

WP26-02 Executive Summary	
General Description	Wildlife Proposal WP26-02 requests to prohibit the take of large land mammals in Units 1-5 from civil sunset until civil sunrise. <i>Submitted by: East Prince of Wales Fish and Game Advisory Committee</i>
Proposed Regulation	<p>§__.26(n) Unit regulations</p> <p>(1) Unit 1</p> <p>(vii)(E) <i>The take of big game between sunset civil twilight and sunrise civil twilight is prohibited.</i></p> <p>(2) Unit 2</p> <p>(i)(E) <i>The take of big game between sunset civil twilight and sunrise civil twilight is prohibited.</i></p> <p>(3) Unit 3</p> <p>(iii)(E) <i>The take of big game between sunset civil twilight and sunrise civil twilight is prohibited.</i></p> <p>(4) Unit 4</p> <p>(iii)(E) <i>The take of big game between sunset civil twilight and sunrise civil twilight is prohibited.</i></p> <p>(5) Unit 5</p> <p>(iii)(F) <i>The take of big game between sunset civil twilight and sunrise civil twilight is prohibited.</i></p>
OSM Preliminary Conclusion	Neutral on WP26-02
Southeast Alaska Subsistence Regional Advisory Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	

WP26-02 Executive Summary

Written Public Comments

2 Support

See Written Public Comments on Wildlife Proposals and Closure Reviews section of the meeting book or www.doi.gov/subsistence/wildlife/public_comments for full comments.

Draft Wildlife Analysis WP26-02

ISSUE

Proposal WP26-02, submitted by the East Prince of Wales Fish and Game Advisory Committee (AC), requests to prohibit the take of large land mammals in Units 1-5 from civil sunset until civil sunrise.

Proponent Statement

The proponents submitted WP26-02 to address reports of harvest of large land mammals at night. Although current federal regulations prohibit the take of large land mammals with the aid of artificial light, the proponents assert that residents in their area have been misinterpreting these regulations by spotlighting deer from vehicles and turning off the lights once they are in position to take their shot. Another issue cited by the proponent is the recent allowance of take of furbearers with the aid of electronic night vision or forward-looking infrared devices under State regulations, introducing a regulatory loophole for unethical hunters to pursue large land mammals at night with the excuse that they are hunting furbearers.

The proponents suggest that including a special provision to prohibit the take of large land mammals from sunset civil twilight until sunrise civil twilight would eliminate loopholes in existing regulations. They assert that the use of civil twilight best reflects the time when there is still enough light to safely take game, but does not limit opportunities for take, as regulations in other States that rely on a set time, such as 30 minutes after sunset, would. Their justification is that with Alaska's large range in the length of daylight throughout the hunting season, civil twilight expands and contracts closer to the summer solstice and winter solstice, respectively, allowing for the greatest harvest opportunity. The proponents define civil twilight as when the geometric center of the sun's disk is at most 6 degrees below the horizon. While some may feel it would burden them to look up civil twilight times, in practice, it is just too dark to shoot safely and effectively without the use of artificial aids.

Current Federal Regulations

§__.26

*(b) **Prohibited methods and means.** Except for special provisions found at paragraphs (n)(1) through (26) of this section, the following methods and means of taking wildlife for subsistence uses are prohibited:*

(8) Using or being aided by use of a pit, fire, artificial light, radio communication, artificial salt lick, explosive, barbed arrow, bomb, smoke, chemical, conventional steel trap with a jaw spread over 9 inches, or conibear style trap with a jaw spread over 11 inches.

Proposed Federal Regulations

§__.26(n) Unit regulations

(6) Unit 1

(vii)(E) The take of big game between sunset civil twilight and sunrise civil twilight is prohibited.

(7) Unit 2

(i)(E) The take of big game between sunset civil twilight and sunrise civil twilight is prohibited.

(8) Unit 3

(iii)(E) The take of big game between sunset civil twilight and sunrise civil twilight is prohibited.

(9) Unit 4

(iii)(E) The take of big game between sunset civil twilight and sunrise civil twilight is prohibited.

(10) Unit 5

(iii)(F) The take of big game between sunset civil twilight and sunrise civil twilight is prohibited.

Current State Regulations

5 AAC 92.080 Unlawful methods of taking game; exceptions

The following methods of taking game are prohibited:

(7) with the aid of

(A) a pit;

(B) a fire;

(C) artificial light, except that artificial light may be used

(i) for the purpose of taking furbearers under a trapping license during an open season November 1 - March 31 in Units 7 and 9 - 26;

(ii) by a tracking dog handler with one leashed dog to aid in tracking and dispatching a wounded big game animal;

(iii) to aid in tracking, recovering, and dispatching a wounded game animal without the use of a motorized vehicle;

(iv) by a resident hunter taking black bear under customary and traditional use activities at a den site from October 15 through April 30 in Unit 19(A), that portion of the Kuskokwim River drainage within Unit 19(D) upstream from the Selatna River drainage and the Black River drainage, and in Units 21(B), 21(C), 21(D), 24, and 25(D);

(D) laser sight, except that

(i) a rangefinder may be used;

(E) electronically enhanced night vision, except that electronically enhanced night vision may be used for taking furbearers;

(F) any forward looking infrared device, except that a forward looking infrared device may be used for taking furbearers;

Extent of Federal Public Lands

Units 1 – 5 are comprised of approximately 90% Federal public lands: the U.S. Forest Service (USFS) manages 71%, the National Park Service (NPS) manages 19%, the Bureau of Land Management (BLM) manages <1%, and the U.S. Fish and Wildlife Service (USFWS) manages <1%

Customary and Traditional Use Determination

The Federal Subsistence Board (Board) has not made a customary and traditional use determination for wolves in Units 1-4. Therefore, all rural residents of Alaska may harvest wolves in these units.

The Board has not made a customary and traditional use determination for elk in Units 1 and 3. Therefore, all rural residents of Alaska may harvest elk in these units.

Residents of Unit 5A have a customary and traditional use determination for wolves and moose in Unit 5.

Rural residents of Units 1-5 have a customary and traditional use determination for the remaining large land mammal species in Units 1-5.

Regulatory History

The term “big game” is defined in Federal regulations as any large land mammal, including deer, moose, elk, goats, wolves, wolverines, and bears. However, throughout this analysis we will use the term large land mammals.

In 1990, the Federal government began managing subsistence hunting, fishing, and trapping on Alaska’s Federal public lands to fulfill the requirements of Title VIII of ANILCA (55 Fed. Reg 126; 27125 [June 29, 1990]). The general provision that restricts the use of artificial light was adopted from State regulations at the start of the Federal Subsistence Management Program.

In 2002, the Alaska Board of Game (BOG) submitted Wildlife Special Action request WSA02-14, which requested to restrict the use of artificial light to illuminate deer in Units 1-5. The Board rejected the request because regulations already existed that restrict the use of artificial light.

In 2016, the BOG adopted Proposal 68 to prohibit the use of forward-looking infrared devices for the taking of game. The proponent, the Alaska State Troopers, stated that the use of infrared devices provided an unfair advantage when taking game, and that they had been receiving more inquiries from hunters looking to use this technology.

In 2025, the BOG adopted Proposal 126 to allow the use of electronically enhanced night vision and forward-looking infrared devices for taking furbearers statewide. The proponent stated this provision was already legal in Region III and should be allowed statewide.

Current Events

The East Prince of Wales (POW) AC plans to submit a similar proposal to the BOG to prohibit the take of large land mammals in Units 1-5 from sunset civil twilight until sunrise civil twilight under State regulations. The BOG meeting where this proposal would be discussed is set for January 23-27, 2026.

The Chair of the East POW AC, representing the proponent of this proposal, stated that a local State Wildlife Trooper contacted them, requesting assistance with creating and supporting this proposal, which would simplify State and Federal law enforcement efforts (Jennings 2025, pers. comm.). A Federal law enforcement officer shared that the actions that the proponent outlines in their proposal justification are already illegal under State and Federal regulations. He also noted that the simplest option for Federal law enforcement officers is to mimic the State methods and means restrictions (Boggs 2025, pers. comm.). Currently, federal regulations are already out of alignment with State regulations, which prohibit electronic night vision and forward-looking infrared devices. No such restrictions exist in federal regulations for Units 1-5.

Biological Background

Temporal trends in cervid (deer, elk, moose, etc.) activity are dependent on various conditions, but they are most active during the hours surrounding twilight (Montgomery 1963, Hayes and Krausman 1993, Ensing et al. 2014). Sitka blacktail deer (*Odocoileus hemionus sitkensis*), for example, are more active at night than during the day, with the greatest activity around sunset and sunrise (Bonnot et al 2016). However, nightly activity appears to increase, compared to daytime activity in the presence of human disturbance (Loft et al. 1984, Hayes and Krausman 1993, Bonnot et al. 2013).

Deer are known to react to light at night by freezing in the face of bright lights (Newman and D'Angelo 2024). Deer react to both halogen and LED lighting (Pakula et al. 2025), which are commonly used for vehicle headlights and spotlights. The mechanism that causes this phenomenon is not well understood (Newman and D'Angelo 2024).

Additionally, coastal black and brown bears are active both at night and during the day depending on competition with other species (i.e. black and brown bears cohabitating), age of the bear, human activity, and seasonal food source (Machutchon et al. 1998, Olson et al. 1998).

Harvest History

Deer

“ADF&G [Alaska Department of Fish and Game] believes Unit 2 has one of the highest illegal and unreported [deer] harvests in the region” (Hasbrouck 2023: 17), and unreported harvest has previously been estimated to be equal to the Unit 2 reported harvest (Person 2010). If accounting for previously estimated rates of unreported and illegal harvest (see Person 2010), the overall Unit 2 yearly harvest objective has been met or greatly exceeded every year from 1997 to 2023 (**Figure 1**). However, the number of these illegal harvests occurring with the use of artificial light is unknown.

Each year State and Federal law enforcement officers issue citations for illegal harvest of wildlife using artificial light. From 2014-2024, the number of annual citations issued for using artificial lights to hunt large land mammals in Units 1-5 ranged from 2-16, averaging 7 citations per year (Alaska Department of Public Safety 2025, Table 1). In 2020 during a twelve-day focused effort on POW Island and in the Ketchikan area, State and Federal law enforcement officers cited seven hunters for taking game with artificial light and three hunters for illuminating deer (Alaska Department of Public Safety 2020). However, the number of citations issued per year may not be a particularly accurate reflection of the issue, due to the typically limited number of troopers available for enforcement.

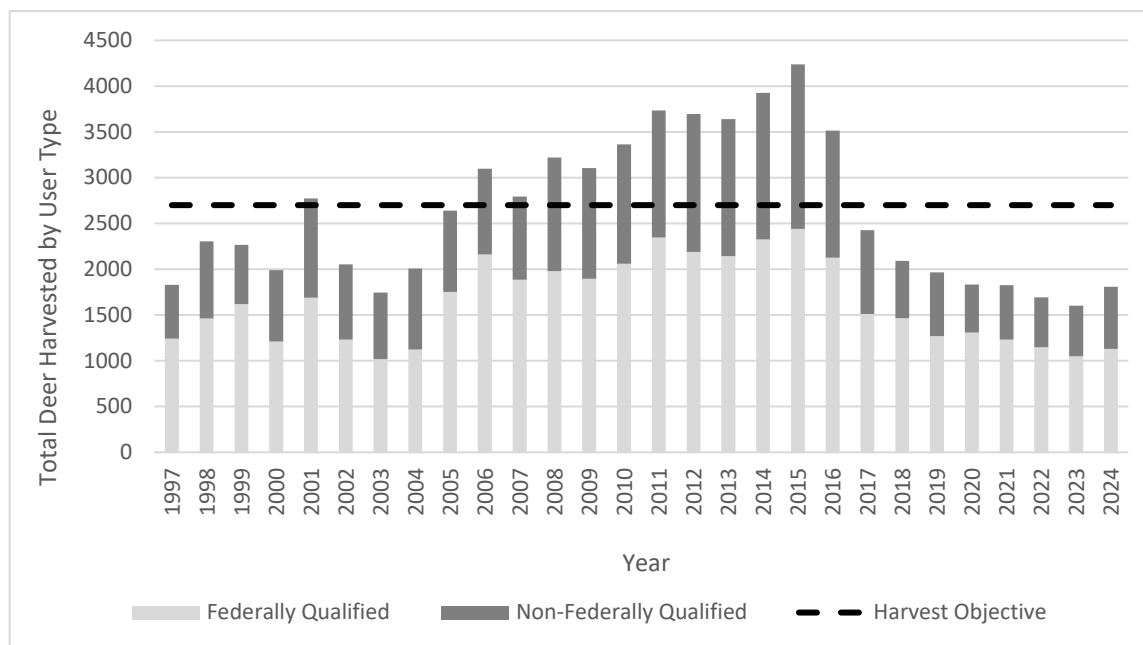


Figure 1. Total estimated deer harvest in Unit 2 by user type from 1997-2024 (McCoy 2019; Churchwell 2024, 2025). *2,700 deer is the current Unit 2 deer harvest objective established by the BOG (see Hasbrouck 2023).

Table 1. Citations issued by the Alaska State Troopers from 2014-2024 in Units 1-5 relating to the use of artificial light to harvest game (Alaska Department of Public Safety 2025).

Year	5AAC92.080(7) - Take Game, Hunting, Use of Artificial Light	5AAC92.080(7)(C) - Take Game w/ Artificial Light	5AAC92.085(11) - Use Artificial Light to Illuminate Deer from Vehicle Units 1 - 5	Grand Total
2014	5	0	0	5
2015	2	0	2	4
2016	14	0	2	16
2017	6	0	4	10
2018	4	0	2	6
2019	7	0	2	9
2020	4	2	2	8
2021	0	5	0	5
2022	0	1	1	2
2023	0	1	3	4
2024	0	1	6	7
Grand Total	42	10	24	76
Average	4	1	2	7

Alternative(s) Considered

One alternative considered was to align Federal regulations concerning the use of electronically enhanced night vision and forward-looking infrared devices with existing State regulations. Specifically, aligning these regulations would prohibit the use of these devices for the taking of large land mammals statewide, while allowing their use for taking furbearers statewide. However, this alternative is outside the scope of this proposal.

Discussion and Effects

If this proposal is adopted, the harvest of large land mammals would be prohibited in Units 1-5 from civil sunset until civil sunrise. This regulatory change could eliminate a perceived loophole in current regulations and may discourage illegal harvests of large land mammals using artificial light. However, the use of artificial light is already prohibited for harvesting large land mammals, and most hunters typically do not hunt large land mammals in the dark because it is unsafe and impractical. Therefore, if this proposal is adopted, there would likely be minimal effects on the large land mammal populations covered under these harvest restrictions.

The proposed regulations would increase regulatory complexity by misaligning Federal regulations with the existing State regulations. Currently, there is no specific restriction on the harvest of large land mammals at night under State regulations, and both federally qualified subsistence users and non-federally qualified users could continue to hunt at night under State regulations if WP26-02 were adopted. This situation would not resolve the law enforcement concerns expressed by the proponent over the perceived regulatory loopholes exploited by unethical hunters. Federal law enforcement

officers expressed an interest in maintaining alignment with State regulations (Boggs 2025, pers. Comm.).

However, if the BOG adopts the corresponding proposal that the proponent intends to submit to prohibit the take of large land mammals at night under State regulations, then adopting Proposal WP26-02 would ultimately decrease regulatory complexity and law enforcement concerns by aligning State and Federal regulations. Still, because enhanced night vision and forward-looking infrared devices are allowed in the take of furbearers under State regulations, these devices could also be used to clandestinely harvest large land mammals at night. Federal regulations do not currently prohibit the use of electronically enhanced night vision or forward-looking infrared devices.

OSM PRELIMINARY CONCLUSION

Neutral on Proposal WP26-02

Justification

While the Office of Subsistence Management supports effective regulatory enforcement, prohibiting the take of large land mammals in Units 1-5 from civil sunset until civil sunrise under Federal regulations without a similar prohibition under State regulations would be ineffective, complicate law enforcement, and result in Federal regulations being more restrictive than State regulations. It would also not eliminate the potential for the enhanced night vision and forward-looking infrared devices allowed in the take of furbearers under State regulations to be clandestinely used in the take of large land mammals.

However, if the BOG adopts the proposal the proponent intends to submit to request corresponding changes to State regulations, then adopting Proposal WP26-02 would ultimately align Federal and State regulations on this issue. Adopting this restriction under both Federal and State regulations may result in more effective law enforcement and reduce regulatory complexity and confusion.

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WRITTEN PUBLIC COMMENTS

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