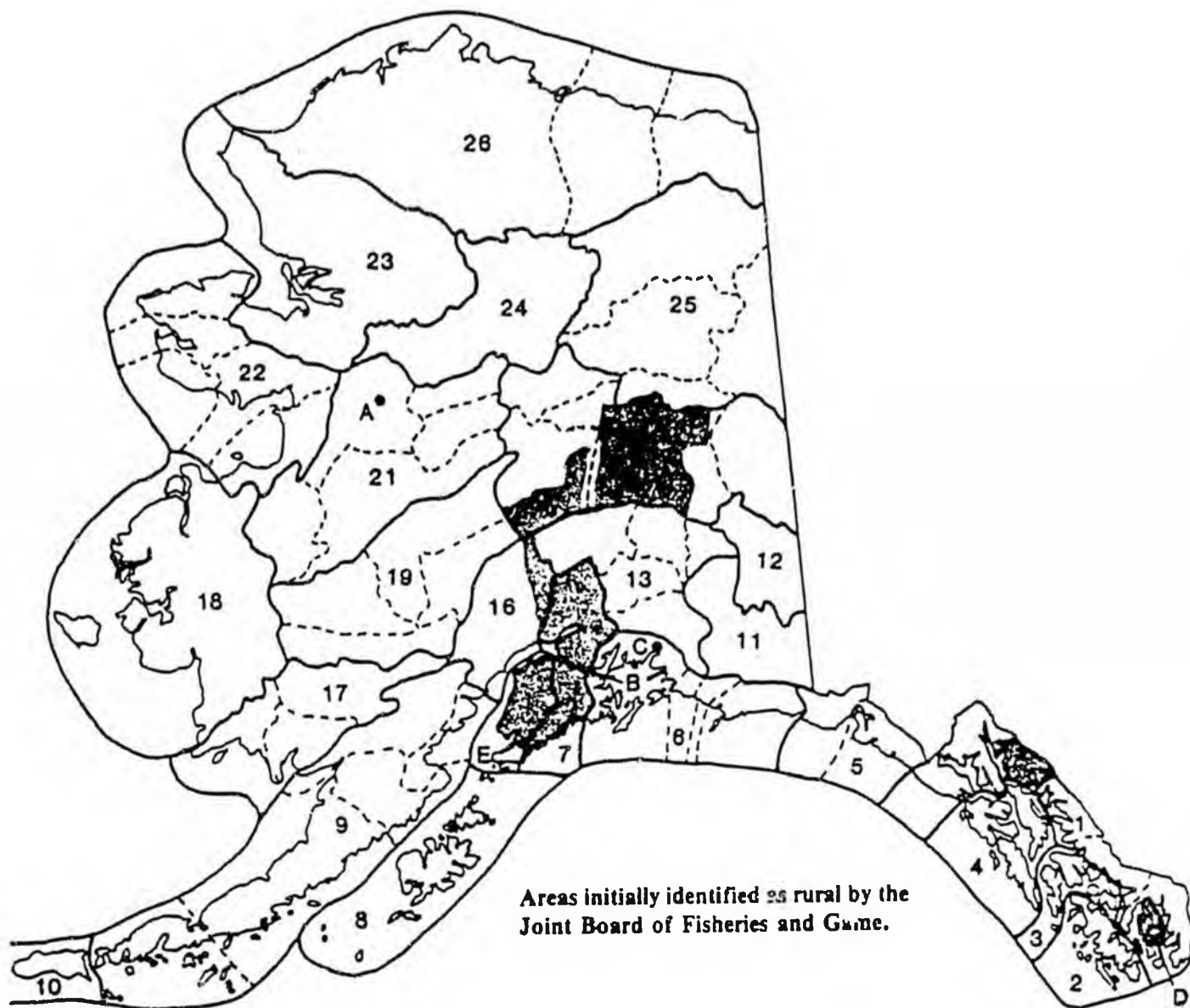
Enclosures

Senator Fahrenkamp

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cc: Senate Resources Committee members  
House Resource Committee members  
Department of Law  
Denby Lloyd, Governor's Office  
Mike Irwin, Governor's Office  
Glenn Elison, FWS



DIVISION OF SUBSISTENCE, ALASKA DEPARTMENT OF FISH AND GAME

TABLE 1. POPULATION OF ALASKA COMMUNITIES BY REGION AND RURAL STATUS (WFDEMOG.WK1)

COMMUNITY	POPULATION COMMUNITY				SUBREGION	GMU	RURAL STATUS
	SOURCE	YEAR	POPULATION	REGION			
Balance of Eielson Reservation Census Sub-Area	ADOL	85	132	Interior	Fairbanks Area	20B	Nonrural
Balance of Fairbanks-Northstar Census Sub-Area	ADOL	85	29634	Interior	Fairbanks Area	20A,20B,20F	Nonrural
Balance of Southeast Fairbanks Census area	ADOL	85	1933	Interior	Fairbanks Area	20,12	Nonrural
Big Delta	ADOL	85	388	Interior	Fairbanks Area	200	Nonrural
College	ADOL	85	6646	Interior	Fairbanks Area	20B	Nonrural
Delta Junction	ADOL	85	1299	Interior	Fairbanks Area	200	Nonrural
Eielson Air Force Base	ADOL	85	4932	Interior	Fairbanks Area	20B	Nonrural
Ester	ADOL	85	285	Interior	Fairbanks Area	20B	Nonrural
Fairbanks	ADOL	85	27099	Interior	Fairbanks Area	20B	Nonrural
Fort Greely	ADOL	85	1672	Interior	Fairbanks Area	200	Nonrural
Fox	ADOL	85	189	Interior	Fairbanks Area	20B	Nonrural
Harding Lake Census Designated Place	ADOL	85	58	Interior	Fairbanks Area	20B	Nonrural
Moose Creek Census Designated Place	ADOL	85	803	Interior	Fairbanks Area	20B	Nonrural
North Pole	ADOL	85	1640	Interior	Fairbanks Area	20B	Nonrural
Salcha	ADOL	85	533	Interior	Fairbanks Area	20B	Nonrural
Two Rivers	ADOL	85	523	Interior	Fairbanks Area	20B	Nonrural
Anchorage	ADOL	85	235269	Southcentral	Anchorage	14C	Nonrural
Balance of Matanuska-Susitna Census area	ADOL	85	26378	Southcentral	Matanuska-Susitna	13,14,16	Nonrural
Big Lake	ADOL	85	610	Southcentral	Matanuska-Susitna	14A	Nonrural
Bodenburg Butte Census Designated Place	ADOL	85	1232	Southcentral	Matanuska-Susitna	14A	Nonrural
CHICKALOON	ADFG			Southcentral	Matanuska-Susitna	14A	Nonrural
Houston	ADOL	85	725	Southcentral	Matanuska-Susitna	14A	Nonrural
Montana Census Designated Place	ADOL	85	103	Southcentral	Matanuska-Susitna	14B	Nonrural
Palmer	ADOL	85	3016	Southcentral	Matanuska-Susitna	14A	Nonrural
PETERSVILLE	ADFG			Southcentral	Matanuska-Susitna	16A	Nonrural
Sutton	ADOL	85	340	Southcentral	Matanuska-Susitna	14A	Nonrural
Talkeetna	ADOL	85	269	Southcentral	Matanuska-Susitna	14B	Nonrural
TRAPPER CREEK	ADFG			Southcentral	Matanuska-Susitna	16A	Nonrural
Wasilla	ADOL	85	3666	Southcentral	Matanuska-Susitna	14A	Nonrural
Willow	ADOL	85	494	Southcentral	Matanuska-Susitna	14A	Nonrural

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COMMUNITY	POPULATION			COMMUNITY REGION	SUBREGION	GMU	RURAL STATUS
	SOURCE	YEAR	POPULATION				
Valdez	ADOL	85	3271	Southcentral	Prince William Sound	6D	Nonrural
Whittier	ADOL	85	344	Southcentral	Prince William Sound	6D	Nonrural
Anchor Point	ADOL	85	327	Southcentral	Upper Kenai Peninsula	15C	Nonrural
Balance of Kenai-Cook Inlet Census Sub-Area	ADOL	85	12821	Southcentral	Upper Kenai Peninsula	15,16B,9A	Nonrural
Balance of Seward Census Sub-Area	ADOL	85	303	Southcentral	Upper Kenai Peninsula	7	Nonrural
Clam Gulch	ADOL	85	160	Southcentral	Upper Kenai Peninsula	15C	Nonrural
Cooper Landing	ADOL	85	386	Southcentral	Upper Kenai Peninsula	7	Nonrural
Fritz Creek Census Designated Place	ADOL	85	1610	Southcentral	Upper Kenai Peninsula	15C	Nonrural
Halibut Cove	ADOL	85	52	Southcentral	Upper Kenai Peninsula	15C	Nonrural
Homer	ADOL	85	3632	Southcentral	Upper Kenai Peninsula	15C	Nonrural
Hope	ADOL	85	224	Southcentral	Upper Kenai Peninsula	7	Nonrural
Jakolof Bay Census Designated Place	ADOL	85	81	Southcentral	Upper Kenai Peninsula	15C	Nonrural
Kachemak City	ADOL	85	338	Southcentral	Upper Kenai Peninsula	15C	Nonrural
Kalifornsky Census Designated Place	ADOL	85	332	Southcentral	Upper Kenai Peninsula	15B	Nonrural
Kasilof	ADOL	85	643	Southcentral	Upper Kenai Peninsula	15B	Nonrural
Kenai	ADOL	85	6518	Southcentral	Upper Kenai Peninsula	15A	Nonrural
Moose Pass	ADOL	85	145	Southcentral	Upper Kenai Peninsula	7	Nonrural
Nikishka	ADOL	85	1630	Southcentral	Upper Kenai Peninsula	15A	Nonrural
Ninilchik	ADOL	85	451	Southcentral	Upper Kenai Peninsula	15C	Nonrural
Salamatof Census Designated Place	ADOL	85	737	Southcentral	Upper Kenai Peninsula	15A	Nonrural
Seward	ADOL	85	2152	Southcentral	Upper Kenai Peninsula	7	Nonrural
Soldotna	ADOL	85	3818	Southcentral	Upper Kenai Peninsula	15A	Nonrural
Sterling	ADOL	85	1732	Southcentral	Upper Kenai Peninsula	15A	Nonrural
Juneau	ADOL	85	26270	Southeast	Juneau	1C	Nonrural
Balance of Ketchikan Census Area	ADOL	85	351	Southeast	Ketchikan	1A	Nonrural
Clover Pass	ADOL	85	547	Southeast	Ketchikan	1A	Nonrural
Herring Cove	ADOL	85	120	Southeast	Ketchikan	1A	Nonrural
Ketchikan	ADOL	85	7311	Southeast	Ketchikan	1A	Nonrural

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COMMUNITY	POPULATION COMMUNITY			SUBREGION	GHU	RURAL STATUS
	SOURCE	YEAR	POPULATION REGION			
Ketchikan East	ADOL	85	469 Southeast	Ketchikan	1A	Nonrural
Mountain Point	ADOL	85	480 Southeast	Ketchikan	1A	Nonrural
North Tongass Highway	ADOL	85	2089 Southeast	Ketchikan	1A	Nonrural
Pennock Island	ADOL	85	109 Southeast	Ketchikan	1A	Nonrural

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COMMUNITY	POPULATION COMMUNITY			SUBREGION	GMU	RURAL STATUS
	SOURCE	YEAR	POPULATION REGION			
Anaktuvuk Pass	ADOL	85	238 Arctic	North Slope	24	Rural
Atkasuk	ADOL	85	190 Arctic	North Slope	26A	Rural
Balance of Barrow-Point Hope Census Sub-Area	ADOL	85	19 Arctic	North Slope	23,26	Rural
Balance of Prudhoe Bay-Kaktovik Census Sub-Area	ADOL	85	101 Arctic	North Slope	26B,26C	Rural
Barrow	ADOL	85	3075 Arctic	North Slope	26A	Rural
Cape Lisburne	ADOL	85	11 Arctic	North Slope	23,26A	Rural
Deadhorse	ADOL	85	65 Arctic	North Slope	26B	Rural
Kaktovik	ADOL	85	209 Arctic	North Slope	26C	Rural
Nulqut	ADOL	85	337 Arctic	North Slope	26A	Rural
Point Hope	ADOL	85	597 Arctic	North Slope	23	Rural
Point Lay	ADOL	85	104 Arctic	North Slope	26A	Rural
Prudhoe Bay	ADOL	85	56 Arctic	North Slope	26B	Rural
Wainwright	ADOL	85	508 Arctic	North Slope	26A	Rural
Ambler	ADOL	85	255 Arctic	Northwest	23	Rural
Balance of Kobuk Census Area	ADOL	85	85 Arctic	Northwest	23	Rural
Buckland	ADOL	85	248 Arctic	Northwest	23	Rural
Deering	ADOL	85	153 Arctic	Northwest	23	Rural
Kiana	ADOL	85	392 Arctic	Northwest	23	Rural
Kivalina	ADOL	85	285 Arctic	Northwest	23	Rural
Kobuk	ADOL	85	65 Arctic	Northwest	23	Rural
Kotzebue	ADOL	85	2633 Arctic	Northwest	23	Rural
Noatak	ADOL	85	330 Arctic	Northwest	23	Rural
Noorvik	ADOL	85	529 Arctic	Northwest	23	Rural
Selawik	ADOL	85	589 Arctic	Northwest	23	Rural
Shungnak	ADOL	85	226 Arctic	Northwest	23	Rural
Balance of Nome Census area	ADOL	85	122 Arctic	Seward-Norton	22	Rural
Brevig Mission	ADOL	85	165 Arctic	Seward-Norton	22D	Rural
Diomedes	ADOL	85	158 Arctic	Seward-Norton	22E	Rural
Elim	ADOL	85	237 Arctic	Seward-Norton	22B	Rural
Gambell	ADOL	85	494 Arctic	Seward-Norton	22D	Rural

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	SOURCE	YEAR	POPULATION REGION			
Golovin	ADOL	85	131 Arctic	Seward-Norton	22B	Rural
Koyuk	ADOL	85	202 Arctic	Seward-Norton	22B	Rural
Nome	ADOL	85	3191 Arctic	Seward-Norton	22C	Rural
Perkinsville Census Designated Place	ADOL	85	45 Arctic	Seward-Norton	22C	Rural
Port Clarence	ADOL	85	39 Arctic	Seward-Norton	22D	Rural
Saint Michael	ADOL	85	287 Arctic	Seward-Norton	22A	Rural
Savoonga	ADOL	85	487 Arctic	Seward-Norton	22D	Rural
Shaktolik	ADOL	85	163 Arctic	Seward-Norton	22A	Rural
Shishmaref	ADOL	85	410 Arctic	Seward-Norton	22E	Rural
Stebbins	ADOL	85	372 Arctic	Seward-Norton	22A	Rural
Teller	ADOL	85	247 Arctic	Seward-Norton	22D	Rural
Unalakleet	ADOL	85	759 Arctic	Seward-Norton	22A	Rural
Wales	ADOL	85	143 Arctic	Seward-Norton	22E	Rural
White Mountain	ADOL	85	164 Arctic	Seward-Norton	22B	Rural
Anderson	ADOL	85	566 Interior	Parks Highway	20A	Rural
Healy	ADOL	85	414 Interior	Parks Highway	20C	Rural
McKinley Park Village	ADOL	85	65 Interior	Parks Highway	20C	Rural
Usibelli Mine	ADOL	85	6 Interior	Parks Highway	20A	Rural
Cantwell	ADOL	85	91 Southcentral	Parks Highway	13E	Rural
CHASE-GOLD CREEK	ADFG	87	78 Southcentral	Parks Highway	13E	Rural
Balance of McGrath-Holy Cross Census Sub-Area	ADOL	85	102 Interior	Upper Kuskokwim	19,21	Rural
LAKE MINCHUMINA	ADFG		Interior	Upper Kuskokwim	20C	Rural
McGrath	ADOL	85	509 Interior	Upper Kuskokwim	19D	Rural
MEDFRA	ADFG		Interior	Upper Kuskokwim	19D	Rural
Nikolai	ADOL	85	122 Interior	Upper Kuskokwim	19D	Rural
Takotna	ADOL	85	54 Interior	Upper Kuskokwim	19D	Rural
Tatalina Station Census Designated Place	ADOL	85	13 Interior	Upper Kuskokwim	19	Rural
Telida	ADOL	85	38 Interior	Upper Kuskokwim	19D	Rural
CHISANA	ADFG	87	13 Interior	Upper Tanana	11	Rural

DIVISION OF SUBSISTENCE, ALASKA DEPARTMENT OF FISH AND GAME

TABLE 1. POPULATION OF ALASKA COMMUNITIES BY REGION AND RURAL STATUS (WFDEMOG.WK1)

COMMUNITY	POPULATION			COMMUNITY REGION	SUBREGION	GMU	RURAL STATUS
	SOURCE	YEAR	POPULATION				
Doj Lake	ADOL	85	77	Interior	Upper Tanana	200	Rural
Healy Lake	ADOL	85	37	Interior	Upper Tanana	200	Rural
NORTH WRANGELL MOUNTAINS	ADFG			Interior	Upper Tanana	12	Rural
Northway	ADOL	85	239	Interior	Upper Tanana	12	Rural
Tanacrossa	ADOL	85	149	Interior	Upper Tanana	12	Rural
Tetlin	ADOL	85	89	Interior	Upper Tanana	12	Rural
Tok	ADOL	85	692	Interior	Upper Tanana	12	Rural
ALATNA	ADFG	85		Interior	Upper Yukon-Koyukuk-Lower Tanana	24	Rural
Allakaket	ADOL	85	188	Interior	Upper Yukon-Koyukuk-Lower Tanana	24	Rural
Arvik	ADOL	85	83	Interior	Upper Yukon-Koyukuk-Lower Tanana	21E	Rural
Arctic Village	ADOL	85	132	Interior	Upper Yukon-Koyukuk-Lower Tanana	25A	Rural
Balance of Koyukuk-Mid Yukon Census Sub-Area	ADOL	85	924	Interior	Upper Yukon-Koyukuk-Lower Tanana	20,24,21	Rural
Balance of Yukon Flats Census Sub-Area	ADOL	85	41	Interior	Upper Yukon-Koyukuk-Lower Tanana	25	Rural
Beaver	ADOL	85	80	Interior	Upper Yukon-Koyukuk-Lower Tanana	25D	Rural
Bettles	ADOL	85	86	Interior	Upper Yukon-Koyukuk-Lower Tanana	24	Rural
Birch Creek	ADOL	85	29	Interior	Upper Yukon-Koyukuk-Lower Tanana	25	Rural
Campion Station	ADOL	85	12	Interior	Upper Yukon-Koyukuk-Lower Tanana	21D	Rural
Central	ADOL	85	42	Interior	Upper Yukon-Koyukuk-Lower Tanana	25C	Rural
Chalkyitsik	ADOL	85	94	Interior	Upper Yukon-Koyukuk-Lower Tanana	25D	Rural
Chicken	ADOL	85	48	Interior	Upper Yukon-Koyukuk-Lower Tanana	20E	Rural
Circle	ADOL	85	94	Interior	Upper Yukon-Koyukuk-Lower Tanana	25D	Rural
Eagle	ADOL	85	273	Interior	Upper Yukon-Koyukuk-Lower Tanana	20E	Rural
Fort Yukon	ADOL	85	678	Interior	Upper Yukon-Koyukuk-Lower Tanana	25D	Rural
Galena	ADOL	85	947	Interior	Upper Yukon-Koyukuk-Lower Tanana	21D	Rural
Grayling	ADOL	85	225	Interior	Upper Yukon-Koyukuk-Lower Tanana	21E	Rural
Holy Cross	ADOL	85	238	Interior	Upper Yukon-Koyukuk-Lower Tanana	21E	Rural
Hughes	ADOL	85	92	Interior	Upper Yukon-Koyukuk-Lower Tanana	24	Rural
Huslia	ADOL	85	272	Interior	Upper Yukon-Koyukuk-Lower Tanana	24	Rural
Indian Mountain Census Designated Place	ADOL	85	13	Interior	Upper Yukon-Koyukuk-Lower Tanana	24	Rural
Kaltag	ADOL	85	278	Interior	Upper Yukon-Koyukuk-Lower Tanana	21D	Rural
Koyukuk	ADOL	85	143	Interior	Upper Yukon-Koyukuk-Lower Tanana	21D	Rural

DIVISION OF SUBSISTENCE, ALASKA DEPARTMENT OF FISH AND GAME

TABLE 1. POPULATION OF ALASKA COMMUNITIES BY REGION AND RURAL STATUS (WFDEMOG.WK1)

COMMUNITY	POPULATION COMMUNITY			SUBREGION	GMU	RURAL STATUS
	SOURCE	YEAR	POPULATION REGION			
Manley Hot Springs	ADOL	85	88 Interior	Upper Yukon-Koyukuk-Lower Tanana	20B	Rural
Minto	ADOL	85	209 Interior	Upper Yukon-Koyukuk-Lower Tanana	20C	Rural
Menana	ADOL	85	544 Interior	Upper Yukon-Koyukuk-Lower Tanana	20A	Rural
Mulato	ADOL	85	368 Interior	Upper Yukon-Koyukuk-Lower Tanana	21D	Rural
Rampart	ADOL	85	59 Interior	Upper Yukon-Koyukuk-Lower Tanana	18	Rural
Ruby	ADOL	85	241 Interior	Upper Yukon-Koyukuk-Lower Tanana	21B	Rural
Shageluk	ADOL	85	144 Interior	Upper Yukon-Koyukuk-Lower Tanana	21E	Rural
Stevens Village	ADOL	85	97 Interior	Upper Yukon-Koyukuk-Lower Tanana	25D	Rural
Tanana	ADOL	85	425 Interior	Upper Yukon-Koyukuk-Lower Tanana	20F	Rural
Venetie	ADOL	85	237 Interior	Upper Yukon-Koyukuk-Lower Tanana	25D	Rural
WISEMAN	ADFG		Interior	Upper Yukon-Koyukuk-Lower Tanana	24	Rural
Chiatochina	ADFG	87	79 Southcentral	Copper River Basin	11	Rural
Chitina	ADFG	87	35 Southcentral	Copper River Basin	130	Rural
Copper Center	ADFG	87	493 Southcentral	Copper River Basin	130	Rural
EAST GLENN HIGHWAY	ADFG	87	217 Southcentral	Copper River Basin	13A, 13D	Rural
Gakona	ADFG	87	209 Southcentral	Copper River Basin	13B	Rural
Glennallen	ADFG	87	469 Southcentral	Copper River Basin	13A, 13D	Rural
Gulkana	ADFG	87	67 Southcentral	Copper River Basin	13B	Rural
KENNY LAKE	ADFG	87	328 Southcentral	Copper River Basin	130	Rural
LAKE LOUISE	ADFG	87	39 Southcentral	Copper River Basin	13A	Rural
MCCARTHY ROAD	ADFG	87	38 Southcentral	Copper River Basin	11	Rural
MENTASTA LAKE	ADFG	87	77 Southcentral	Copper River Basin	13C	Rural
MENTASTA PASS	ADFG	87	26 Southcentral	Copper River Basin	13C	Rural
NABESNA ROAD	ADFG	87	37 Southcentral	Copper River Basin	11, 12	Rural
NORTH SLANA HOMESTEAD	ADFG	87	61 Southcentral	Copper River Basin	13C	Rural
Paxson-Sourdough	ADFG	87	65 Southcentral	Copper River Basin	13B	Rural
Slana	ADFG	87	57 Southcentral	Copper River Basin	13C	Rural
SOUTH SLANA HOMESTEAD	ADFG	87	186 Southcentral	Copper River Basin	11	Rural
SOUTH WRANGELL MOUNTAINS	ADFG	87	48 Southcentral	Copper River Basin	11	Rural
Tazlina	ADFG	87	365 Southcentral	Copper River Basin	130	Rural
Tongass	ADFG	87	297 Southcentral	Copper River Basin	130	Rural

DIVISION OF SUBSISTENCE, ALASKA DEPARTMENT OF FISH AND GAME

TABLE 1. POPULATION OF ALASKA COMMUNITIES BY REGION AND RURAL STATUS (WFDEMOG.WK1)

COMMUNITY	SOURCE	POPULATION		REGION	SUBREGION	GHU	RURAL STATUS
		YEAR	COMMUNITY				
WEST GLENN HIGHWAY	ADFG	87	281	Southcentral	Copper River Basin	130,13A	Rural
English Bay	ADOL	85	192	Southcentral	Lower Kenai Peninsula	15C	Rural
Port Graham	ADOL	85	188	Southcentral	Lower Kenai Peninsula	15C	Rural
Seldovia	ADOL	85	403	Southcentral	Lower Kenai Peninsula	15C	Rural
Balance of Cordova Census Sub-Area	ADOL	85	362	Southcentral	Prince William Sound	6	Rural
Balance of Prince William Sound Census Sub-Area	ADOL	85	47	Southcentral	Prince William Sound	60	Rural
Chenega Bay	ADOL	85	60	Southcentral	Prince William Sound	60	Rural
Cordova	ADOL	85	1901	Southcentral	Prince William Sound	6C	Rural
Eyak	ADOL	85	44	Southcentral	Prince William Sound	6C	Rural
SAN JUAN BAY	ADFG			Southcentral	Prince William Sound	60	Rural
Tatitlek	ADOL	85	112	Southcentral	Prince William Sound	60	Rural
ALEXANDER CREEK	ADFG			Southcentral	Upper Cook Inlet	168	Rural
SKWENTNA	ADFG			Southcentral	Upper Cook Inlet	168	Rural
Tyonek	ADOL	85	269	Southcentral	Upper Cook Inlet	168	Rural
Angoon	ADOL	85	588	Southeast	Southeast	4	Rural
Annette	ADOL	85	158	Southeast	Southeast	1A	Rural
Balance of Angoon Census Sub-Area	ADOL	85	64	Southeast	Southeast	4	Rural
Balance of Haines Census Area	ADOL	85	840	Southeast	Southeast	1D	Rural
Balance of Moonah-Yakutat Census Sub-Area	ADOL	85	226	Southeast	Southeast	4	Rural
Balance of Outer Ketchikan Census Sub-Area	ADOL	85	8	Southeast	Southeast	2	Rural
Balance of Petersburg Census Sub-Area	ADOL	85	318	Southeast	Southeast	3	Rural
Balance of Prince of Wales Census Sub-Area	ADOL	85	451	Southeast	Southeast	2	Rural
Balance of Skagway Census Sub-Area	ADOL	85	27	Southeast	Southeast	1D	Rural
Balance of Wrangell Census Sub-Area	ADOL	85	193	Southeast	Southeast	18,3	Rural
Cape Pole	ADOL	85	50	Southeast	Southeast	2	Rural
Coffman Cove	ADOL	85	272	Southeast	Southeast	2	Rural
Craig	ADOL	85	924	Southeast	Southeast	2	Rural
EDNA BAY	ADFG			Southeast	Southeast	2	Rural

DIVISION OF SUBSISTENCE, ALASKA DEPARTMENT OF FISH AND GAME

TABLE 1. POPULATION OF ALASKA COMMUNITIES BY REGION AND RURAL STATUS (WFDEMOG.WK1)

COMMUNITY	POPULATION			COMMUNITY REGION	SUBREGION	GMU	RURAL STATUS
	SOURCE	YEAR	POPULATION				
Elfin Cove	ADOL	85	47	Southeast	Southeast	4	Rural
Gustavus	ADOL	85	217	Southeast	Southeast	1C	Rural
Haines	ADOL	85	1151	Southeast	Southeast	1D	Rural
HOLLIS	ADFG			Southeast	Southeast	2	Rural
Hoonah	ADOL	85	917	Southeast	Southeast	4	Rural
Hydaburg	ADOL	85	463	Southeast	Southeast	2	Rural
Hyder	ADOL	85	73	Southeast	Southeast	1A	Rural
Kaka	ADOL	85	634	Southeast	Southeast	3	Rural
Kasaan	ADOL	85	83	Southeast	Southeast	2	Rural
Klawock	ADOL	85	613	Southeast	Southeast	2	Rural
Klukwan	ADOL	85	153	Southeast	Southeast	1D	Rural
Kupreanof	ADOL	85	41	Southeast	Southeast	3	Rural
Metlakatla	ADOL	85	1270	Southeast	Southeast	1A	Rural
Meyers Chuck	ADOL	85	53	Southeast	Southeast	1A	Rural
Pelican	ADOL	85	234	Southeast	Southeast	4	Rural
Petersburg	ADOL	85	3145	Southeast	Southeast	3	Rural
Point Baker/Port Protection	ADOL	85	108	Southeast	Southeast	2	Rural
Port Alexander	ADOL	85	131	Southeast	Southeast	4	Rural
Saxman	ADOL	85	772	Southeast	Southeast	1A	Rural
Sitka	ADOL	85	8160	Southeast	Southeast	4	Rural
Skagway	ADOL	85	610	Southeast	Southeast	1D	Rural
Tenakee Springs	ADOL	85	142	Southeast	Southeast	4	Rural
Thorne Bay	ADOL	85	412	Southeast	Southeast	2	Rural
Whale Pass	ADOL	85	83	Southeast	Southeast	2	Rural
Wrangell	ADOL	85	2387	Southeast	Southeast	1B	Rural
Yakutat	ADOL	85	456	Southeast	Southeast	5A	Rural
Chignik Bay	ADOL	85	129	Southwest	Alaska Peninsula	9E	Rural
Chignik Lagoon	ADOL	85	40	Southwest	Alaska Peninsula	9E	Rural
Chignik Lake	ADOL	85	164	Southwest	Alaska Peninsula	9E	Rural
Cold Bay	ADOL	85	157	Southwest	Alaska Peninsula	9D	Rural
Egegik	ADOL	85	112	Southwest	Alaska Peninsula	9E	Rural

DIVISION OF SUBSISTENCE, ALASKA DEPARTMENT OF FISH AND GAME

TABLE 1. POPULATION OF ALASKA COMMUNITIES BY REGION AND RURAL STATUS (WFDEMOG.WK1)

COMMUNITY	SOURCE	POPULATION YEAR	COMMUNITY POPULATION REGION	SUBREGION	GMU	RURAL STATUS
Ivanof Bay	ADOL	85	49 Southwest	Alaska Peninsula	9E	Rural
King Cove	ADOL	85	547 Southwest	Alaska Peninsula	9D	Rural
King Salmon	ADOL	85	648 Southwest	Alaska Peninsula	9C	Rural
Haknek	ADOL	85	382 Southwest	Alaska Peninsula	9C	Rural
Nelson Lagoon	ADOL	85	44 Southwest	Alaska Peninsula	9D	Rural
Perryville	ADOL	85	137 Southwest	Alaska Peninsula	9E	Rural
Pilot Point	ADOL	85	79 Southwest	Alaska Peninsula	9E	Rural
Port Heiden	ADOL	85	108 Southwest	Alaska Peninsula	9E	Rural
PORT MOLLER	ADFG		Southwest	Alaska Peninsula	9E	Rural
Sand Point	ADOL	85	671 Southwest	Alaska Peninsula	9D	Rural
South Haknek	ADOL	85	195 Southwest	Alaska Peninsula	9C	Rural
UGASHIK	ADFG		Southwest	Alaska Peninsula	9E	Rural
Atka	ADOL	85	93 Southwest	Aleutian-Pribilof	14C	Rural
Nikolski	ADOL	85	46 Southwest	Aleutian-Pribilof	10	Rural
Adak Station	ADOL	85	4665 Southwest	Aleutian-Pribilof	10	Rural
Saint George	ADOL	85	191 Southwest	Aleutian-Pribilof	10	Rural
Attu	ADOL	85	31 Southwest	Aleutian-Pribilof	10	Rural
Saint Paul	ADOL	85	466 Southwest	Aleutian-Pribilof	10	Rural
DUTCH HARBOR	ADFG		Southwest	Aleutian-Pribilof	10	Rural
Shemya Station Census Designated Place	ADOL	85	613 Southwest	Aleutian-Pribilof	10	Rural
Akutan	ADOL	85	80 Southwest	Aleutian-Pribilof	10	Rural
False Pass	ADOL	85	77 Southwest	Aleutian-Pribilof	10	Rural
Balance of Aleutian Island Census Area	ADOL	85	49 Southwest	Aleutian-Pribilof	10	Rural
Unalaska	ADOL	85	1331 Southwest	Aleutian-Pribilof	10	Rural
New Stuyahok	ADOL	85	339 Southwest	Bristol Bay	17C	Rural
Pedro Bay	ADOL	85	70 Southwest	Bristol Bay	9B	Rural
PORT ALSWORTH	ADFG		Southwest	Bristol Bay	9B	Rural
Balance of Bristol Bay Census Area	ADOL	85	101 Southwest	Bristol Bay	9C	Rural
Portage Creek	ADOL	85	35 Southwest	Bristol Bay	17C	Rural
Clark's Point	ADOL	85	79 Southwest	Bristol Bay	17C	Rural

DIVISION OF SUBSISTENCE, ALASKA DEPARTMENT OF FISH AND GAME

TABLE 1. POPULATION OF ALASKA COMMUNITIES BY REGION AND RURAL STATUS (WFDMOG.WK1)

COMMUNITY	POPULATION COMMUNITY			SUBREGION	GMU	RURAL STATUS
	SOURCE	YEAR	POPULATION REGION			
Togiak	ADOL	85	556 Southwest	Bristol Bay	17A	Rural
Ekwok	ADOL	85	107 Southwest	Bristol Bay	17C	Rural
Twin Hills	ADOL	85	44 Southwest	Bristol Bay	17A	Rural
Iliamna	ADOL	85	126 Southwest	Bristol Bay	9B	Rural
Aleknagik	ADOL	85	180 Southwest	Bristol Bay	17C	Rural
Balance of Dillingham Census Area	ADOL	85	128 Southwest	Bristol Bay	9,17	Rural
Levelock	ADOL	85	109 Southwest	Bristol Bay	9B	Rural
Dillingham	ADOL	85	2141 Southwest	Bristol Bay	17C	Rural
Newhalen	ADOL	85	165 Southwest	Bristol Bay	9B	Rural
Igiugig	ADOL	85	38 Southwest	Bristol Bay	9B	Rural
Koliganek	ADOL	85	161 Southwest	Bristol Bay	17B	Rural
Hondalton	ADOL	85	234 Southwest	Bristol Bay	9B	Rural
Manokotak	ADOL	85	309 Southwest	Bristol Bay	17C	Rural
Kokhanok	ADOL	85	68 Southwest	Bristol Bay	9B	Rural
Akhiok	ADOL	85	109 Southwest	Kodiak Island	8	Rural
Balance of Kodiak Island Census Sub-Area	ADOL	85	3727 Southwest	Kodiak Island	8	Rural
Karluk	ADOL	85	114 Southwest	Kodiak Island	8	Rural
Kodiak City	ADOL	85	6173 Southwest	Kodiak Island	8	Rural
Kodiak Coast Guard Station	ADOL	85	1731 Southwest	Kodiak Island	8	Rural
Larsen Bay	ADOL	85	217 Southwest	Kodiak Island	8	Rural
Old Harbor	ADOL	85	344 Southwest	Kodiak Island	8	Rural
Ouzinkie	ADOL	85	235 Southwest	Kodiak Island	8	Rural
Port Lions	ADOL	85	302 Southwest	Kodiak Island	8	Rural
Cape Newenham Census Designated Place	ADOL	85	9 Western	Central Bering Sea	18,17A	Rural
Chefornak	ADOL	85	277 Western	Central Bering Sea	18	Rural
Goodnews Bay	ADOL	85	241 Western	Central Bering Sea	18	Rural
Kipruk	ADOL	85	408 Western	Central Bering Sea	18	Rural
Kongiganak	ADOL	85	291 Western	Central Bering Sea	18	Rural
Kwigillingok	ADOL	85	244 Western	Central Bering Sea	18	Rural
Mekoryuk	ADOL	85	152 Western	Central Bering Sea	18	Rural

DIVISION OF SUBSISTENCE, ALASKA DEPARTMENT OF FISH AND GAME

TABLE 1. POPULATION OF ALASKA COMMUNITIES BY REGION AND RURAL STATUS (WFDEMOG.WK1)

COMMUNITY	SOURCE	POPULATION YEAR	COMMUNITY POPULATION REGION	SUBREGION	GMU	RURAL STATUS
Newtok	ADOL	85	207 Western	Central Bering Sea	18	Rural
Nightmute	ADOL	85	153 Western	Central Bering Sea	18	Rural
Platinum	ADOL	85	65 Western	Central Bering Sea	18	Rural
Quinhagak	ADOL	85	453 Western	Central Bering Sea	18	Rural
Toksook Bay	ADOL	85	362 Western	Central Bering Sea	18	Rural
Tununak	ADOL	85	318 Western	Central Bering Sea	18	Rural
Akiachak	ADOL	85	459 Western	Lower Kuskokwim	18	Rural
Akiak	ADOL	85	289 Western	Lower Kuskokwim	18	Rural
Atmautluak	ADOL	85	234 Western	Lower Kuskokwim	18	Rural
Balance of Lower Kuskokwim Census Sub-Area	ADOL	85	338 Western	Lower Kuskokwim	18	Rural
Bethel	ADOL	85	4006 Western	Lower Kuskokwim	18	Rural
Eek	ADOL	85	257 Western	Lower Kuskokwim	18	Rural
Kasigluk	ADOL	85	405 Western	Lower Kuskokwim	18	Rural
Kwethluk	ADOL	85	546 Western	Lower Kuskokwim	18	Rural
Napakiaik	ADOL	85	299 Western	Lower Kuskokwim	18	Rural
Napakiaik	ADOL	85	303 Western	Lower Kuskokwim	18	Rural
Munapitchuk	ADOL	85	356 Western	Lower Kuskokwim	18	Rural
Oscarville	ADOL	85	63 Western	Lower Kuskokwim	18	Rural
Tuluksak	ADOL	85	321 Western	Lower Kuskokwim	18	Rural
Tuntutuliak	ADOL	85	293 Western	Lower Kuskokwim	18	Rural
Alakanuk	ADOL	85	556 Western	Lower Yukon	18	Rural
Chevak	ADOL	85	532 Western	Lower Yukon	18	Rural
Emmonak	ADOL	85	613 Western	Lower Yukon	18	Rural
Hooper Bay	ADOL	85	686 Western	Lower Yukon	18	Rural
Kotlik	ADOL	85	409 Western	Lower Yukon	18	Rural
Marshall (Fortuna Ledge)	ADOL	85	281 Western	Lower Yukon	18	Rural
Mountain Village	ADOL	85	682 Western	Lower Yukon	18	Rural
Pilot Station	ADOL	85	425 Western	Lower Yukon	18	Rural
Pitka's Point	ADOL	85	106 Western	Lower Yukon	18	Rural
Russian Mission	ADOL	85	231 Western	Lower Yukon	18	Rural

DIVISION OF SUBSISTENCE, ALASKA DEPARTMENT OF FISH AND GAME

TABLE 1. POPULATION OF ALASKA COMMUNITIES BY REGION AND RURAL STATUS (WFDEMOG.WK1)

COMMUNITY	POPULATION COMMUNITY			SUBREGION	GMU	RURAL STATUS
	SOURCE	YEAR	POPULATION REGION			
Saint Marys (Andreafsky)	ADOL	85	458 Western	Lower Yukon	18	Rural
Scammon Bay	ADOL	85	304 Western	Lower Yukon	18	Rural
Sheldon Point	ADOL	85	124 Western	Lower Yukon	18	Rural
Aniak	ADOL	85	481 Western	Middle Kuskokwim	19A	Rural
Balance of Aniak Census Sub-Area	ADOL	85	64 Western	Middle Kuskokwim	19	Rural
Balance of Wade Hampton Census Sub-Area	ADOL	85	184 Western	Middle Kuskokwim	18	Rural
Chuathbaluk	ADOL	85	124 Western	Middle Kuskokwim	19D	Rural
Crooked Creek	ADOL	85	126 Western	Middle Kuskokwim	19A	Rural
GEORGETOWN	ADFG		Western	Middle Kuskokwim	19A	Rural
Lime Village	ADOL	85	48 Western	Middle Kuskokwim	19A	Rural
Lower Kalakag	ADOL	85	281 Western	Middle Kuskokwim	19A	Rural
HAPAIMUTE	ADFG		Western	Middle Kuskokwim	19A	Rural
Red Devil	ADOL	85	42 Western	Middle Kuskokwim	19A	Rural
Sleetmute	ADOL	85	130 Western	Middle Kuskokwim	19A	Rural
Sparrevohn Air Force Base	ADOL	85	15 Western	Middle Kuskokwim	19B	Rural
Stony River	ADOL	85	92 Western	Middle Kuskokwim	19A	Rural
Upper Kalakag	ADOL	85	154 Western	Middle Kuskokwim	19A	Rural

## Attachment 1

Species/Areas Where Subsistence  
Is Currently Limited

The following listing is based on the table presented in 5 AAC 99.025.

SPECIES/AREA	COMMUNITY OR UNIT RESIDENCY
<u>BLACK BEAR</u>	
Unit 1(C)	Haines, Gustavus, Klukwan and Hoonah, and, except as provided in 5 AAC 99.014(1)(B), Unit 1(C).
Unit 6(A)	Yakutat.
Units 6(B) and 6(C)	Units 6(B) and 6(C) except Cordova.
Unit 6(D)	Chenega Bay, Tatitlek.
<u>BROWN BEAR</u>	
Unit 4	Unit 4 and Kake.
Unit 5	Yakutat.
Unit 9(B)	Unit 9(B).
Unit 9(E)	Chignik Lake, Ivanof Bay, and Perryville.
Unit 17(A)	Unit 17, Goodnews Bay, and Platinum.
Those portions of Units 17(A) and 17(B) north and west of a line beginning from the GMU 18 boundary at the northwest end of Nenevok Lake, to the southern point of Upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the GMU 17 boundary intersects the Shotgun Hills	Kwethluk.
Units 17(B) and 17(C)	Unit 17.

SPECIES/AREA	COMMUNITY OR UNIT RESIDENCY
Units 13 and 14(B) (Nelchina herd)	Unit 11, Unit 12 along the Nabesna Road, and Unit 13.
Unit 17	Unit 9(B), Unit 17, Lime Village, and Stony River.
Those portions of Units 17(A) and 17(B) north and west of a line beginning from the GMU 18 boundary at the northwest end of Nenevok Lake, to the southern point of Upper Togiak Lake and northeast to the northern point of Nuyakuk Lake, northeast to the point where the GMU 17 boundary intersects the Shotgun Hills	Kwethluk.
Unit 18	Kwethluk.
Units 19(A) and 19(B)	Fall: Units 19(A) and 19(B), and Kwethluk.  Winter: Unit 18 in the Kuskokwim drainage and Kuskokwim Bay, Units 19(A) and 19(B), and Kwethluk.
Unit 19(C)	Unit 19(C), Lime Village, McGrath, Nikolai, and Telida.
Unit 19(D)	Unit 19(D), Lime Village, Sleetmute, and Stony River.
Unit 20(D) (40-Mile herd)	Unit 12 north of the Wrangell-St. Elias National Park and Preserve, Unit 20(D) except as provided in 5 AAC 99.014(1)(E), Unit 20(E), and Dot Lake.
Macomb herd	Dot Lake.
Unit 20 (E) (40-Mile herd)	Unit 12 north of the Wrangell-St. Elias National Park and Preserve, Unit 20(D) except as provided in 5 AAC 99.014(1)(E), and Unit 20(E).
Units 21(A) and 21(E)	Unit 21(A), Aniak, Chuathbaluk, Crooked

**SPECIES/AREA****COMMUNITY OR UNIT RESIDENCY**

from the northernmost point of Rocky Bay to the head of Tutka Bay and east of a line from Point Pogibshi to the point of land between Rocky Bay and Windy Bay

**MOOSE**

Unit 1(B), Stikine Drainage

Wrangell.

Unit 1(D)

Unit 1(D).

Unit 5

Yakutat.

Units 9(A), 9(B), 9(C), and 9(E)

Units 9(A), 9(B), 9(C), and 9(F).

Unit 11

Unit 11, Unit 12 along the Nabesna Road and Units 13(A)-(D).

Unit 12 East, that portion lying east of the Nabesna River and south of the winter trail running southeast from Pickeral Lake and the Canadian border

Unit 12.

Unit 12 South, that portion south of a line from Noyes Mountain southeast to the confluence of Tatschunda Creek and the Nabesna River

Unit 11 north of the 62nd parallel and excluding BLM parcels of north and south Slana; Unit 12, Units 13(A)-(D), and Dot Lake.

Unit 12 North, the remainder of the unit not described above

Unit 12, Dot Lake, and Mentasta Lake.

Unit 13

Unit 13.

Unit 15(C), that portion southwest of a line from Point Pogibshi to the point of land between Rocky Bay and Windy Bay

English Bay and Port Graham.

SPECIES/AREA	COMMUNITY OR UNIT RESIDENCY
	99.014(1)(E), and Tanacross.
Unit 20(F)	Unit 20(F), Manley, Minto, and Stevens Village.
Unit 21(A)	Units 21(A) and 21(E) except as provided in 5 AAC 99.014(1)(F), Takotna, McGrath, Aniak, and Crooked Creek.
Units 21(B) and 21(C)	Units 21(B) and 21(C) except as provided in 5 AAC 99.014(1)(F), and Russian Mission.
Unit 22	Unit 22.
Unit 23	Unit 23.
Unit 24	Unit 24, Anaktuvuk Pass, Koyukuk, and Galena.
Unit 25(A)	Unit 25(A) and Venetie.
Unit 25(D) west of a line from the Unit 25(D) boundary at Preacher Creek, downstream along Preacher Creek, Birch Creek, and Lower Mouth Birch Creek to the Yukon River; then downstream along the north bank of the Yukon River (including islands) to the mouth of Hadweenzik River to its confluence with Forty and One-Half Mile Creek, then upstream along Forty and One-Half Creek, to Nelson Mountain on the Unit 25(D) boundary	Beaver, Birch Creek, and Stevens Village.
Remainder of Unit 25(D)	Residents of the remainder of Unit 25(D).
Unit 26	Unit 26(except the Prudhoe Bay-Deadhorse Industrial Complex), Point Hope, and Anaktuvuk Pass.

**SPECIES/AREA**

Units 11, 13, 15, 16  
20(D), 22, and 23

**COMMUNITY OR RESIDENCY**

Units 11, 13, 15 (except as provided  
in 5 AAC 99.014(1)(D)), Units 16 and  
20(D) (except as provided in 5 AAC  
99.014(1)(E)), and Units 22, and 23.

**PTARMIGAN**

Units 11, 13, 15, 16  
20(D), 22, and 23

Units 11, 13, 15, (except as provided  
in 5 AAC 99.014(1)(D)), Units 16 and  
20(D) (except as provided in 5 AAC  
99.014(1)(E)), and Units 22, and 23.

## MEMORANDUM

State of Alaska

TO: Norman Cohen  
Deputy Commissioner  
Juneau

DATE: March 1, 1990

FILE NO:

TELEPHONE NO: 267-2231

THRU:

SUBJECT: Review of Subsistence  
Regulations

FROM:

*Lew Pamplin*  
Lew Pamplin  
Director  
Division of Wildlife Conservation  
Department of Fish and Game  
Anchorage

SUBSISTENCE SECTION  
**RECEIVED**

MAR 02 1990

DEPARTMENT OF FISH &amp; GAME

This is in response to your February 5 request on subsistence hunting regulations. As usual, our staff has done an excellent job in a short timeframe of compiling and analyzing pertinent information.

Those species and areas in which subsistence eligibility is currently limited are listed in Attachment I. The information on subsistence eligibility comes from 5AAC 99.025. At the end of this listing, we have included subsistence eligibility determinations which were passed in November 1989 by the Board of Game and were scheduled to become effective on July 1, 1990.

For your requests 2-6, we compiled the information on tabular format by region. Footnotes are used to provide clarification where necessary.

If you have questions on this material, please contact either me or the appropriate regional supervisor.

## Attachments

cc: Steve Behnke  
Steve Peterson  
Wayne Regelin  
Regional Supervisors, Division of Wildlife Conservation

Subsistence Hunting Regulations  
Regulatory Year 1989-90  
Region I

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Hunt Seasons and Bag Limits <sup>1</sup>	Current Eligibility <sup>2</sup>	Expanded Eligibility <sup>3</sup>	Would Tier II Result? <sup>4</sup>	Would Harvest Biological Concern? <sup>5</sup>	Increased be of Concern? <sup>6</sup>	% of Harvest on Federal Lands? <sup>7</sup>
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Deer 5 AAC 85.030 (3)

■ Unit 4, that portion north of Tenakee Inlet and East of Port Frederick, including all drainages of Tenakee Inlet.	370 <sup>4</sup>	390 <sup>5</sup>	Yes <sup>6</sup>	Yes <sup>6</sup>	90%
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SUBSISTENCE HUNTERS: Aug. 1-  
Jan. 31

Six deer, antlerless deer may  
be taken after Sept. 15

OTHER HUNTERS: Aug. 1-  
Jan. 31

Three deer, antlerless deer  
may be taken after Sept. 15

Moose 5 AAC 85.045 (1)

■ Unit 1(D)	210 <sup>7</sup>	525 <sup>8</sup>	Yes	Yes	0%
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SUBSISTENCE HUNTERS: Sep. 1-  
Sep. 10

One bull by registration permit;  
15 bulls may be taken.

Subsistence Hunting Regulations  
Regulatory Year 1989-90  
Region II  
BROWN BEAR

Hunt Seasons and Bag Limits <sup>1</sup>	Current Eligibility <sup>2</sup>	Expanded Eligibility <sup>3</sup>	Would Tier II Result?	Would Increased Harvest be of Biological Concern?	% of Harvest on Federal Lands?
5 AAC 85.020(15) Brown Bear Units 17(A) and 17(C)					
SUBSISTENCE HUNTERS:	Sept. 10-Oct. 10 April 10 - May 25	10-15	50-100 <sup>4</sup>	YES <sup>5</sup>	YES <sup>5</sup> 25%
One bear every four regulatory years.					
OTHER HUNTERS:					
	Sept. 10 - Oct. 10 May 10 - May 25				
One bear every four regulatory years.					

1. Subsistence hunts which are currently different from general hunts.
2. Based on existing regulations for 1989-90 (5AAC 99.025) and recent hunter effort.
3. Estimate of increased number of hunters should subsistence eligibility be expanded to include all Alaskans.
4. An April and early May season would be attractive to residents and guide-outfitters.
5. If season dates were not changed.

Subsistence Hunting Regulations  
Regulatory Year 1989-90  
Region II  
CARIBOU

Hunt Seasons and Bag Limits <sup>1</sup>	Current Eligibility <sup>2</sup>	Expanded Eligibility <sup>3</sup>	Would Tier II Result?	Would Increased Harvest be of Biological Concern?	% Harvest on Federal Lands?
5 AAC 85.025(4) Caribou					
<i>Unit 9(D) and Unit 10, Unimak Island only</i>					
SUBSISTENCE HUNTERS:					
Sept. 1 - Mar. 31					
Two caribou	175-225	50-100 <sup>4</sup>	YES	YES <sup>5</sup>	80%
OTHER HUNTERS:					
Sept. 1 - Oct. 31					
One caribou					

1. Subsistence hunts which are currently different from general hunts.
2. Based on existing regulations for 1989-90 (5AAC 99.025) and recent hunter effort.
3. Estimate of increased number of hunters should subsistence eligibility be expanded to include all Alaskans.
4. Most of the increase in hunting effort would be along the Cold Bay road system when the caribou frequent that area after mid November.
5. Staff is proposing to limit the bag limit in 1990-91 to 1 bull for all hunters because of the decreasing size of this herd.

Subsistence Hunting Regulations  
Regulatory year 1989-90  
Region II  
CARIBOU

Hunt Seasons and Bag Limits <sup>1</sup>	Current Eligibility <sup>2</sup>	Expanded Eligibility <sup>3</sup>	Would Tier II Result?	Would Increased Harvest be of Biological Concern	% of Harvest on Federal Lands?
5AAC85.025(7) Caribou	152 <sup>4</sup>	2000+ due to proximity to large population and relatively good access during the winter season.	Yes	Yes	40%

Unit 12, residents of Tetlin and Northway only:

1 caribou by registration permit only.

Season will be opened by Emergency Order when Nelchina caribou are present and Mentasta caribou are absent; season will be closed by emergency order after 80 Nelchina caribou have been taken.

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1. Subsistence hunts which are currently different from general hunts.
  2. Based on existing regulations for 1989-90 (5ACC 99.025) and recent hunter effort.
  3. Estimate of increased number of hunters should subsistence eligibility be expanded to include all Alaskans.
  4. Based on number of permits issued 1986-89.

Subsistence Hunting Regulations  
Regulatory Year 1989-90  
Region II  
MOUNTAIN GOAT

Hunt Seasons and Bag Limits <sup>1</sup>	Current Eligibility <sup>2</sup>	Expanded Eligibility <sup>3</sup>	Would Tier II Result?	Would Increased Harvest be of Biological Concern?	% Harvest on Federal Lands?
<b>5 AAC 85.040(2) Goat</b>					
<i>Remainder of Unit 6</i> SUBSISTENCE HUNTERS: Aug. 1 - Jan. 31 One goat by registration permit.	30-40 <sup>4</sup>	up to 100	Possibly <sup>5</sup>	NO <sup>6</sup>	50-60%
OTHER HUNTERS: Sept. 1 - Nov. 30 One goat by registration permit.					

1. Subsistence hunts which are currently different from general hunts.
2. Based on existing regulations for 1989-90 (5AAC 99.025) and recent hunter effort.
3. Estimate of increased number of hunters should subsistence eligibility be expanded to include all Alaskans.
4. Based on the number of permits issued. Harvest is usually 1-2 goats/year by subsistence users.
5. Tier II should be considered for Tatitlek and Chenega hunt areas due to relatively low allowable harvests.
6. Under the current management system specific hunts are closed by Emergency Order when allowable harvest limits are reached. It is anticipated that this would continue regardless of subsistence regulations.

Subsistence Hunting Regulations  
Regulatory Year 1989-90  
Region II  
MOUNTAIN GOAT

Hunt Seasons and Bag Limits <sup>1</sup>	Current Eligibility <sup>2</sup>	Expanded Eligibility <sup>3</sup>	Would Tier II Result?	Would Increased Harvest be of Biological Concern?	% Harvest on Federal Lands?
5AAC 85.040(3) Goat Unit 15(C), the English Bay hunt sub-area					
SUBSISTENCE HUNTERS: Aug. 10 - Oct. 31					
One goat by registration permit only.	<5	50-150 <sup>4</sup>	YES <sup>4</sup>	NO <sup>5</sup>	0%
OTHER HUNTERS: No open season					

1. Subsistence hunts which are currently different from general hunts.
2. Based on existing regulations for 1989-90 (5AAC 99.025) and recent hunter effort.
3. Estimate of increased number of hunters should subsistence eligibility be expanded to include all Alaskans.
4. If this area was open as drawing hunt we would anticipate up to 150 applicants; an open registration hunt would result in at least 50 applicants and we would not wish to administer on a registration permit basis.
5. Harvest would be controlled by Emergency Orders.

Subsistence Hunting Regulations  
Regulatory Year 1989-90  
Region II  
MOOSE

Hunt Seasons and Bag Limits <sup>1</sup>	Current Eligibility <sup>2</sup>	Expanded Eligibility <sup>3</sup>	Would Tier II Result?	Would Increased Harvest be of Biological Concern?	% Harvest on Federal Lands?
5 AAC 85.045(8) Moose Unit 9(B), that portion draining Lake Clark					
SUBSISTENCE HUNTERS:					
Sept. 5 - Sept. 20					
Dec. 1 - Dec. 31	50-100	20-50 <sup>4</sup>	NO	NO <sup>5</sup>	20-25%
One moose; however, antlerless moose may be taken only from Dec. 16 - Dec. 31					
RESIDENT HUNTERS:					
Sept. 10 - Sept. 20					
Dec. 1 - Dec. 31					
One moose; however, antlerless moose may be taken only from Dec. 16 - Dec. 31					
NONRESIDENT HUNTERS:					
Sept. 10 - Sept. 20					
One bull					

1. Subsistence hunts which are currently different from general hunts.
2. Based on existing regulations for 1989-90 (5AAC 99.025) and recent hunter effort.
3. Estimated increase in hunter numbers if subsistence eligibility is expanded to include all Alaskans.
4. The current subsistence priority consists of a 5 day earlier season. If this applied to all hunters there may be increased competition, but no large increase in the number of moose killed.
5. Staff is proposing to delete the antlerless season in 1990-91, for biological reasons; therefore the antlerless season would not be considered under a change in subsistence eligibility.

Subsistence Hunting Regulations  
Regulatory Year 1989-90  
Region II  
MOOSE

Hunt Seasons and Bag Limits <sup>1</sup>	Current Eligibility <sup>2</sup>	Expanded Eligibility <sup>3</sup>	Would Tier II Result?	Would Increased Harvest be of Biological Concern?	% Harvest on Federal Lands?
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5 AAC 85.045(8) Moose  
Unit 9(C), that portion  
draining the Naknek River

**SUBSISTENCE HUNTERS:**

Sept. 5 - Sept. 20 ---->	50-100	10-20	NO	NO	10-20%
Dec. 1 - Dec. 31----->	60-100	20-50	NO	YES <sup>4</sup>	10-20%

One moose; however antlerless  
moose may be taken by  
registration permit only.

**OTHER HUNTERS:**

Sept. 10 - Sept. 20

One moose.

1. Subsistence hunts which are currently different from general hunts.
2. Based on existing regulations for 1989-90 (5AAC 99.025) and recent hunter effort.
3. Estimate of increased number of hunters should subsistence eligibility be expanded to include all Alaskans.
4. The current antlerless quota is about 10 cows; there are usually 7-10 moose killed without an Emergency Order closure.

Subsistence Hunting Regulations  
Regulatory Year 1989-90  
Region II  
MOOSE

Hunt Seasons and Bag Limits <sup>1</sup>	Current Eligibility <sup>2</sup>	Expanded Eligibility <sup>3</sup>	Would Tier II Result?	Would Increased Harvest be of Biological Concern?	% Harvest on Federal Lands?
5 AAC 85.045(8) Moose					
Unit 9(E)					
SUBSISTENCE HUNTERS:					
Sept. 10 - Sept. 20----->	fall season is the same for all hunters				
Dec. 1 - Dec. 15----->	50	20-30	NO	possible <sup>5</sup>	50-70%
One bull; however, moose taken from Sept. 10 - Sept. 20 must have 50 inch antlers.					
OTHER HUNTERS:					
Sept. 10 - Sept. 20					
One bull with 50 inch antlers					

1. Subsistence hunts which are currently different from general hunts.
2. Based on existing regulations for 1989-90 (5AAC 99.025) and recent hunter effort.
3. Estimate of increased number of hunters should subsistence eligibility be expanded to include all Alaskans.
4. The current subsistence priority consists of a 5 day earlier season. Season was shortened for all hunters several years ago because of declining bull:cow ratios.
5. The maximum sustainable number of bulls is currently being harvested.

Subsistence Hunting Regulations  
Regulatory year 1989-90  
Region II  
MOOSE

Hunt Seasons and Bag Limits <sup>1</sup>	Current Eligibility <sup>2</sup>	Expanded Eligibility <sup>3</sup>	Would Tier II Result?	Would Increased Harvest be of Biological Concern	% of Harvest on Federal Lands?
5AAC85.045(11) Moose	550-800 <sup>4</sup>	4000+ due to good road system access, well developed trail systems, and high demand for moose in Unit 13	Yes <sup>5</sup>	Yes <sup>6</sup>	60%

Remainder of Unit 13

SUBSISTENCE HUNTERS: Aug. 25-Sept. 20

1 moose; however, bulls may be taken by registration permit only; only 1 permit will be issued per household. Antlerless moose may be taken only in Unit 13(E), by drawing permit only; up to 25 permits will be issued; no person may take a cow accompanied by a calf.

RESIDENT AND NONRESIDENT HUNTERS: Sept. 1-Sept. 20

1 moose; however, bulls must have 36-inch antlers. Antlerless moose may be taken only in Unit 13(E), by drawing permit only; up to 25 permits will be issued to Alaska residents only; no person may take a cow accompanied by a calf.

1. Subsistence hunts which are currently different from general hunts.
2. Based on existing regulations for 1989-90 (5ACC 99.025) and recent hunter effort.
3. Estimate of increased number of hunters should subsistence eligibility be expanded to include all Alaskans.
4. Based on number of permits issued 1986-89.
5. Tier II would be required for subsistence antlerless drawing permit hunt, but no permits will be issued in 1990 due to biological concerns.
6. Harvest quota/registration permit hunt would need to be established, or a more restrictive antler size bag limit established if a general open season was continued.

Subsistence Hunting Regulations  
Regulatory year 1989-90  
Region II  
MOOSE

Hunt Seasons and Bag Limits <sup>1</sup>	Current Eligibility <sup>2</sup>	Expanded Eligibility <sup>3</sup>	Would Tier II Result?	Would Increased Harvest be of Biological Concern	% of Harvest on Federal Lands?
5AAC85.045 (14) Moose	130 <sup>4</sup>	1000+ due to proximity to large population and relatively good access during the winter season.	Yes <sup>5</sup>	Yes	0%

Remainder of Unit 16(B)

SUBSISTENCE HUNTERS: Sept. 1-Sept. 30  
Dec. 1-Feb. 28

1 moose; however, antlerless moose may be taken only from Sept. 25-Sept. 30, and during the period Dec. 1-Feb. 28, within which a two-week season for moose by registration permit only will be announced by Emergency Order

RESIDENT AND NONRESIDENT HUNTERS: Sept. 1-Sept. 30

1 bull

1. Subsistence hunts which are currently different from general hunts.
2. Based on existing regulations for 1989-90 (5ACC 99.025) and recent hunter effort.
3. Estimate of increased number of hunters should subsistence eligibility be expanded to include all Alaskans.
4. Based on number of registration permits issued 1986-89.
5. A registration hunt with a limited allowable harvest would not be feasible with the expanded eligibility.

Subsistence Hunting Regulations  
Regulatory Year 1989-90  
Region II  
MOOSE

Hunt Seasons and Bag Limits <sup>1</sup>	Current Eligibility <sup>2</sup>	Expanded Eligibility <sup>3</sup>	Would Tier II Result?	Would Increased Harvest be of Biological Concern?	% Harvest on Federal Lands?
5 AAC 85.045(15) Moose					
<i>Unit 17(C), that portion including the Iowitla drainage and Sunshine Valley</i>					
SUBSISTENCE HUNTERS:					
Aug. 20 - Sept. 15					
One bull	250-300	100-200	Possibly	YES (long term)	0%
RESIDENT HUNTERS:					
Sept. 1 - Sept. 15					
One bull					
NONRESIDENT HUNTERS:					
Sept. 5 - Sept. 15					
One bull					

1. Subsistence hunts which are currently different from general hunts.
2. Based on existing regulations for 1989-90 (5AAC 99.025) and recent hunter effort.
3. Estimate of increased number of hunters should subsistence eligibility be expanded to include all Alaskans.