

**PETITION FOR EMERGENCY ORDER CLOSING CHUGACH STATE
PARK TO LYNX HUNTING AND TRAPPING**

To: Douglas Vincent-Lang
Commissioner of the Alaska Department of Fish and Game;
P.O. Box 115526
1255 W. 8th Street
Juneau, AK 99811-5526

and

Corri A. Feige
Commissioner of the Department of Natural Resources
550 W. 7th. Avenue, Ste 1400
Anchorage, AK 99501

Subject Matter: Petition for Emergency Order Closing Chugach State Park to
Lynx hunting and trapping for the 2020-2021 Regulatory Year.

Petitioners: Kneeland Taylor;
Alaska Wildlife Alliance, Inc.; and
Friends of Chugach State Park, Inc.

1. Introduction.

The Alaska Department of Fish and Game on July 16, 2020 issued Emergency Order No. 02-01-20 opening Lynx hunting and trapping in Chugach State Park. A copy is attached. In areas otherwise open to trapping, the lynx trapping season will be open in Game Management Unit 14 C from January 1 through February 15, 2021, and the lynx hunting season will be open from November 10, 2020 through February 28, 2021. There will be no limit on the number of lynx a single trapper may take, and there will be a hunting bag limit of two.

Emergency Order No. 02-01-20 was not issued by the Department of Natural Resources, and copies of the emergency order were not provided to the

Department of Natural Resources, the Division of Parks, the Superintendent of Chugach State Park, or the Chugach State Park Citizens Advisory Committee.

Recently there have been numerous sightings of lynx in Chugach State Park, including in the Anchorage bowl. These sightings have been reported in the media, including on television, in newspapers, and on social media. Thousands of local residents and visitors have enjoyed the opportunity to see these rarely seen animals. It would be a gross misallocation of this natural resource were the trapping and hunting of these animals to be allowed in Chugach State Park, commencing November 10, 2020.

Furthermore, Emergency Order 02-01-20 was adopted without mandatory compliance with applicable state statutes, as explained below.

For these reasons, a second emergency order should be issued closing lynx trapping and hunting in Chugach State Park for the 2020-2021 regulatory year.

2. The Opening of Lynx Trapping in Chugach State Park by the ADF&G Without the Concurrence of the Department of Natural Resources Violates the Statutes Establishing Chugach State Park.

The statutes creating and regulating Chugach State Park provide for its purposes.¹ One purpose is to promote the “display” of wildlife. Trapping is not mentioned as a purpose for which the Park was established. Trapping of lynx obviously interferes with the “display” of lynx.

The applicable statutes place management authority solely with the Department of Natural Resources. The applicable statutes do not give to the Department of Fish and Game the authority to authorize lynx hunting and trapping unless the DNR is consulted and approves decisions of the ADF&G. The statutory language is clear.

Emergency Order 02-01-20 was adopted in violation of the applicable

¹An appendix is provided in which the relevant provisions of the applicable statutes are quoted verbatim.

statutes since the DNR was not consulted, and did not participate in the issuance of the order. Indeed, the ADF&G appears to have made a point of not consulting with the DNR in issuing Emergency Order 02-01-020. The distribution list shown on the order shows distribution to more than a dozen agencies and public and private entities; and yet not to the DNR, the Division of Parks, the Superintendent of Chugach State Park, or the Chugach State Park Citizens' Advisory Board.

Both the DNR and the ADF&G need to follow the law, and that means that the ADF&G and/or the DNR should issue an emergency order closing lynx hunting and trapping in Chugach State Park for the 2020-2021 regulatory year. The issuance of emergency orders by the ADF&G is authorized by AS 16.05.060, and 5AAC 96.625; and for the DNR by AS 44.62.270.

Lynx are important to the ecosystem of Chugach State Park. The Park serves as a refuge for lynx in this part of the State, and open hunting and trapping seasons threaten their continued viability in this part of the state. The lynx that inhabit the Park belong to all Alaskans and the exploitation of this public resources for the benefit of a handful of trappers and hunters is not in the public interest. The order allowing this exploitation was issued in violation of applicable law and should be replaced with another emergency order closing the hunting and trapping seasons for the 2020-2021 regulatory year.

Dated: SEPT. 21, 2020. Kneeland Taylor



Dated: September 21, 2020. The Alaska Wildlife Alliance, Inc.



By: Nicole Schmitt, Executive Director

Dated: _____, 2020. Friends of Chugach State Park

Mark Miner

By: Mark Miner, President

APPENDIX OF RELEVANT PORTIONS OF APPLICABLE STATUTES AND REGULATIONS

AS 41.21.020. Duties and powers of Department of Natural Resources; limitations

(a) The department shall

(1) develop a continuing plan for the conservation and maximum use in the public interest of the scenic, historic, archaeological, scientific, biological, and recreational resources of the state;

(4) develop, manage, and maintain state parks and recreational areas;

AS 41.21.121. Chugach State Park established

The presently state-owned land and water, and all that acquired in the future by the state, lying within the parcels described in this section are designated as the Chugach State Park. **The park is established to protect and supply a satisfactory water supply for the use of the people, to provide recreational opportunities for the people by providing areas for specified uses and constructing the necessary facilities in those areas, to protect areas of unique and exceptional scenic value, to provide areas for the public display of local wildlife, and to protect the existing wilderness characteristics of the easterly interior area.** The eastern area of the park shall be operated as a wilderness area, the central area as a scenic area, and the periphery areas as recreational areas. The land and water designated as the Chugach State Park and reserved from all uses incompatible with its primary function as a state park is that within the following described parcels excluding valid entries:

AS 41.21.122. Management responsibility

The state land and water described in AS 41.21.121 as the Chugach State Park is assigned to the department for control, development and

maintenance, except that the Department of Transportation and Public Facilities is responsible for the repair and maintenance of all existing public roads within the park. The control of highway access and roadside structures within the Chugach State Park is the responsibility of the department. **The Department of Fish and Game shall cooperate with the department to provide for those purposes under AS 41.21.121 relevant to the duties of the Department of Fish and Game.** If, in the exercise of management responsibility under this section, conflicts of land ownership, jurisdiction, or authority are unreconcilable or unmanageable other than at an unreasonable cost and expense to the state, the commissioner after public hearing in accordance with AS 44.62 may modify, subject to the approval of the legislature, the boundaries of the Chugach State Park not to exceed 20 percent of the total acreage described in AS 41.21.121.

Hunting and Trapping

Emergency Order

Under the Authority of AS 16.05.060

Alaska Department
of Fish and Game

Emergency Order No. 02-01-20

Issued at: Anchorage, Alaska
July 16, 2020

Effective Date: 12:01 AM
July 1, 2020

Expiration Date: June 30, 2021
at 11:59 p.m. unless superseded
by subsequent emergency order

EXPLANATION:

In spring 1992, the Alaska Board of Game adopted a lynx harvest tracking strategy in Southcentral game management units with framework trapping seasons of November 10 through the last day of February. The board delegated authority to the department to adjust season dates within this framework to track population cycles. In March 2005, the board determined lynx hunting seasons, but not bag limits, would be included as part of the lynx tracking harvest strategy. In March 2009, the board eliminated the tracking strategy in Unit 6 and established a permanent hunting and trapping season of November 10 through the last day of February.

This emergency order meets the lynx management needs for 2020–2021 by adjusting lynx hunting and trapping seasons for the Region 2 units managed under the lynx tracking harvest strategy.

Based on information collected during the past season, the lynx trapping season will open January 1 through February 15 in Units 7, 14C, and 15 with no limit. The lynx hunting season will be open from January 1 through February 15 in Units 7 and 15, and November 10 through February 28 in Unit 14C, with a hunting bag limit of 2 lynx.

Therefore, the following regulations in **5 AAC 84.270(5), Furbearer trapping**, and **5 AAC 85.060(4), Hunting seasons and bag limits for fur animals** are superseded by this emergency order, and the following provisions are effective for lynx hunting and trapping:

Unit	Open Season	Bag limit
5AAC 84.270(5), Furbearer trapping		
(5) Lynx		
Units 7 and 15	Jan. 1 – Feb. 15	No limit.
Unit 14C	Jan. 1 – Feb. 15	No limit.

5 AAC 85.060(4), Hunting seasons and bag limits for fur animals

(4) Lynx		
Units 7 and 15	Jan. 1– Feb. 15	2 lynx
Unit 14C	Nov. 10 – Feb. 28	2 lynx

All other lynx hunting and trapping regulations remain unchanged and are not affected by this emergency order.

Doug Vincent-Lang
Commissioner

By delegation to: 

Cynthia Wardlow
Regional Supervisor

JUSTIFICATION:

Units 7 and 15: Kenai Peninsula

Observations and track counts indicate snowshoe hare and lynx populations have increased on the Kenai Peninsula to a level that justifies opening a lynx trapping season this year in Units 7 and 15 and to open lynx hunting and trapping seasons. Kitten production and survival is expected to continue to increase during RY20 as the hare population increases..

Units 14C Anchorage and Chugach State Park

Snowshoe hare populations peaked throughout most of Unit 14C around 2000 to 2001, again in 2011–2012, and are currently at or approaching another peak. Lynx populations have followed similar patterns. Lynx season was closed to both hunting and trapping from RY14–RY19 due to low population estimates. Observations indicate that both snowshoe hare and lynx populations have increased to a level that will support hunting and trapping seasons for lynx during RY20.

DISTRIBUTION:

This emergency order is distributed to the recipients listed below. Copies are available from Department of Fish & Game offices in Anchorage, Palmer, Soldotna, Homer, and Fairbanks.

1. The Honorable Lieutenant Governor
2. Assistant Attorney General (Board of Game Liaison) Anchorage
3. Commissioner, Department of Fish and Game
4. Division of Wildlife Conservation
 - Director
 - Deputy Director
 - Regional Supervisors
 - Region II Area Biologists
 - State-Federal Regulations Coordinator
 - Webmaster
5. Division of Boards Executive Director
 - Board of Game members
6. Division of Subsistence
 - Director
7. Public Communications Nancy Long, ADF&G, Juneau
8. Department of Public Safety, Alaska Wildlife Troopers
 - Director
 - Detachment Commanders (Kenai, Palmer)
 - Field Offices
9. U.S. Fish and Wildlife Service
 - Regional Director, Anchorage
 - Office of Subsistence Management, Anchorage
 - Kenai National Refuge Manager
10. U.S. Forest Service, Regional Forester, Juneau
11. U.S. National Park Service, Regional Director, Anchorage
12. Local Magistrates
13. Advisory Committee Chairs
14. Trapper Organizations