Federal Subsistence Board Public Meeting

Meeting Materials: Volume I

(Consensus Agenda Proposals and Closure Reviews)

April 12-15, 2022

Via Teleconference

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VOLUME I

Consensus Agenda

What's Inside…

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FEDERAL SUBSISTENCE BOARD

PUBLIC MEETING AGENDA
April 12 - 15, 2022

April 12, 2022: 1:30 p.m. to 5:00 p.m. (or until recessed)
April 13 - 15, 2022: 9:00 a.m. to 5:00 p.m. (or until recessed) daily

The meeting will convene by **teleconference only**
To participate, dial toll free **(888) 455-7761**, (passcode **2266069**)

On April 12th, prior to start of the Public Meeting, the Federal Subsistence Board will meet at 9:00 a.m. to conduct Tribal Government-to-Government and ANCSA Corporation consultations regarding closure reviews and proposals to change Federal Subsistence Regulations. The Public Meeting will begin at 1:30 p.m. Updates on the Board's progress through the agenda will be posted online at https://www.doi.gov/subsistence/board/ and www.facebook.com/subsistencealaska.

Public Meeting

***Asterisk denotes Action Item**

1. **Call to Order and Welcome**
2. **Review and Adopt Agenda***
3. **Federal Subsistence Board Information Sharing**
4. **Regional Advisory Council Chairs Discuss Topics of Concern with the Board**
5. **Public Comment Period on Non-Agenda Items** *(This opportunity is available at the beginning of each day)*
6. **Old Business**
7. **2022–2024 Subparts C&D Proposals and Closure Reviews** *(Wildlife Regulations)*
   a. Announcement of Consensus Agenda
   (see detailed agenda that follows)
   b. Public Comment Period on Consensus Agenda Items *(This opportunity is available at the beginning of each subsequent day prior to the final action)*
   c. Board deliberation and action on Non-Consensus Agenda items*
   (See detailed agenda that follows)
   d. Adoption of Consensus Agenda*
8. **WSA22-01, Units 22 and 23 muskox*** *(Supplemental)*
9. **FP21-10 Lower Copper River Area Salmon*** *(Supplemental)*
10. **Schedule of Upcoming Board meetings***
    a. 2022 Summer Work Session (*Date and topics to be determined*)
    b. 2023 Winter Public Meeting (*Fish and Shellfish Regulations – Date to be determined*)
11. **Federal Subsistence Management Program correspondence procedures**
12. **Other Business**
13. **Adjourn**

FEDERAL SUBSISTENCE BOARD
CONSENSUS AGENDA

The following proposals and closure reviews have been included on the consensus agenda. These are proposals and closure reviews for which there is agreement among Federal Subsistence Regional Advisory Councils, the Federal Interagency Staff Committee, and the Alaska Department of Fish and Game concerning Board action. Anyone may request that the Board remove a proposal or closure review from the consensus agenda and place it on the regular agenda. The Board retains final authority for removal of proposals and closure reviews from the consensus agenda. The Board will take final action on the consensus agenda after deliberation and decisions on all other proposals and closure reviews.

Proposal	Region/Unit/Species	Recommendation	Analysis Page
WP22-05	Southeast/Unit 3/Elk	Oppose	Vol. II 572
WP22-09	Southeast/Unit 4/Deer	Oppose	Vol. II 792
WP22-11	Southeast/Unit 5/Goat	Support with OSM modification	1
WCR22-02	Southeast/Unit 5/Moose	Maintain status quo	20
WP22-13	Statewide/Unit 6/Deer	Oppose	40
WP22-14	Southcentral, Southeast/Unit 6/ Black Bear	Oppose	51
WP22-15	Southcentral/Unit 7/All Furbearers	Oppose	63
WP22-16 / 17 / 18 / 19 / 21 / 22 / 23 / 24 / 26a	Southcentral/Units 7, 15/Caribou, Goat, Moose, Sheep	Support WP22-16/17/18/21/23/26a; Support WP22/24 as modified by the SCRAC; Oppose WP22-19	127
WP22-20 / 25a / 27	Southcentral/Units 7, 15/Moose, Sheep	Oppose WP22-20; Support WP22-25a; Support WP22-27 as modified by the SCRAC	158
WP22-32	Southcentral/Unit 15/Black Bear, Brown Bear, Caribou, Goat, Moose, Sheep	Oppose	184
WP22-33	Statewide/Units 11, 12/Black Bear	Support	209
WP22-34	Southcentral, Eastern Interior/ Units 11, 12/Sheep	Oppose	218
WP22-37	Statewide/Unit 9/Ptarmigan	Support with OSM modification	226
WP22-38a	Kodiak-Aleutians, Bristol Bay/ Unit 10/Caribou	Support	240

Proposal	Region/Unit/Species	Recommendation	Analysis Page
WP22-38b	Kodiak-Aleutians, Bristol Bay/ Unit 10/Caribou	Support as modified by the KARAC	253
WP22-40	Statewide/Units 9, 17/Wolf, Wolverine	Support as modified by the BBRAC	280
WP22-41	Bristol Bay, YK Delta, Western Interior, Seward Peninsula/Units 9, 17, 18, 19/Caribou	Support	300
WCR22-07	Bristol Bay, Western Interior/ Unit 17/Caribou	Maintain status quo	331
WP22-42	YK Delta, Western Interior, Seward Peninsula/Unit 18/ Moose	Support	346
WP22-43	YK Delta, Western Interior/Unit 18/Moose	Oppose	Vol. II 1063
WP22-46	Western Interior/Unit 24/Brown Bear	Support	361
WP22-48	Seward Peninsula/Unit 22/ Moose	Support	375
WCR22-09c	Seward Peninsula/Unit 22/ Moose	Maintain status quo	387
WCR22-16	Seward Peninsula/Unit 22/ Moose	Maintain status quo	408
WP22-50	Statewide/Unit 23/Beaver	Support with OSM modification	420
WCR22-27	Northwest Arctic, North Slope/ Unit 23/Muskox	Modify or eliminate closure as recommended by OSM	428
WP22-51	Eastern Interior/Unit 20/Moose	Support	438
WP22-52	Eastern Interior/Unit 25/Moose	Support as modified by the EIRAC	444
WP22-53	Statewide/Unit 25/Arctic Fox	Support	454
WCR22-22	Eastern Interior/Unit 25/Moose	Maintain status quo	460
WP22-55	North Slope/Unit 26/Muskox	Support with OSM modification	Supplemental
WP22-56	North Slope/Unit 26/Brown Bear	Support	477
WCR22-25	North Slope/Unit 26/Muskox	Maintain status quo	490

FEDERAL SUBSISTENCE BOARD
NON-CONSENSUS AGENDA

Procedure for considering proposals:

Analysis *(Lead Author)*

Summary of public comments *(OSM Staff)*

Open floor to public testimony

Regional Advisory Council recommendation(s) *(Chair or designee)*

Tribal/Alaska Native Corporation comments *(Native Liaison)*

Alaska Department of Fish and Game comments *(State Liaison)*

Interagency Staff Committee comments *(ISC Chair)*

Board discussion with Council Chairs and State Liaison

Federal Subsistence Board action

Proposal	Region/Unit/Species	Analysis Page
WP22-01	Statewide/All Units/Various	500
WP22-02	Statewide/Units 6, 9, 10, 22, 23, 26/Various	519
WP22-03	Statewide/Unit 2/Wolf	542
WP22-04	Southeast/Units 1-4/Elk	572
WP22-06	Southeast/Unit 3/Moose	Supplemental
WP22-07	Southeast/Unit 4/Deer	594
WP22-08	Southeast/Unit 4/Deer	701
WP22-10	Southeast/Unit 4/Deer	792
WCR22-01	Southeast/Unit 2/Deer	912
WP22-12	Statewide/Unit 6/Deer	941
WP22-25b / 26b	Statewide/Unit 7/Sheep	958
WP22-28 / 29	Southcentral/Unit 7/Moose	983
WP22-30 / 31	Southcentral/Unit 15/Moose	994
WP22-35	Southcentral, Eastern Interior/Unit 11/Caribou	1012
WP22-36	Southcentral, Eastern Interior/Units 11, 12, 13/Caribou, Moose	Supplemental
WP22-39	Statewide/Units 9, 17/Hare	1035
WCR22-05	Bristol Bay/Unit 9/Moose	1048
WP22-44	YK Delta, Western Interior/Unit 18/Moose	1063
WP22-45	Statewide/Units 18, 22, 23/Hare	1094

Proposal	Region/Unit/Species	Analysis Page
WP22-47	Seward Peninsula, YK Delta, Northwest Arctic, Western Interior, North Slope/Unit 22/Caribou	1109
WP22-49	Seward Peninsula/Unit 22/Moose	1138
WCR22-09b	Seward Peninsula/Unit 22/Moose	1158
WCR22-11 / 12	Seward Peninsula/Unit 22/Moose	113
WCR22-13	Seward Peninsula/Unit 22/Moose	1185
WCR22-14	Seward Peninsula/Unit 22/Moose	1197
WCR22-18	Northwest Arctic, North Slope/Unit 23/Sheep	1212
WCR22-45	Northwest Arctic, Seward Peninsula, Western Interior, North Slope/Unit 23/Caribou	1226
WP22-54	North Slope/Unit 26/Moose	1253

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WP22-11 Executive Summary	
General Description	WP22-11 requests that the Federal regulation for mountain goats in Unit 5A remainder be changed to remove the following language: a minimum of 4 goats in the harvest quota will be reserved for Federally qualified subsistence users. *Submitted by: Southeast Alaska Subsistence Regional Advisory Council.*
Proposed Regulation	**Unit 5A, remainder – Mountain Goat** *1 goat by Federal registration permit The harvest quota will be announced prior to the season.* ~~A minimum of 4 goats in the harvest quota will be reserved for federally qualified subsistence users~~ *Aug1 - Jan31*
OSM Conclusion	**Support** WP22-11 **with modification** to remove the language describing an announcement of the quota from unit-specific regulations and maintain in the delegation of authority letter only (**Appendix 1**). The modified regulation should read: **Unit 5A, remainder – Mountain Goat** *1 goat by Federal registration permit* ~~The harvest quota will be announced prior to the season. A minimum of 4 goats in the harvest quota will be reserved for federally qualified subsistence users~~ *Aug1 - Jan31*
Southeast Alaska Subsistence Regional Advisory Council Recommendation	**Support with OSM modification**
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal
ADF&G Comments	**Support with the modification** proposed by the Office of Subsistence Management
Written Public Comments	**None**

STAFF ANALYSIS
WP22-11

ISSUES

WP22-11, submitted by the Southeast Subsistence Regional Advisory Council, requests that the Federal regulation for mountain goats in Unit 5A remainder be changed to remove the following language: a minimum of 4 goats in the harvest quota will be reserved for Federally qualified subsistence users.

DISCUSSION

The proponent states that the current regulation is cumbersome and difficult for in-season managers to effectively implement. A static number (4) relative to a quota that fluctuates based on the current (most recent available) population data is not an appropriate management directive (does not reflect sound management practices). Effort and harvest are low by both Federally qualified subsistence users and non-Federally qualified users. Subsistence demand has been met without actively "reserving" animals for harvest. Subsequently, this regulation is not necessary and needlessly complicates regulations for both managers and users. The in-season manager (Yakutat District Ranger) has the authority/flexibility to manage the harvest without this regulation. Further, priority for Federally qualified subsistence users is provided by a longer season. The proponent states that this change will simplify the regulations for both Federally qualified subsistence users and managers

Existing Federal Regulation

Unit 5A, remainder—Mountain Goat

1 goat by Federal registration permit The harvest quota will be announced prior to the season A minimum of 4 goats in the harvest quota will be reserved for federally qualified subsistence users	*Aug1-Jan31*

Proposed Federal Regulation

Unit 5A, remainder—Mountain Goat

1 goat by Federal registration permit The harvest quota will be announced prior to the season ~~A minimum of 4 goats in the harvest quota will be reserved for federally qualified subsistence users~~	*Aug1-Jan31*

Existing State Regulation

Unit 5—Mountain Goat

Residents and Nonresidents: 1 goat by registration permit only (RG170); the taking of nannies with kids is prohibited.	*Aug1-Dec31*

Extent of Federal Public Lands/Waters

Federal public lands comprise approximately 98% of Unit 5A and consist of 31% National Park Service (NPS) managed lands and 67% U.S. Forest Service (USFS) managed lands (see Unit 5 Map). The area east of the Dangerous River is comprised almost entirely of Federal public lands, apart from two Native allotments and a Sealaska Corporation private parcel, all near Cannery Creek west of the Alsek River.

Federal public lands within Glacier Bay National Park are closed to all hunting, including the hunting of wildlife for subsistence uses.

Customary and Traditional Use Determinations

Rural residents of Units 1-5 have a customary and traditional use determination for mountain goat in Unit 5.

Regulatory History

Proposal WP02-13, submitted by the USFS, requested that Unit 5A be split into four submanagement areas, subsistence harvest quotas for each area be established, and the goat season close by announcement when the quota is reached. The Federal Subsistence Board (Board) adopted this proposal with modification to establish two hunt (submanagement) areas; the Nunatak Bench (area between the Hubbard Glacier and the West Nunatak Glacier on the north and east sides of Nunatak Fjord) and Unit 5A remainder, and added a four goat quota for Federally qualified subsistence users in Unit 5A remainder. The Board adopted the four goat quota to ensure subsistence harvest opportunity in the event of unanticipated hunting effort by non-local hunters.

The Nunatak Bench area of Unit 5A has been closed under State and Federal regulations since 2001 due to low survey numbers. After an initial emergency closure of the Nunatak Bench Area in 2001, because of the continued decline in the population, Alaska Department of Fish and Game (ADF&G) eliminated the Nunatak Bench from the State registration permit (RG170) area in 2002, thereby eliminating the need for repeated emergency closures and assuring a closure until survey data indicates a harvestable population. A proposal by ADF&G to officially define the area commonly known as Nunatak Bench was passed by the Alaska Board of Game in 2004. The Federal subsistence season in the Nunatak Bench portion of Unit 5A was also closed by special action annually starting in 2001. In 2010, the Board adopted Proposal WP10-22, which delegated authority to the Yakutat District Ranger to set Federal subsistence harvest quotas; close, reopen or adjust seasons; and adjust harvest and possession limits for moose, deer and mountain goats via delegation of authority letter only. Most recently, in 2018 the Board issued a revised letter of delegation to the Yakutat District Ranger for the management of deer, moose, and mountain goats on Federal lands within the Yakutat Ranger District of the Tongass National Forest (**Appendix**

1). The scope of delegation includes establishing quotas, closing, reopening, or adjusting seasons, and adjusting harvest and possession limits The delegation of authority letter also allows the closing of Federal public lands to the take of these species by all users, and to close and reopen Federal public lands to nonsubsistence hunting, when necessary to conserve deer, moose, and mountain goat populations, to continue subsistence uses, for reasons of public safety, or to assure the continued viability of the populations.

Due to declining survey numbers, the State mountain goat season in that portion of Unit 5A remainder bounded by the western edge of Harlequin Lake and the Yakutat Glacier on the east, Russell Fjord on the west, and Nunatak Fjord (including the East Nunatak Glacier) on the north (i.e. area west of Harlequin Lake-**Figure 1**), was closed by ADF&G Emergency Order beginning in 2008 and has been closed annually since. The 2018-2019 Federal subsistence season in this same area was partially closed by Wildlife Special Action WSA-12-MG-04-18 during the 2018/19 regulatory year, and the season was closed in its entirety during the 2019/20 (WSA-12-MG-01-19), 2020/21 (WSA-13-MG-03-20), and 2021/22 (WSA-12-MG-02-21) regulatory years.

Proposal WP20-14 was passed by the Board in 2020, revising the customary and traditional use determination for goats in Unit 5 to include rural residents of Units 1-5.

Figure 1. Unit 5 A mountain goat survey and harvest management areas Closed area includes Nunatak Bench (permanently closed to harvest under State and Federal regulations), and the submanagement area west of Harlequin Lake to Nunatak Bench.

Biological Background

Population trends

ADF&G initiated goat surveys in Unit 5 in 1971. The population declined significantly by 1973; this was a common occurrence throughout southeast Alaska in the early 1970s, primarily attributable to severe winter weather. Aerial survey and anecdotal accounts from guides, pilots, and hunters indicated that goat numbers increased in the 1980s. Although no aerial surveys were conducted in the 1990s, anecdotal information from hunters and guides suggested that goats were abundant throughout Unit 5; however, dramatic declines in goat numbers were observed in the Nunatak Bench area of Unit 5A beginning in the late 1990s (Scott 2014). Aerial survey numbers reported below should be considered a minimum, uncorrected estimate of the true population size.

Current State management objectives (Scott 2014) are:

- Maintain goat densities so at least 30 goats per hour are seen during fall surveys
- Use pamphlets, videos, and other educational materials to ensure a male:female harvest of at least 2:1
- Identify discrete geographic areas and manage within these areas
- Maintain a guideline harvest not to exceed 6 points (males=1 point and females=2 points) per 100 goats observed
- Conduct aerial surveys at least every 3 years in areas of high harvest

Since 2000, aerial survey data from Unit 5A has been recorded for 3 specific zones: Nunatak Bench, Nunatak Bench to the west side of Harlequin Lake, and the east side of Harlequin Lake to the Alsek River (**Figure 1**). Survey numbers declined in the section from Nunatak Bench to the west side of Harlequin Lake beginning in 2007, ranging from 6-57 total goats observed during surveys from 2008-2019, with the most recent count of 46 goats in 2019 (**Figure 2**). Multiple surveys have been conducted in some years as time and resources allow, including follow-up surveys if initial survey conditions were poor. Low numbers in both 2010 surveys are likely indicative of poor survey conditions. Survey numbers have remained relatively stable from the east side of Harlequin Lake to the Alsek River, averaging a total of 161 goats observed during surveys from 2000-2019 (**Figure 3**).

The Nunatak Bench and area west of Harlequin Lake to Nunatak Fiord are expected to remain closed under State regulations until aerial survey results suggest goat numbers have increased to near 80 on Nunatak Bench and 100 between Harlequin Lake and Nunatak Fiord (Scott 2014).

Of the quantifiable ADF&G management objectives of harvest point levels (guideline harvest not to exceed 6 points per 100 goats observed, males=1 point and females=2 points) and goats per hour observations (maintain goat densities so at least 30 goats per hour are seen during fall surveys), only harvest level guidelines were met during the most recent reporting period (Scott 2014).

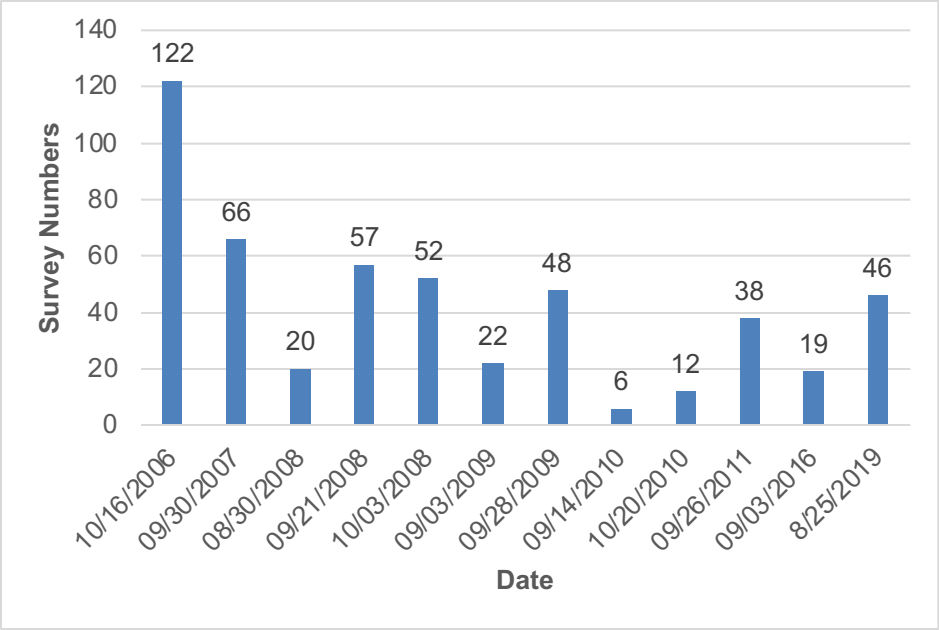

Figure 2. Total (raw) number of goats observed between Harlequin Lake and Nunatak Fiord by survey date, 2006-19 (Oehlers 2019, Oehlers and Scott 2016, Scott 2014)

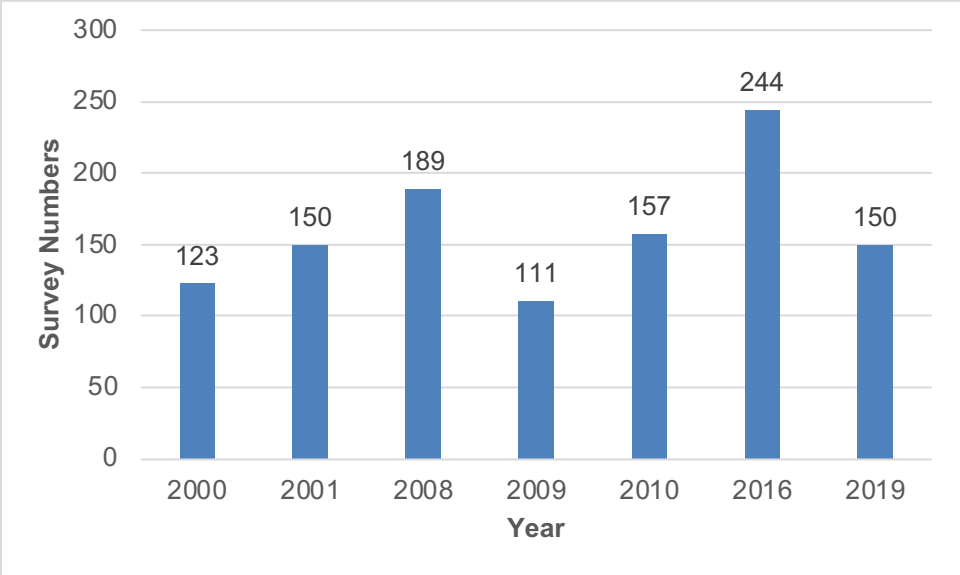

Figure 3. Total (raw) number of mountain goats observed during aerial surveys conducted from Harlequin Lake to Alsek River, by year, 2000-19 (Oehlers 2019, Oehlers and Scott 2016, Scott 2014).

Diet

Mountain goats eat a variety of forage, and are classified as intermediate browsers. They appear to be a generalist herbivore that eats what is available; therefore, diets vary according to availability (Côte and Festa-Bianchet 2003). In southeast Alaska, conifers (*Tsuga sp.*), lichens (*Lobaria sp.*), mosses, and *Vaccinium sp.* are important components of winter diet (Fox and Smith 1988, White and Barten 2008). Fox et al. (1989) reported that the spring diet of goats in Southeast Alaska includes alder, rhizomes, and

new shoots of the fern Athyrium filix-femina. Sedges/rushes, lichens, forbs, and ferns comprised 85% of the summer-fall diet of a southeast Alaska population of goats (White and Barten 2008).

Habitat

Goats have been reported to winter in coniferous forests at sea level and summer in the mountains (alpine and subalpine areas) in coastal areas of British Columbia and Southeast Alaska (Hebert and Turnbull 1977, Fox 1983, Smith 1984, Robus and Carney 1995). Fox et al. (1989) summarized that goats make use of a variety of habitats during summer in southeast Alaska, including tall grass-herbs, mesic sedge-grass tundra, alpine herbaceous tundra, and substantial use of closed tall shrub, open conifer forest, and wet sedge-grass tundra. In winter, goats in Southeast Alaska predominantly use closed conifer forest, alpine herbaceous tundra, tall grass (bluejoint-herb), and open conifer forest, with lesser use of closed tall shrub and shrub tundra (Fox et al. 1989).

Security from predators, thermoregulation, snow avoidance, and forage availability have all been identified as important considerations in winter habitat selection by goats in Southeast Alaska (Schoen and Kirchhoff 1982) and South-coastal British Columbia (Taylor and Kulus 2006). Smith (1986) reported that over 85% of all winter relocations of radio-collared goats in three Southeast Alaska goat populations occurred in forested habitat, and concluded that use of forested habitats may be critical to over-winter survival and productivity for coastal mountain goats.

There have been no formal studies of habitat quality or trends for mountain goats in Unit 5A. Like many areas in southeast Alaska, the mountain goat habitat carrying capacity in Unit 5 is unknown (Scott 2014). Residual effects of the 2002 Russel Fjord flooding event may continue to negatively impact lower elevation habitat in a portion of Unit 5A (Oehlers and Henniger 2009).

Reproduction

Mating season generally occurs from late October to early December, although geographic variation exists. The birthing season is usually from mid-May to early June and is generally highly syn-chronized, but there are usually a few late births from mid-June to early July. Female goats appear to have adopted a very conservative reproductive strategy, generally exhibiting a low reproductive effort, late age at first reproduction (i.e. 4-5 years of age), and favoring strategies to ensure their long-term survival over any one reproductive event (Festa-Bianchet and Côte 2008). Annual kid production varies with age; a range of 40-82% was reported in a Southeast Alaska population, with younger and older females less likely to have a kid at heel than prime-aged (i.e. 7-9 years old) females (White et al. 2012).

Limiting factors

Management concerns for mountain goats include late age at first reproduction (Festa-Bianchet and Côte 2008, White and Barten 2008), low kid production, and high susceptibility to harvest (Côte and Festa-Bianchet 2003). Toweill et al. (2004) summarized that population recovery following herd reduction is slow due to relatively low productive rates, high mortality, and low dispersal rates and, as a result, hunting mortality can be additive to natural mortality. The Nunatak Bench area of Unit 5A, for example, remains at a low population level following a decline in the early 2000s, despite continued hunting closures.

Fox et al. (1989) suggested that quantity and quality of forage is likely a major limiting factor for goats in Southeast Alaska. Severe winters have been associated with declines in several mountain goat populations, including southeast Alaska (Smith 1976, Wright 1977, Smith 1984). Klein (1953) reported that heavy snow cover may prevent goats from obtaining sufficient forage, and may restrict movements to the point of starvation. White et al. (2011) reported that, overall, winter climate exerted the strongest effects

on mountain goat survival in coastal Alaska; summer climate, however, was also significant and indirectly affected survival during the following winter.

Small populations are susceptible to extinction due to environmental variation, demographic sto-chasticity, and inbreeding (Caughley and Sinclair 1994 in Komers and Curman 2000). Varley (1995) observed limited movements between "island-like" alpine habitats, possibly attributable to lack of habitat between suitable use areas, and that more isolated subunits usually supported lower population densities. Small populations (i.e. < 75-100 animals) may not be able to sustain any harvest (Hamel et al. 2006) and, at a minimum, harvest can be a primary factor (in combination with others factors including predation and weather effects) affecting population growth (Adams 1981, Smith 1988, Voyer et al. 2003). Some populations in Alberta have not recovered after 14 years of closed seasons (Hamel et al. 2006). Currently, the population of mountain goats west of Harlequin Lake (including Nunatak Bench) is below the threshold for sustaining a harvest (Scott 2014), whereas the subpopulation east of Harlequin Lake to Alsek River is capable of sustaining a harvest.

Global climate change has the potential to negatively affect cold adapted alpine species including mountain goats (White et al. 2018). Warmer winters in mountainous areas, as influenced by global climate warming (Diaz and Bradley 1997), have the potential to affect goat populations. Changes in snowmelt and spring green-up are likely to affect the life histories of ungulates (Rutberg 1987, Kudo 1991 in Pettorelli et al. 2007). Furthermore, distributions of pathogens may shift northwards with climate warming (Mainguy et al. 2007).

Cultural Knowledge and Traditional Practices

Yakutat area Tlingit have a long history of hunting for mountain goats in the Yakutat region. Mountain goat meat, tallow, horns and wool are all traditionally used products (Deur et al. 2015). Mountain goat hunts were traditionally a specialized seasonal harvest involving large numbers of men from the community. Currently, local subsistence users report a generally "opportunistic" pattern of mountain goat hunting, and that mountain goat hunting locations have changed, generally becoming more numerous as the ice has retreated along the coast. Most recently, Sill et al. (2015) reported that in 2015, 5% of Yakutat households used mountain goat. No households reported attempting to or harvesting a mountain goat, but rather received the resource through sharing.

Harvest History

From 2011-2020, a total of 18 Federal and 100 State permits were issued for mountain goats in Unit 5A remainder (**Table 1**). Of the 100 State permits issued, 22 went to Yakutat residents (Federally qualified subsistence users hunting under State permit); one additional State permit was issued to a Federally qualified subsistence user from outside of Yakutat (includes rural residents of Units 1-5) during the 2020 season. Of 2 goats harvested in 2020 under State regulations, one was by a Yakutat resident. A total of 11 goats were harvested under both State (9) and Federal (2) regulations from 2011-2020 (**Table 2**), averaging 1.1 goats/year. Given the low effort and harvest rate as shown in **Tables 1** and 2, an annual Federal quota has not been formally announced during this time period; based on the most recent aerial surveys (Oehlers 2019, **Figure 3**), however, and consistent with the State management objectives, a quota of 7 points is currently the guideline for the area open to harvest between Harlequin Lake and Alsek River.

Table 1. Mountain goat harvest effort in Unit 5A remainder, from 2011-2020 (Burch 2021) Permits used reflect at least 1 day of hunting reported.

Year	# Federal Permits Issued	# State Permits Issued	# Federal Permits Used	# State Permits Used
2011	1	15	0	0
2012	0	10	0	4
2013	0	9	0	4
2014	3	5	1	2
2015	3	7	1	2
2016	1	3	0	1
2017	1	6	0	0
2018	3	10	2	2
2019	4	17	1	6
2020	2	18	0	5

Table 2. Mountain goat harvest in Unit 5A remainder, 2011-2020 (Burch 2021).

Year	Federal Harvest	State Harvest	Total Harvest
2011	0	0	0
2012	0	1	1
2013	0	1	1
2014	0	0	0
2015	0	1	1
2016	0	1	1
2017	0	0	0
2018	1	0	1
2019	1	3	4
2020	0	2[1]	2

[1] includes 1 Yakutat resident (Federally qualified subsistence user) hunting under a State permit.

Effects of the Proposal

If adopted, this proposal would simplify regulations for both Federally qualified subsistence users and managers by effectively implementing a joint State-Federal quota. This change is not expected to affect Federally qualified subsistence users. Demand has been low by both Federally qualified subsistence users and non-Federally qualified users. Apart from the closed areas due to low population numbers, the low harvest numbers have not warranted early Federal (Special Action) or State (EO) season closures within the recent regulatory history. Federally qualified subsistence users will continue to have an opportunity to harvest goats under Federal or State regulations from Aug. 1-Dec. 31, and in January under Federal subsistence regulations, or until the quota is reached and the season(s) is closed. This change is not expected to affect other users, since the harvest will still be managed under a quota. If harvest by non-Federally qualified users and/or demand for subsistence harvest increases, the Federal manager has the authority to implement in-season changes, including closing Federal public lands to non-Federally

qualified users as needed to ensure that subsistence needs are met. No conservation concern is anticipated since the harvest will still be managed under a quota.

OSM CONCLUSION

Support Proposal WP22-11 **with modification** to remove the language describing an announcement of the quota from unit-specific regulations and maintain in the delegation of authority letter only (**Appendix 1**).

The modified regulation should read:

Unit 5A, remainder—Mountain Goat	
1 goat by Federal registration permit ~~The harvest quota will be announced prior to the season A minimum of 4 goats in the harvest quota will be reserved for federally qualified subsistence users~~	*Aug 1-Jan 31*

Justification

The current regulation is cumbersome and difficult for in-season managers to effectively implement. A static number (4) relative to a quota that fluctuates based on the current (most recent available) population data is not an appropriate management directive and does not reflect sound management practices. Effort and harvest are low by both Federally qualified subsistence users and non-Federally qualified users. Subsistence demand has been met without actively reserving animals for harvest. Consequently, this regulation is not necessary and needlessly complicates regulations for both managers and users. The Yakutat District Ranger has the authority and flexibility to manage the harvest and ensure continued subsistence uses of the resource without this regulation. Further, priority for Federally qualified subsistence users is provided by a longer season.

The language referencing the quota announcement is not necessary and is inconsistent with other unit-specific regulations. The Yakutat District Ranger already has the authority to announce harvest quotas via a delegation of authority letter (**Appendix 1**). These changes will simplify the regulations for all users and managers.

LITERATURE CITED

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Southeast Alaska Subsistence Regional Advisory Council

Support WP22-11 **with OSM modification.** The proposed action is consistent with fish and wildlife management principles Delegated authority to the in-season manager, who coordinates with local tribes, local users, and local Fish and Game offices in considering options, allows for resources to be managed by local decision makers The proposal is beneficial to subsistence users because it clarifies regulations and there is no decrease of harvest opportunity.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recom-mendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

This proposal would alter the current regulation that allocates a minimum of 4 mountain goats for federal subsistence harvest so that number can fluctuate with the number of available harvest points. The number of goat harvest points available each year is based on the most recent mountain goat survey. For every 100 goats counted during a survey 6 goat harvest points are allotted for harvest. For hunt management, a male mountain goat (billy) accounts for 1 point and a female mountain goat (nanny) account for 2 points. It is biologically important to encourage the harvest of male mountain goats.

Background

Mountain goat hunting in Game Management Unit (GMU) 5A is managed under state registration permit RG170, federal subsistence permit (FG0504), and U.S. Forest Service special use permits authorizing registered big game guides to take clients with an RG170 permit on a specific number of hunts on Forest Service lands.

GMU 5A Mountain Goat Population and Harvest

In addition to state and federal permits, mountain goat hunting in GMU 5A is managed by survey areas that correspond to subpopulations. Goat populations in the Nunatak Bench area and the area west of Harlequin Lake and the Yakutat Glacier have been low for two decades, and state and federal hunting seasons in those areas have been closed since 2001 and 2008, respectively. The area east of Harlequin Lake to the Alsek River supports a healthy and huntable goat population. Since 2000, all surveys of the Nunatak bench area have found fewer than 50 goats, and fewer than 25 goats since 2010. The last survey of more than 50 animals west of Harlequin Lake counted 52 mountain goats in 2008. Since 2000, surveys east of Harlequin Lake have counted over 100 goats in most years.

Over the last 10 years there have been a total of 18 Federal permits and 100 State permits issued for mountain goat hunting east of Harlequin Lake. Of those 118 permits only 31 permits (5 Federal and 26 State) were hunted resulting in a total harvest of 11 goats (2 on Federal permits and 9 on State permits) over that 10-year period. ADF&G has not archived the points available annually for this hunt unit, but 7 points have been available in the portion of Unit 5 open to goat hunting for the last 2 years. Of the

11 goats harvested under State and Federal permits over the last 10 years, all but 1 goat was harvested between the east side of Harlequin Lake and the Alsek River. The additional goat was harvested on a federal permit on the west side of Harlequin Lake.

Impact on Subsistence Users

Managing harvest based on mountain goat survey information should not impact subsistence use as federal subsistence harvest was only 2 mountain goats in the last 10 years.

Impact on Other Users

If adopted, there is no anticipated impact to other users because of the low harvest of mountain goats in Unit 5A.

Opportunity Provided by State

State customary and traditional use findings: The Alaska Board of Game (BOG) has made positive customary and traditional use findings for Unit 5.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to de-termine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is the "Amount Necessary for Subsistence (ANS). The BOG determines ANS by reviewing harvest data from all Alaskans collected by ADF&G and/or other sources.

ANS provides the BOG with guidelines on numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations are re-examined when harvests for customary and traditional uses consistently fall below ANS for reasons which include hunting regulations, changes in animal abundance or distribution, or changes in human use patterns and more.

The ANS for mountain goats in GMU 5 is 1-2 animals. The season and bag limit for Unit 5 is:

		Open Season	
Unit / Area	**Bag Limit**	**Resident**	**Nonresident**
5A	1	Aug. 1 – Dec. 31	Aug. 1 – Dec. 31
		(Registration Permit)	(Registration Permit)

[a] Subsistence and General Hunts.

Conservation Issues

There are currently no harvest-related conservation issues for mountain goats in GMU 5A east of Harlequin Lake. However, populations at Nunatak Bench and west of Harlequin Lake are currently below the biological threshold to support hunting opportunity. ADF&G recommends minimum survey counts of 70+ goats in survey areas before the hunts are reopened.

Enforcement Issues

There are no foreseeable enforcement issues with this proposal.

Position

ADF&G **SUPPORTS** this proposal with the modification proposed by the Office of Subsistence Management. It allows federal managers the flexibility to manage subsistence harvest of mountain goats based on population counts and not on a predetermined quota.

Appendix 1

Federal Subsistence Board

1011 East Tudor Road, MS121
Anchorage, Alaska 99503-6199

FISH and WILDLIFE SERVICE
BUREAU of LAND MANAGEMENT
NATIONAL PARK SERVICE
BUREAU of INDIAN AFFAIRS

USDA
FOREST SERVICE

OCT 2 6 2018

OSM 180117.CM

Yakutat District Ranger
Tongass National Forest
P.O. Box 327
Yakutat, Alaska 99689

Dear Yakutat District Ranger:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Yakutat District Ranger to issue emergency or temporary special actions if necessary to ensure the conservation of a healthy wildlife population, to continue subsistence uses of wildlife, for reasons of public safety, or to assure the continued viability of a wildlife population. This delegation only applies to the Federal public lands subject to Alaska National Interest Lands Conservation Act (ANILCA) Title VIII jurisdiction within the Yakutat Ranger District of the Tongass National Forest for the management of deer, moose and mountain goats on these lands.

It is the intent of the Board that special actions related to the management of deer, moose, and mountain goats by Federal officials be coordinated, prior to implementation, with the Alaska Department of Fish and Game (ADF&G), representatives of the Office of Subsistence Management (OSM), and the Chair of the affected Council(s) to the extent possible. The Office of Subsistence Management will be used by managers to facilitate communication of actions and to ensure proposed actions are technically and administratively aligned with legal mandates and policies. Federal managers are expected to work with managers from the State and other Federal agencies, the Council Chair or alternate, local tribes, and Alaska Native Corporations to minimize disruption to subsistence resource users and existing agency programs, consistent with the need for special action.

DELEGATION OF AUTHORITY

1. **Delegation:** The Yakutat District Ranger is hereby delegated authority to issue emergency or temporary special actions affecting deer, moose, and mountain goats on Federal lands as outlined under the **Scope of Delegation**. Any action greater than 60 days in length (temporary special action) requires a public hearing before implementation. Special actions are governed by Federal regulation at 36 CFR 242.19 and 50 CFR 100.19.

2. Authority: This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6), which state: "The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board."

3. Scope of Delegation: The regulatory authority hereby delegated is limited to the following authorities within the limits set by regulation at 36 CFR 242.26 and 50 CFR 100.26.

- You may set Federal subsistence harvest quotas, close, reopen or adjust seasons, and adjust harvest and possession limits for deer, moose, and mountain goats. You may also close Federal public lands to the take of these species by all users.

This delegation also permits you to close and reopen Federal public lands to nonsubsistence hunting, but does not permit you to specify methods and means, permit requirements, or harvest and possession limits for State-managed hunts.

This delegation may be exercised only when it is necessary to conserve deer, moose, and mountain goat populations, to continue subsistence uses, for reasons of public safety, or to assure the continued viability of the populations. All other proposed changes to codified regulations, such as customary and traditional use determinations or adjustments to methods and means of take, shall be directed to the Board.

The Federal lands subject to this delegated authority are those within the Yakutat Ranger District of the Tongass National Forest.

4. Effective Period: This delegation of authority is effective from the date of this letter and continues until superseded or rescinded.

5. Guidelines for Delegation: You will become familiar with the management history of the wildlife species relevant to this delegation in the region, with current State and Federal regulations and management plans, and be up-to-date on population and harvest status information. You will provide subsistence users in the region a local point of contact about Federal subsistence issues and regulations and facilitate a local liaison with State managers and other user groups.

You will review special action requests or situations that may require a special action and all supporting information to determine (1) consistency with 50 CFR 100.19 and 36 CFR 242.19, (2) if the request/situation falls within the scope of authority, (3) if significant conservation problems or subsistence harvest concerns are indicated, and (4) what the consequences of taking an action or no action may be on potentially affected Federally qualified subsistence users and non-Federally qualified users. Requests not within your delegated authority will be forwarded to the Board for consideration. You will maintain a record of all special action requests and

Yakutat District Ranger 4

6. **Support Services:** Administrative support for regulatory actions will be provided by the Office of Subsistence Management.

Sincerely,

Anthony Christianson
Chair

Enclosures

cc: Federal Subsistence Board
Assistant Regional Director, Office of Subsistence Management
Deputy Assistant Regional Director, Office of Subsistence Management
Subsistence Policy Coordinator, Office of Subsistence Management
Wildlife Division Supervisor, Office of Subsistence Management
Subsistence Council Coordinator, Office of Subsistence Management
Chair, Southeast Alaska Subsistence Regional Advisory Council
Commissioner, Alaska Department of Fish and Game
Special Assistant to the Commissioner, Alaska Department of Fish and Game
Forest Supervisor, Tongass National Forest
Special Agent in Charge, Law Enforcement and Investigations FS (Region 10)
Interagency Staff Committee
Administrative Record

WCR22–02 Executive Summary	
Closure Location and Species	Unit 5A – Moose
Current Regulation	**Unit 5A—Moose** *Unit 5A, except Nunatak Bench, west of the Dangerous River—1 bull by joint State/Federal registration permit only. From Oct. 8-Oct. 21, Federal public lands will be closed to taking of moose, except by residents of Unit 5A.* — *Oct. 8–Nov. 15* *Unit 5A, except Nunatak Bench, east of the Dangerous River—1 bull by joint State/Federal registration permit only. From Sept. 16-Sept. 30, Federal public lands will be closed to taking of moose, except by residents of Unit 5A.* — *Sept. 16–Nov. 15*
OSM Conclusion	**Maintain status quo**
Southeast Alaska Subsistence Regional Advisory Council Recommendation	**Maintain status quo**
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	**Neutral**
Written Public Comments	**None**

FEDERAL WILDLIFE CLOSURE REVIEW
WCR22-02

Closure Location: Unit 5A-Moose

Current Federal Regulation

Unit 5A—Moose

Unit 5A, except Nunatak Bench, west of the Dangerous River—1 bull by joint State/Federal registration permit only. From Oct. 8-Oct. 21, Federal public lands will be closed to taking of moose, except by residents of Unit 5A.	*Oct. 8–Nov. 15*

Closure Dates: October 8– 21

Unit 5A, except Nunatak Bench, east of the Dangerous River—1 bull by joint State/Federal registration permit only. From Sept. 16-Sept. 30, Federal public lands will be closed to taking of moose, except by residents of Unit 5A.	*Sept. 16–Nov. 15*

Closure Dates: September 16-30

Current State Regulations:

Unit 5A – Moose

Unit 5A west of Dangerous River and Harlequin Lake, and southwest of Russell And Nunatak fiords and the East Nunatak Glacier - One bull by permit, available online, in person in Douglas and Yakutat beginning Aug 15	*RM061*	*Oct. 15-Nov. 15*
Unit 5A east of Dangerous River and Harlequin Lake - One bull by permit, available online, in person in Douglas and Yakutat beginning Aug 15	*RM061*	*Oct. 1-Nov. 15*

Regulatory Year Initiated: 1991

Extent of Federal Public Lands/Waters

Federal public lands comprise approximately 98% of Unit 5A and consist of 31% National Park Service (NPS) managed lands and 67% U.S. Forest Service (USFS) managed lands (see **Unit 5 Map**). The area east of the Dangerous River is comprised almost entirely of Federal public lands, with the exception of two Native allotments and a Sealaska Corporation site, all near Cannery Creek west of the Alsek River.

Regulatory History

Moose hunting in Unit 5A, except Nunatak Bench has been managed using a registration permit system since 1978. In 1990, the Federal government began managing subsistence hunting, fishing, and trapping on Alaska's Federal public lands. In 1990, the Federal Subsistence Board (Board) approved Special Action S90-25, which closed Federal lands in Unit 5A to moose hunting from Oct. 15–21, except for Yakutat residents. The Federal Register notice states that the action was taken to "assure a preferential subsistence opportunity of rural Alaska residents with a Customary and Traditional Use determination (C&T). Additionally, the harvest quota for Unit 5A, except Nunatak Bench was set at a total of 60 bulls, with no more than 30 bulls to be taken west of the Dangerous River (Western Yakutat Forelands, 5A West− **Figure 1**).

Figure 1. Unit 5A including Western Forelands (5A West) and Eastern Forelands (5A East) harvest and population survey areas on either side of the Dangerous River.

In 1992, the list of communities with a C&T was expanded to include all the residents of Unit 5 and not just the residents of Yakutat (P92-012A). The Board used an emergency special action (S92-10) to close the moose season in Unit 5A West in 1992 because the harvest quota had been reached. In 1994, the

Board adopted proposal P94-17 for Unit 5A, which allowed a community-based harvest of 10 additional moose for community potlatches and ceremonial uses from Aug. 1 to Dec. 31.

In 1996, to allow for increased opportunity by Federally qualified subsistence users, the Board adopted proposal P96-014, which extended the Federal season by one week, from Oct. 15 to Oct. 8.

In 2000, the dates for the closure of Federal public lands to non-Federally qualified subsistence users in Unit 5A were changed from Oct. 15 – Oct. 21 to October 8 – October 21 (P00-010), to reflect the change in the Federal moose season start date of October 8.

In 2004, the Board adopted proposal WP04-20, which established a joint State/Federal registration permit for subsistence hunting of moose in Unit 5A (RM061) that allowed for more efficient management and harvest monitoring of the hunt. The State issued Emergency Orders in 2004 (01-02-04) and 2007 (01-08-07) to close Unit 5A West when the number of moose harvested reached 28 to prevent the harvest from exceeding the quota of 30 bulls.

In October 2008, the State issued an Emergency Order (01-07-08) closing Unit 5A West when the harvest reached 20 bull moose. Also in 2008, in response to continued low bull:cow ratios in Unit 5A and to align with the State action, the Board adopted Special Action WSA08-05, which reduced the total harvest quota from 60 to 50 bulls for Unit 5A, except the Nunatak Bench and from 30 to 20 bulls for Unit 5A West. The Federal subsistence priority was maintained through the early season authorized for Federally qualified subsistence users and the closure period. In 2009, the State raised the harvest quota from 50 to 55 bull moose in Unit 5A, except the Nunatak Bench, and from 20 to 25 bull moose in Unit 5A West. This change was based on surveys conducted during the winter of 2008, which indicated improved bull:cow ratios.

In 2009, the Board set the harvest quota for moose in Unit 5A, except the Nunatak Bench at 55 bulls and for Unit 5A West at 25 bulls. In 2010, the Board adopted Special Action WSA09-04, which delegated the U.S. Forest Service Yakutat District Ranger temporary authority to establish a quota and close the moose season for Unit 5A. In 2010, the Board adopted proposal WP10-22, which delegated authority to the Yakutat District Ranger to set Federal subsistence harvest quotas, close, reopen or adjust seasons, and adjust harvest and possession limits for moose (as well as deer and mountain goats) via delegation of authority letter.

From 2010-2016, the Yakutat District Ranger, via delegated authority, and ADF&G established the moose harvest quota in the fall for Unit 5A, except the Nunatak Bench at 55 bulls, with no more than 25 bulls to be taken in Unit 5A West from October 8 to November 15.

In 2017, in response to the recent survey findings including an increased bull:cow ratio observed in 2016, the Yakutat District Ranger, via delegated authority, and ADF&G established the moose harvest quota in the fall for Unit 5A except the Nunatak Bench at 60 bulls, with no more than 30 bulls to be taken in 5A West. From 2018-2020, the Yakutat District Ranger, via delegated authority, and ADF&G established the moose harvest quota in the fall for Unit 5A except the Nunatak Bench at 30 bulls west of the Dangerous River (5A West) and 30 bulls east of the Dangerous River (5A East).

Since 2012, Unit 5A West has been closed by Federal Special Action (WSAs: 13-MO-07-12; 13-MO-12-13; 12-MO-06-14; 12-MO-05-15; 13-MO-05-1; 13-MO-05-17; 12-MO-03-18; 12-MO-03-19; and 12-MO-04-20) and State Emergency Order (EOs: 01-07-12’ 01-10-13’ 01-11-14’ 01-14-15’ 01-15-16’ 01-14-

17' 01-17-18' 01-16-19' and 01-19-20') annually before the season end date of November 15 in order to not exceed the joint quota. From 2014-18, and again in 2020, there was no State season in Unit 5A West since the quota was met prior to the State season opening date. In 2019, the Federal and State seasons in Unit 5A West were closed on October 19. In 2020, Unit 5A East was also closed by Special Action (WSA 12-MO-05-20) and Emergency Order (01-21-20) effective October 28.

In 2012, Federal public lands remained closed to hunting moose from Oct. 8 – Oct. 21 (WCR12-02), except for residents of Unit 5A. The moose population was below the recommended State management goals for the population and the minimum bull:cow ratio. This closure was reviewed again most recently in 2015 (WCR15-02), and the continued closure was supported by the Southeast Alaska Regional Advisory Council (Council) during their winter 2017 meeting.

In 2012, Sealaska Corporation lands near Yakutat (known as "the nine townships") reverted from State to Federal land management as final land selections were made under the Alaska Native Claims Settlement Act, increasing the amount of Federal public land available for Unit 5A (Yakutat) residents to hunt between Oct. 8 and Oct. 21. Consequently, in Unit 5A West, minimal land is available for non-Federally qualified users to hunt until Federal lands open under State regulations on October 22nd. This land status change also effectively opened popular hunting areas closer to town for local residents (Federally qualified subsistence users) a week earlier, helping to distribute hunting pressure during the Federal season. However, likely in addition to perceived moose population increases since the previously mild winters, it has also significantly reduced the season length in Unit 5A West since the quota is quickly reached.

In response to the rapid harvest and exceeding the quota in 2014, managers reduced the reporting period for the joint State and Federal moose registration permit for RM061 (Unit 5A, except Nunatak Bench) from 5 days to 3 days, effective in the 2015 season. In the 2018 season, managers reduced the reporting period for the joint State and Federal moose registration permit for RM061 to 24 hours for Unit 5A West.

In 2015, the Council submitted Proposal WP16-06, requesting that a definition of "Nunatak Bench" be added to the Federal subsistence regulations for Unit 5. The Board supported the proposal and the definition of Nunatak Bench was added to the 2016-2018 Federal Subsistence Regulations. The definition is as follows: "In Unit 5A, Nunatak Bench is defined as that area east of the Hubbard Glacier, north of Nunatak Fiord, and north and east of the East Nunatak Glacier to the Canadian Border."

In 2017, the Yakutat Fish and Game Advisory Committee (Yakutat AC) submitted Proposal WP18-10, requesting that the Federal season for moose in Unit 5A East open from Sept. 1 – Nov. 15, with Federal public lands closed to the harvest of moose except by residents of Unit 5A from Sept. 1 – Sept. 14 rather than Oct. 8-21. During the 2018 April (10-13) meeting, the Board passed this proposal with modification, based on the recommendation of the Council, to season dates of Sept. 16-Nov. 15 for 5A East, with Federal public lands closed to the harvest of moose except by residents of Unit 5A from Sept. 16 – 30, effective in the 2018 season (2018/2019 regulatory year). In 2018, the Yakutat AC submitted a parallel proposal to the Alaska Board of Game (BOG) (proposal #25), requesting that the State season in Unit 5A East be open Sept. 16-Nov. 15, with Federal public lands closed to harvest of moose except by residents of Unit 5A from Sept. 16-30. The BOG adopted Proposal 25 during their January (11-15) 2019 meeting, with modification to align with the Board action on Proposal WP18-10, to the current State season of Oct. 1-Nov. 15 in Unit 5A East.

In 2018, the Board issued a delegation of authority letter to the Yakutat District Ranger for the management of deer, moose, and mountain goats on Federal lands within the Yakutat Ranger District of the Tongass National Forest. The scope of delegation includes establishing quotas, closing, reopening, or adjusting seasons, and adjusting harvest and possession limits. The delegation of authority also allows the closing of Federal public lands to the take of these species by all users, and to close and reopen Federal public lands to nonsubsistence hunting, when necessary, to conserve deer, moose, and mountain goat populations, continue subsistence uses, for reasons of public safety, or to assure the continued viability of wildlife populations.

In August 2020, the Board approved a revised closure policy, which stipulated all closures will be reviewed every four years (FSB 2020). The policy also specified that closures, similar to regulatory proposals, will be presented to the Councils for a recommendation and then to the Board for a final decision. Previously, closure reviews were presented to Councils who then decided whether to maintain the closure, submit a regulatory proposal to modify, or eliminate the closure (FSB 2007).

Closure last reviewed: 2015 - WCR15-02

Justification for original closure (Section 815(3) criteria)

Section §815(3) of ANILCA states:

> *Nothing in this title shall be construed as – (3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on the public lands (other than national parks and monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in 816, to continue subsistence uses of such populations, or pursuant to other applicable law; or*

The Board closed Federal public lands in Unit 5A, except Nunatak Bench from Oct. 15– Oct. 21, to taking of moose, except by residents of Unit 5A to assure a preferential subsistence opportunity of rural Alaska residents with C&T, effective 1991. The regulatory dates for the closure of Federal public lands to non-Federally qualified subsistence users were changed in 2000 from Oct. 15 – 21 to October 8 – 21 (P00-010), to reflect the change in the Federal moose season start date of October 8. Closure dates were again changed to Sept. 16-30 east of the Dangerous River effective during the 2018/2019 regulatory season to reflect the change in the Federal moose season start date of September 16.

Council recommendation for original closure

The Council had not been established prior to the original closure, and thus there was no recommendation at that time. Since the establishment of the Council, the Council has supported the closure because it has provided opportunity for Federally qualified subsistence users to harvest moose in an area that typically receives relatively high hunting pressure.

State recommendation for original closure

The State recommendation for the original closure was not found in the 1990 Federal Subsistence Board Meeting Book or in the archives.

Biological Background

Population trends

Moose were first sighted along the lower Alsek River drainage in Unit 5A East in the late 1920s and early 1930s. By the 1950s, the moose population had expanded its range westward to the Malaspina Forelands west of Yakutat Bay (**Figure 1**). The population grew rapidly and by the 1960s was estimated to be over 2,000 animals, which was likely above the carrying capacity of the range (Sell 2017). During the 1960s and early 1970s, the population declined due to both liberal harvest seasons, including cow hunts designed to protect the moose habitat, and severe winters in 1970 and 1972 that reduced survival and recruitment (Scott 2010).

In 1974, the moose population in Unit 5A was estimated to be approximately 300 animals (FWS 1996). Concern over low population numbers resulted in a hunting closure in Unit 5A from 1974–1977. After the hunting closures in the 1970s, the population slowly increased to about 600-800 animals, which appears to be carrying capacity of the area. In 1989, the State developed a management plan for Unit 5A Yakutat Forelands, which included the following objectives: 1) maintain a moose population of 850 animals post-hunt; 2) sustain an annual harvest of 70 moose; 3) provide a hunter success rate of 28%, and 4) maintain a post-hunt bull:cow ratio of 20:100 (ADF&G 1990). Regionwide goals for moose management include managing for the greatest hunter participation possible consistent with maintaining viable populations, sustained yield, subsistence priority, and the interests and desires of the public. The plan has not been formally updated, but the management objectives and harvest management strategies are updated in the management reports based on existing biological data and public input. The Board of Game has made a positive finding for customary and traditional use of moose in Game Management Unit 5 and set 50 moose as the Amount Necessary for Subsistence (ANS-Sell 2017).

The current State management objectives (Sell 2017) are:

- Post-hunt moose numbers (estimated): 600-800
- Annual hunter kill (average): 55
- Post hunt bull:cow ratio: 25:100
- Number of hunters (annual average): 250
- Hunter-days of effort (annual average): 1,025
- Hunter success (annual average): 28%

Population counts conducted in the 1970s and 1980s were based on annual winter moose surveys that had been adjusted using a 50% sightability correction factor to account for animals not seen during the survey (Smith and Franzmann 1979). However, more recent data from a sightability study on the Yakutat Forelands suggest that a 70% sightability correction factor was more appropriate (Oehlers 2007). The 70% correction factor, however, reflects good snow cover, which does not always occur during the population surveys. Ideally, a sightability logistic regression model would include covariates such as snow coverage, habitat type, and group size in addition to population data so that more accurate annual estimates can be obtained. However, due to variation in survey conditions such as timing, survey routes, number of trained personnel and variable snow conditions, these criteria have not been consistently recorded and thus only the raw survey data are used for abundance trend information (Barten 2006, Barten 2008a, Scott 2010). Consequently, results of aerial surveys should be considered a minimum population estimate and used primarily as an index for trend analysis.

Between 2000 and 2020, surveys of the Unit 5A Yakutat Forelands have been conducted as conditions permitted (**Table 1, Figure 1**). Some surveys have been limited to subsections of the forelands with a focus to obtain herd composition data rather than a total population estimate. Reliable herd composition surveys are not always feasible due to insufficient snowfall and aircraft availability relative to when bulls begin to shed their antlers (Sell 2017). Prior to 2005, surveys were conducted in open areas where concentrations of moose were known to occur. The distribution and movements of moose in addition to the observer's ability to detect moose during aerial surveys are highly variable and dependent on the weather conditions, timing, and amount of snow cover in the late fall. Thus, population counts prior to 2005 may have missed large segments of the moose population and are probably not very reliable for detecting population trends (Barten 2008a). In 2005, a more rigorous systematic survey design was developed using line transects which allowed for increased survey coverage, increased reliability of population estimates, reduced bias in the areas selected, and consistency between years.

Table 1. Moose survey results for Unit 5A, 2002-16 (Barten 2002, 2005, 2006, 2008b; Converse and Rice 2003; Churchwell 2020; Oehlers 2008a, b, c; Oehlers 2012; Scott 2010, 2011a,b; 2013a,b; Sell 2016a, b). Composition surveys emphasize sex and age ratio, rather than a total population estimate.

Survey Area	Month	Year	Composition Survey (Y/N)	# Bulls	# Cows	# Calves	# Unk.	Total	Bull:Cow
Yakutat Fore-lands	March	2002	Y	28	146	21	0	195	19:100
	March	2010	Y	28	146	21	0	195	19:100
Western Fore-lands (5A West)	Dec.	2003	N	3	23	23	140	189	[1]
	Dec.	2005	N	10	46	47	224	328	37:100[3]
	Nov.	2006	Y	12	119	11	0	142	10:100
	Dec.	2007	N	24	21	21	200	266	11:100[3]
	Nov.	2008	Y	23	67	4	0	94	34:100
	Dec.	2008	Y	24	166	31	0	221	14:100[3]
	Nov.	2011	Y	28	141	60	0	229	20:100
	Dec.	2012	N	3	12	14	168	197	[1]
	Oct.	2013	Y	13	35	4	2	54[5]	37:100
	Dec.	2013	N	18	36[4]	41	117	212	12:100[3,]
	Dec.	2015	N	33	43	51	166	293	16:100[3]
	Dec.	2016	N	68	39	43	140	290	38:100[3]
	Jan.	2020	N	4	5	5	216	230[5]	[1]
Eastern Fore-lands (5A East)	Dec.	2003	N	7	23	25	118	173[2]	[1]
	Nov.	2005	Y	33	166	17	0	216	20:100
	Dec.	2005	N	31	25	28	221	305	12.6:100[3]
	Dec.	2007	N	55	49	53	262	419	18:100[3]
	Oct.	2013	Y	12	26	6	0	44[5]	46:100
	Dec.	2015	N	76	85	100	274	535	21:100[3]
	Dec.	2016	N	54	38	44	117	253[5]	35:100[3]
	Jan.	2020	N	2	9	11	93	115[5]	[1]

[1]survey conducted after bulls started to drop antlers, no bull:cow ratio estimated

[2] area between Italio and Akwe rivers not surveyed due to poor conditions

[3] minimum estimate

[4] cows with calves only

[5] poor survey conditions=some areas not surveyed and/or high winds and flight speeds, thus total number of moose should be considered a minimum estimate. October 2013 survey conducted shortly after harvest season with no snow resulting in low detectability rates.

Following the hunting closures in the mid-1970s and the 1989 management plan, the Yakutat Forelands moose population slowly recovered to a total of approximately 632 and 685 moose in 2005 and 2007, respectively (**Table 1, Figure 2**). Low bull:cow ratios were observed starting in 2006, particularly in Unit 5A West (**Table 1**). Following the 2007 survey, there were several severe winters, which likely reduced survival and recruitment and caused a decline in the moose population (Barten 2012). Complete population surveys, however, were not conducted between 2007 and 2014 (surveys during this period focused on sex and age composition). The age composition of bulls in the harvest from 2003-2012 suggested that the range of age classes were well represented in the population and that calf survival was high enough to provide continued harvest of bull moose at previous levels (Sell 2014).

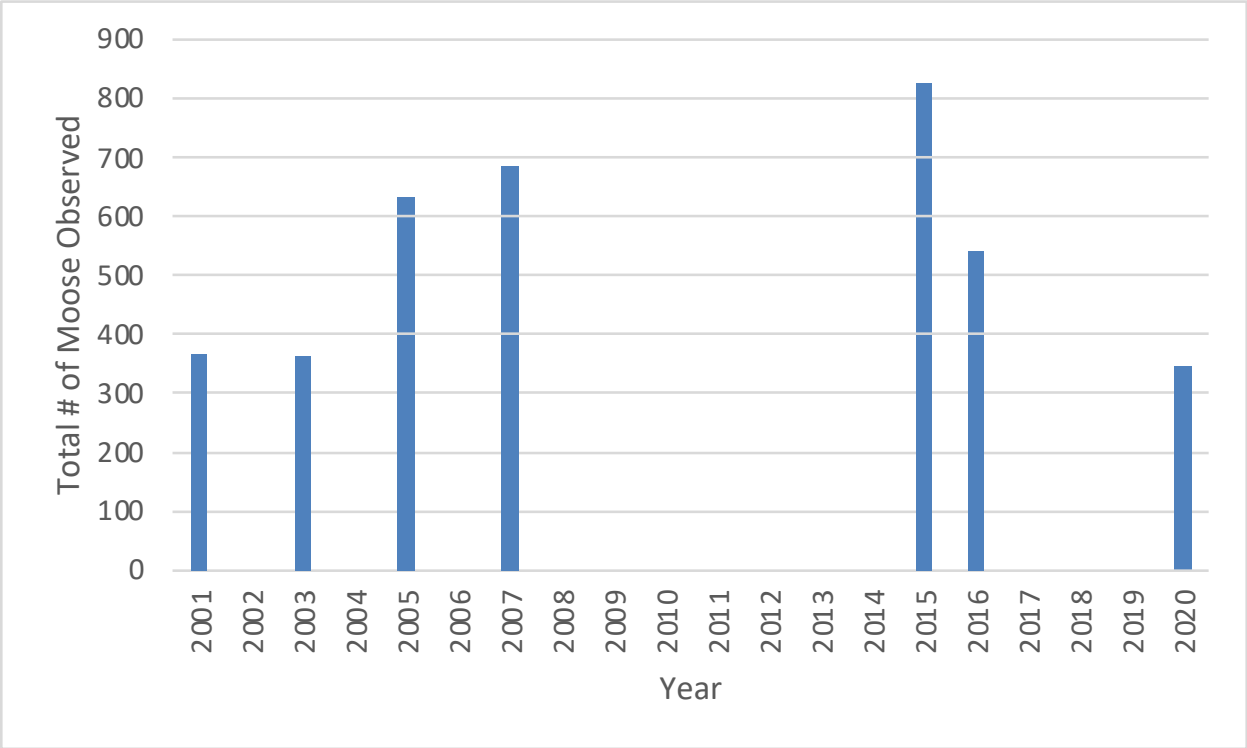

Figure 2. Population estimates for moose in Unit 5A, 2001-2020 (Barten 2004, 2005, 2008b; Converse and Rice 2003; Sell, 2016a, b; Churchwell 2020)

The mild winters of 2014/2015 and 2015/2016 are thought to have resulted in improved over-winter survival for ungulate populations region wide (Scott 2017). In 2015 and 2016, a total of 828 and 543 moose, respectively, were observed on the Yakutat Forelands (**Figure 2**). Although the total number observed was lower in 2016 than 2015, those estimates may be more reflective of survey conditions than actual numbers. Percentage of calves was similar in 2015 and 2016 (18% and 17%, respectively), indicating healthy recruitment. Bull:cow ratios were higher in 2016 (36:100) than 2015 (19:100), meeting the State's management objective of 25 bulls:100 cows in 2016. The 2015 and 2016 survey results, considered as minimum estimates (not accounting for sightability), meet the State management objectives of 600-800 post-hunt numbers. The yearling and 2-3 year old component of the harvest suggests good recruitment during the most recent reporting period (2010-2014; Sell 2017). In Unit 5A West, where

harvest is predominantly by Federally qualified subsistence users, total numbers have remained relatively steady throughout the reporting period, with a bull:cow ratio ranging from 10:100 in 2006 to 38:100 in 2016.

Most recently, ADF&G conducted a population survey on January 17, 2020. Due to the late season timing, along with survey conditions (high wind and flight speeds), identification of sex and age (calves) was difficult. A total of 230 and 115 moose were observed in Unit 5A West and East, respectively for a total Unit 5A population estimate of 345 moose, which, even considering survey conditions, is below State management objectives. The observation rate of 43-66 moose/hour (average=55.6 moose/hr.) was slightly lower than the previous (2016) survey that had 59-72 moose/hour (average=64.5 moose/hr.), however this was likely in part related to the survey conditions (Churchwell 2020). Recent heavy snow years (2019-20 and 2020-21) may have impacted the population; given continued rapid harvest rates, however, the population is likely continuing to recover from previous (2011-12) harsh winters.

Habitat

There have been no recent habitat studies conducted to assess the quality of the moose habitat in Unit 5A. Good body condition and high pregnancy and twinning rates indicate that the quality and quantity of forage habitat was good in the early to mid-2000s (ADF&G 2005, Oehlers 2007). A relatively stable low-density population also indicates good quality habitat.

Breeding

Breeding strategies of moose differ between the tundra (Alaska/Yukon-*Alces alces gigas*) and taiga (Eastern, northwestern, and Shira's subspecies-*Alces alces americana, Alces alces andersoni, Alces alces shirasi*) moose, and there are likely gradations between these 2 strategies (Schwartz 1997). Tundra moose tend to be relatively polygamous breeders and form assemblages during the rut, where dominant males can monopolize females. Consequently, one male can breed with many cows during one breeding season. In forest dwelling taiga moose, one bull will remain with a single female or small group of females for one or several days, likely breeding with only a few females during rutting season. Moose in Yakutat are likely in a mixing zone between *Alces alces gigas* and *Alces alces andersoni* (Schmidt et al. 2009). If females are not bred during their first estrous cycle, they may experience a recurrent estrous cycle and breed later in the season (Schwartz 1997). However, one study in Alaska (Schwartz and Hundertmark 1993) reported that an estimated 88% of calves were conceived during the first estrus cycle within a season.

The breeding season in interior Alaska ranges from September 28-October 12, with calving season approximately mid-May to mid-June, peaking the last 2 weeks of May (Schwartz 1997). Moose in Yakutat have been observed congregating from August-October, coinciding with the rutting season (Oehlers 2021). Older prime bulls come into rut earlier than younger bulls and because rutting bulls are more vulnerable to harvest, hunting seasons held during the peak of rut may increase the harvest of prime bulls (Timmerman and Buss 1997). However, in a 1992 survey of 19 moose management jurisdictions, Wilton (1992) found that 74% of 136 moose hunting seasons coincided with the rutting period (September 16-October 15). Currently within Alaska, Federal fall seasons for moose in many units open in September, or even earlier, including in Unit 5A.

Cultural Knowledge and Traditional Practices

The Unit 5A moose population is a relatively recent subsistence resource, having presumably emigrated into the area along the Alsek River beginning in late 1920s and early 1930s. Previously, mountain goat, bears, and seals were the primary sources of meat for Yakutat residents (Sill 2015). The most recent data indicate that during 2015, 75% of households used moose while 20% reported harvesting (Sill 2015). Sixty-four % of households reported receiving moose and 20% reported harvesting moose. Forty-nine % of households reported that they hunted moose, of which 20% were successful.

Moose was the fourth ranked resource used by Yakutat households in 2015. Only halibut, Sockeye, and Chinook Salmon were used by a greater percentage of households. Further, moose accounted for 90% of the land mammal harvest in 2015 (Sill 2015).

Harvest History

The annual moose harvest in Unit 5A ranged from 30-48 moose during 2002-11, with an average of 38 moose (Barten 2004, Sell 2014). Total harvest has ranged from 33-64 moose from 2012-20 (**Table 2**). An average of 19 and 29 moose were harvested annually in Unit 5A East and West, respectively, from 2012-20. The harvest has met or exceeded the quota guideline in Unit 5A West annually since 2012 (**Table 2**). Harvest in Unit 5A East, however, which is less accessible than 5A West, has not met the quota during this same time period, with the exception of 2020. Since 2012, total harvest has met the states ANS in 2015, 2017, 2019, and 2020.

Federally qualified subsistence users account for the majority of the harvest in Unit 5A West, accounting for 100% of the harvest annually from 2014-20 (**Table 2).** Although the State season was open in Unit 5A West for 8 days in 2019, with the Federal land closure in place very little non-Federal land is available for non-Federally qualified subsistence users to hunt, and all of the harvest was by Federally qualified subsistence users. In Unit 5A East, Federally qualified users accounted for an average of 50% of the harvest from 2012-20. Overall, Federally qualified subsistence users accounted for an average of 79% of the moose harvested in Unit 5A (except Nunatak Bench) from 2012-20. The lower percentage of the harvest from Federally qualified users in Unit 5A East is primarily due to the limited and costlier access relative to the west side. Unit 5A West receives more pressure in terms of number of hunters, averaging 74 hunters (all users) annually from 2012-20 versus 51 in Unit 5A East. Total number of days hunted is also higher in Unit 5A West, averaging 216 days annually versus 183 days in Unit 5A East during that same time period (**Table 3**). Total effort (number of hunters and hunter-days) remains below the State management objectives for hunter participation. Particularly in recent years, the hunting effort is concentrated during a shorter season in Unit 5A West than East. Success rate is similar in both areas; 37% and 39%, respectively, in Unit 5A East and West from 2012-20, exceeding the State management objective of 28%.

Table 2. Total reported harvest of bull moose in Unit 5A 2012-2020 (Schumacher 2017 and Burch 2021). Designation of Federally qualified subsistence user is based on harvester's community of residence.

Year	Quota West	Total Harvest West (% Federally qualified users)	Quota east	Total Harvest East (% Federally qualified users)	Total
2012	25	27(89%)	30	13 (23%)	40
2013	25	25 (92%)	30	8 (50%)	33
2014	25	28 (100%)	30	16 (81%)	44
2015	25	29 (100%)	30	21 (48%)	51
2016	25	27 (100%)	30	17 (59%)	44
2017	30	35 (100%)	30	22 (46%)	57
2018	30	30 (100%)	30	17 (71%)	47
2019	30	30 (100%)	30	22 (46%)	52
2020	30	32 (100%)	30	32 (34%)	64

Table 3. Hunting effort by all users for moose in Unit 5A 2012-16 (Schumacher 2017 and Burch 2021). Numbers are reflective of all hunters who reported at least 1 day of hunting.

Area	Year	Total Number of Hunters	Total Number of Days Hunted	Success Rate	Average # of Days Hunted by Successful hunters	Average # of Days Hunted by all Hunters
5A West	2012	81	271	33%	2.9	3.3
	2013	89	328	28%	2.2	3.7
	2014	69	171	41%	2.0	2.5
	2015	80	233	36%	2.0	2.9
	2016	72	178	38%	1.3	2.5
	2017	68	190	37%	2.1	2.8
	2018	64	161	43%	1.9	2.5
	2019	63	204	35%	2.4	3.2
	2020	82	209	44%	2.0	2.5
5A East	2012	42	175	31%	2.8	4.2
	2013	30	154	27%	2.6	2.9
	2014	54	200	30%	3.0	3.7
	2015	48	180	44%	3.4	3.8
	2016	47	183	36%	1.8	3.9
	2017	59	182	26%	2.3	3.1
	2018	40	129	23%	3.1	3.2
	2019	62	210	24%	2.3	3.4
	2020	73	234	20%	2.3	3.2

Effects

If the closure is rescinded, there would be increased opportunity for non-Federally qualified users to harvest moose in Unit 5A. Without the closure, it is very likely that non-Federally qualified users would hunt earlier in the State season as Yakutat is easily accessible by daily commercial airlines services. Currently, Federally qualified subsistence users account for the majority of the moose harvested in Unit 5A, except Nunatak Bench and 100% of the moose harvested in Unit 5A West since 2014. The harvest quota has been met and the Federal season has been closed in Unit 5A West prior to the State season opening annually from 2014-2020, with the exception of 2019. If this closure is rescinded, non-Federally qualified users would be able to hunt Federal lands a week earlier west of the Dangerous River, resulting in increased competition between Federally qualified and non-Federally qualified users and thereby decreasing harvest opportunity of a limited resource for Federally qualified subsistence users.

OSM CONCLUSION

X maintain status quo

__ modify or eliminate the closure

Justification

The Federal closure for Unit 5A moose remains important to the residents of Unit 5A as it provides for the continued subsistence use of the population as mandated by Title VIII of ANILCA. While the State's population and composition objectives were met in 2015 and 2016, slightly lower numbers during the January 2020 survey and recent heavy winters warrant caution and will be considered when establishing future quotas. Federally qualified subsistence users account for the majority of the moose harvested in Unit 5A, except Nunatak Bench and 100% of the moose harvested in Unit 5A West since 2014. The annual hunt by Federally qualified subsistence users takes place primarily in Unit 5A West where accessibility by boat or vehicle is much greater, and hunting expenses generally lower, than in Unit 5A East. The majority of the moose harvested are taken by Federally qualified users during the first two weeks of the season in Unit 5A West. The Federal season in Unit 5A West was closed prior to the State season opening annually from 2014-18 and again in 2020.

The number of moose available for harvest is limited as moose numbers remain at a relatively low density. Without the closure, non-Federally qualified users would be able to hunt Federal lands a week earlier in Unit 5A West, resulting in increased competition between Federally qualified and non-Federally qualified users and thereby decreasing harvest opportunity of a limited resource for Federally qualified subsistence users. The status quo is necessary to continue subsistence uses of the moose population under Section 815(3) of ANILCA and does not violate the prohibitions (public safety, administration, and the continued viability of a particular fish and wildlife population) outlined in ANILCA Section 816(b). The closure to moose harvest on Federal public lands in the affected area will continue to be reviewed at least every four years as per the Federal Subsistence Board Closure Policy (FSB 2007, 2020).

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Southeast Alaska Subsistence Regional Advisory Council

Maintain status quo of WCR22-02. The Council was in favor of maintaining the closure since it is working as it was intended. The Council noted that several people from Pelican and Juneau have personally hunted the area for moose who agree with the closure because there is a significant amount of hunting pressure, which, without this closure, would negatively affect the subsistence opportunity of Yakutat users. The Council agreed that the closure is effective in providing a meaningful priority to Federally qualified subsistence users.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

If this closure is eliminated, non-federally qualified users (NFQU) would be allowed to hunt moose October 8-21 on the federal public lands in GMU 5A west of the Dangerous River, except on the Nunatak Bench.

Background

In 1996 the Federal Subsistence Board (FSB) lengthened the federal moose hunting season in GMU 5A by allowing it to open one week earlier than the state season. Although the concurrent seasons had been managed under the state's registration permit system, the new "early hunt" was administered under a separate federal registration permit issued by the U.S. Forest Service (USFS) and the National Park Service (NPS) and prohibited hunting on federal public lands except by residents of GMU 5A from October 8–21. Around the same time, a section of Sealaska Corporation lands near Yakutat (locally known as "the nine townships") were managed under state authority. State management of these lands allowed moose hunting opportunity for hunters residing outside GMU 5A during the state season, which opened on October 15. This arrangement also dispersed moose hunting effort on the west side of the Dangerous River during the federal season.

Just prior to the 2004 hunting season, the Alaska Department of Fish and Game (ADF&G) worked with the USFS to craft a joint state and federal permit that now serves as the only permit needed to hunt the Yakutat Forelands. Development of this joint permit made it possible for ADF&G to track all hunting effort and obtain necessary data for management of moose in this area.

In 2012, a land trade between Sealaska Corporation and the USFS resulted in the 9 townships reverting to federal management, expanding moose hunting opportunity for federally qualified users (FQU) near Yakutat. That change also accelerated the rate of moose harvest with a few efficient federally designated hunters harvesting most of the available quota of 25 bull moose for themselves and their beneficiaries within 3-4 days of the season opening. To avoid exceeding the quota state and federal staff closely monitored the harvest. However, from 2014-2016 some FQU hunters failed to report their harvest from

west of the Dangerous River in a timely fashion resulting in harvests from that area that exceeded the desired quota. Concurrently, moose harvest in GMU 5A east of the Dangerous River was often well below the harvest quota.

To encourage more hunting effort east of the Dangerous River, in 2018 managers coordinated proposals to change state and federal GMU 5A moose hunting regulations to allow greater opportunity for hunting in GMU 5A east of the Dangerous River. Beginning in RY2019 all lands in GMU 5A east of the Dangerous River opened to all moose hunters on October 1, expanding opportunity for FQUs residing outside of GMU 5A and NFQUs in that area by 8 days.

Impact on Subsistence Users

Lifting the closure may increase competition for the limited number of moose available under the harvest quota.

Impact on Other Users

Lifting the closure would provide moose hunting opportunity in GMU 5A west of the Dangerous River for hunters residing outside of GMU 5A.

Opportunity Provided by State

State customary and traditional use findings: The Alaska Board of Game (BOG) has made a positive customary and traditional use finding for moose in GMU 5.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by ADF&G or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

The ANS for moose in GMU 5 is 50 animals. The season and bag limit for GMU 5A is:

		Open Season	
Unit / Area	**Bag Limit**	**Resident**	**Nonresident**
5A	1 bull moose	*Oct. 15 – Nov. 15*	*Oct. 15 – Nov. 15*
		(Registration Permit)	(Registration Permit)

Special instructions: Successful hunters must return the completed hunt report and front portion of the lower jaw to the ADF&G office in Douglas or Yakutat or to the USDA Forest Service office in Yakutat within three (3) days of kill.

Conservation Issues

The only conservation issue is the potential to overharvest bull moose west of the Dangerous River and the resulting potential need to limit harvest to recover the bull:cow ratio. One of ADF&G's management objectives for moose in GMU 5A is to maintain a ratio of 25 bulls:100 cows. GMU 5A moose harvest is limited by a quota to 70 bulls, 25 west of the Dangerous River and the remainder east of the Dangerous River. Moose hunting areas west of the Dangerous River are connected to the community of Yakutat by road. With greater access the quota is usually harvested in 3-5 days. ADF&G and federal biologists carefully monitor harvest so the hunt can be closed when the quota is reached. ADF&G's 1990 Moose Management Plan calls for a GMU 5A population of 850 moose with an annual harvest of 70 bulls. ADF&G can only conduct minimum counts, not population estimates, for this population, but we believe it is likely the GMU 5A population objective is being met.

Enforcement Issues

The Alaska Wildlife Troopers no longer maintain a permanent post in Yakutat; however, troopers from elsewhere patrol the Yakutat area during the federal moose season and effectively enforce state regulations during the federal GMU 5A hunt. The USFS also maintains a law enforcement presence in Yakutat and helps enforce hunting regulations.

Position

The department is **NEUTRAL** on this proposal.

WP22-13 Executive Summary	
General Description	Proposal WP22-13 requests that deer be removed from the Unit 6 specific designated hunter regulation. *Submitted by: Southcentral Regional Advisory Council*
Proposed Regulation	§_____.26(n)(6)(ii) Unit-specific regulations: (D) A Federally qualified subsistence user (recipient) who is either blind, 65 years of age or older, at least 70 percent disabled, or temporarily disabled, may designate another Federally qualified subsistence user (designated hunter) to take any moose, ~~deer,~~ black bear and beaver on their behalf in Unit 6, and goat in Unit 6D, unless the recipient is a member of a community operating under a community harvest system. The designated hunter must get a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients, but may have no more than one harvest limit in their possession at any one time.
OSM Conclusion	**Support**
Southeast Alaska Subsistence Regional Advisory Council Recommendation	**Take no action**
Southcentral Alaska Subsistence Regional Advisory Council Recommendation	**Oppose**
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	**Oppose**
Written Public Comments	**None**

STAFF ANALYSIS
WP22-13

ISSUES

Proposal WP22-13, submitted by the Southcentral Alaska Subsistence Regional Advisory Council, requests that deer be removed from the Unit 6 specific designated hunter regulation, allowing any Federally qualified subsistence user to designate another qualified user to harvest deer on their behalf in Unit 6, as is allowed for large mammals in most of the rest of Alaska. Currently, only elderly or disabled hunters may designate another to harvest deer on their behalf in Unit 6.

DISCUSSION

The proponents would like to change the current designated hunter regulation, specific to Unit 6, so that any Federally qualified subsistence user could designate another qualified user to harvest deer on their behalf. Hunting deer can be physically demanding, especially early in the season, before snow pushes deer to lower elevations. This would allow one member of a family, who is capable of harvesting deer early in the season, to fill the permits of other family members or other individuals later in the season. Currently, a hunter must be blind, at least 65 years of age, 70% disabled, or temporarily disabled to designate another hunter to harvest deer on their behalf.

This analysis, in consultation with the proponent, addresses the original intent of the proponent by just removing "deer" from the existing Unit 6 designated hunter provision. The additional text contained in the proposal as submitted, stating that qualified rural residents may designate others to harvest deer on their behalf, is unnecessary, as it is addressed in existing Federal regulation.

Existing Federal Regulation

§_____.26(n)(6)(ii) Unit-specific regulations:

(D) A Federally qualified subsistence user (recipient) who is either blind, 65 years of age or older, at least 70 percent disabled, or temporarily disabled, may designate another Federally qualified subsistence user (designated hunter) to take any moose, deer, black bear and beaver on their behalf in Unit 6, and goat in Unit 6D, unless the recipient is a member of a community operating under a community harvest system. The designated hunter must get a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients, but may have no more than one harvest limit in their possession at any one time.

Proposed Federal Regulation

§_____.26(n)(6)(ii) Unit-specific regulations:

(D) A Federally qualified subsistence user (recipient) who is either blind, 65 years of age or older, at least 70 percent disabled, or temporarily disabled, may designate another Federally qualified subsistence user (designated hunter) to take any moose, ~~deer,~~ black bear and beaver on their behalf in Unit 6, and goat in Unit 6D, unless the recipient is a member of a community operating under a community harvest system. The designated hunter must get a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients, but may have no more than one harvest limit in their possession at any one time.

Existing State Regulation

An Alaska resident (the beneficiary) may obtain an authorization allowing another Alaska resident (the proxy) to hunt moose, caribou, or deer for them if they are blind, 70-percent physically disabled, 65 years of age or older, or are developmentally disabled. A person may not proxy for more than one beneficiary at a time.

Relevant Federal Regulation

§_____.25(e) Hunting by designated harvest permit.

If you are a Federally qualified subsistence user (recipient), you may designate another Federally qualified subsistence user to take deer, moose, and caribou, and in Units 1-5, goats, on your behalf unless you are a member of a community operating under a community harvest system or unless unit-specific regulations in §100.26 preclude or modify the use of the designated hunter system or allow the harvest of additional species by a designated hunter. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest

limits in his/her possession at any one time except for goats, where designated hunters may have no more than one harvest limit in possession at any one time, and unless otherwise specified in unit-specific regulations in §100.26.

Extent of Federal Public Lands

Federal public lands comprise approximately 71% of Unit 6 and consist of 49.2% U.S. Forest Service managed lands, 13.8% Bureau of Land Management managed lands, and 7.6% National Park Service managed lands (**Figure 1**).

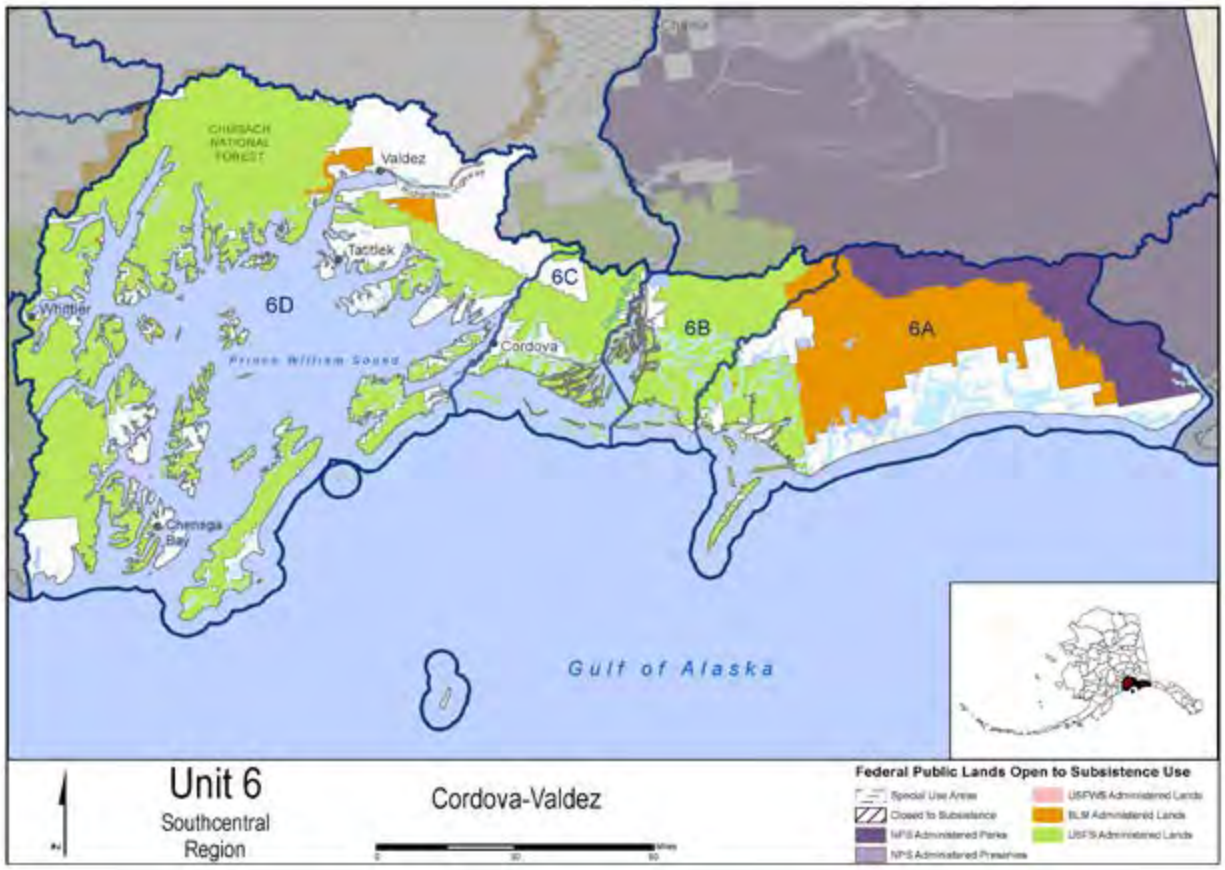

Figure 1. Unit 6 hunt area.

Customary and Traditional Use Determinations

The Federal Subsistence Board (Board) has not made a customary and traditional use determination for deer in Unit 6; therefore, all rural residents of Alaska may harvest deer in Unit 6.

Regulatory History

Prior to 2002, there was no designated hunting provision for Unit 6. Three requests for a designated hunter provision in Unit 6 were submitted to the Federal Subsistence Board (Board) in 2002, including: Proposal WP03-15, which proposed that no designated hunter could be used for Unit 6C moose; Proposal WP03-16, which proposed a designated hunter could be used to harvest Unit 6C

moose or deer; and Proposal WP03-55, which proposed a designated hunter could be used for any wildlife in Unit 6.

Proposal WP03-15 was submitted because it was thought by some residents that "the limited numbers of available permits continue to be highly coveted and that the drawing method of permit allocation was regarded as the most equitable and appropriate for local circumstances," and that designated hunting provisions can lead to abuses of the drawing system, such as those with large extended families or those willing to sponsor proxies as a way of increasing their chances of being drawn for a permit. The proponent went on to state that sharing is a fundamental part of life in Cordova and "designated hunter privileges are simply not necessary to further the goals of sharing or resource distribution and serve only to confound the fairness of permit drawing and distribution." He also acknowledged that "proxy or designated hunter provisions are an appropriate and sometimes necessary accommodation in other hunt circumstances but not in the Unit 6(C) moose hunt where a very limited number of permits are available only by drawing."

The proponents of Proposals WP03-16 and WP03-55 expressed the opposite view. They supported designated hunter provisions in Unit 6. They expressed the view that a Federally qualified subsistence user should be allowed to have a designated hunter to harvest subsistence foods without being limited or restricted by physical disabilities. In Proposal WP03-16, the proponents stated that the two elderly successful drawing permit holders had used the State proxy hunting system in the past to obtain their subsistence fish and game. The Native Village of Eyak also pointed out that there are designated hunting provisions in neighboring Units 5, 11, and 13.

The proposal submitted by the Native Village of Eyak, WP03-55, is the only one of the three that placed the specific conditions on the designation to another Federally qualified subsistence user to be "in their family." In conversations with representatives of the proponent, this condition was requested as a way of recognizing traditional practices of their tribal organization. The application of designated hunting provisions to any wildlife was also seen as a way to recognize traditional practices, as the Native Village of Eyak Council members stated that when hunters go out, they hunt for whoever needs the resource and do not limit this practice to certain species (Lambert 2003).

These proposals were largely in response to the Federal subsistence moose drawing hunt in Unit 6C. After deliberation, the Board adopted the current designated hunting provision unique to Unit 6, allowing Federally qualified subsistence users who are blind, 65 years of age or older, 70% disabled, or temporarily disabled, to harvest any moose, deer, black bear, or beaver on their behalf in Unit 6, and goat in Unit 6D, unless the recipient is a member of a community harvest system. The resulting designated hunter provision adopted by the Board was a compromise, recognizing the coveted nature of draw permits for Unit 6C moose, and allowed for the designation of another hunter to harvest deer, moose, caribou, black bear, beaver and goats by hunters who are blind, over 65 years of age, 70% disabled, or temporarily disabled. The only designated hunter permits that have been issued since that time have been for Unit 6C moose.

In 2003, the Board adopted Wildlife Proposal WP03-02 with modification to standardize the designated hunter regulations. The Office of Subsistence Management (OSM) submitted the proposal to provide equal harvest opportunity for subsistence users across the State. Previously, designated hunter regulations had been adopted on a unit by unit basis resulting in certain hunts and units being overlooked. This

proposal established a statewide designated hunter program for subsistence harvest of moose, deer and caribou, subject to unit-specific regulations.

Current Events

Wildlife Proposal WP22-02, submitted by OSM, requests removing language from general and unit specific regulations prohibiting the use of a designated hunter if the recipient is a member of a community operating under a community harvest system.

Cultural Knowledge and Traditional Practices

Designated hunting provisions provide recognition of the customary and traditional practices throughout the state. On a statewide basis, findings from a comparison of household harvests in a community documented that "it is not uncommon for about 30 percent of the households in a community to produce about 70 percent or more of the community's wild food harvest (Wolfe 1987: 16-17)." One of the factors proposed as an explanation for the highly productive households is the developmental cycle in multi-household kinship groups; where the mature household (higher producers) is characterized by the largest pool of labor and equipment and the largest set of social obligations to produce food. A conclusion of this study was that individual bag or harvest limits do not allow for these practices and a recommendation for alternative management tools, "such as the transferable bag and the community bag [limits], are identified as being more compatible with the customary harvest patterns of particular rural Alaskan areas" (Wolfe 1987: 17).

Harvest History

Deer are an important subsistence resource for residents of Unit 6. A community survey in 2003 showed that deer were used by more households in Chenega Bay, Cordova, and Tatitlek than any other large mammal species, with a minimum of 65% of households estimated using deer in each community (**Table 1**). In addition, deer were the primary large mammal harvested by households in each community, whereas other large mammal resources were more likely shared from individuals within or outside of the communities (Fall 2006) (Table 1). A large proportion of the yearly take of deer by the residents of Cordova, the largest of the three communities, occurs on Hawkins Island, which is in relatively close proximity to town.

Prior to 2011, deer harvest in Unit 6 was estimated from harvest questionnaires mailed to a sample of hunters who were issued State harvest tickets. It was difficult to identify deer harvested by Federally qualified subsistence users, as results were categorized as residents of Unit 6 (local residents), residents outside of Unit 6 (nonlocal residents), and nonresidents (**Table 2**). Thus, the local and nonlocal resident categories included both Federally qualified subsistence users and non-Federally qualified subsistence users. However, beginning in 2011/2012, harvest reports were given to each user issued a State harvest ticket, improving reporting and connected each user to a community. The interim harvest report showed that approximately 45% of the reported resident harvest was by local Federally qualified subsistence users (residents of Cordova, Chenega Bay, Tatitlek, and Whittier), 50% by non-Federally qualified Alaska residents, and 5% by nonlocal Federally qualified subsistence users (ADF&G 2012). Approximately 98% of the reported harvest by local Federally qualified subsistence users was from Cordova residents (ADF&G 2012), which was similar to the results of the household survey conducted in 2003 (95% of reported harvest) (**Table 1**). The majority of harvest by non-Federally qualified subsistence users was

from Anchorage residents (approximately 38% of reported harvest), and 5% of the reported harvest was associated with Valdez residents, which is a nonrural community in Unit 6 (ADF&G 2012). Local and nonlocal residents were the primary users (29% and 66% of the estimated hunters, respectively) and accounted for 39% and 59% of the estimated harvest between 2010/2011 and 2019/2020, respectively (**Table 2**). McLaughlin (2015) reported a decline in hunter success during the winter of 2014-2015. This may be due in part to the relatively warm winter which allowed the deer to remain more dispersed at higher elevations where they are less available to Federally qualified subsistence users (Westing 2014). Local residents have the highest success rates of the deer hunters in Unit 6, averaging 1.6 deer per year between 2010/11 and 2019/20 (**Table 2**).

From 2006 to 2012, the sex ratio of the harvest was approximately 62% male and 38% female (Crowley 2011, Westing 2013). Harvest reports between 2005/2006 and 2009/2010 showed that most of the annual deer harvest occurred during October (19%–35%), November (25%–35%), and December (18%–24%) (Crowley 2011, Westing 2013). Few deer have been harvested during the extended January season since the season was lengthened in 2016. Harvest chronology is similar to previous years, as users often prefer hunting after snow has pushed deer to lower elevations and because the rut, which occurs in November, increases the harvest vulnerability of bucks (Crowley 2011, Westing 2013). Deer were primarily harvested by hunters using boats (76%–86%) as their primary transportation method (Crowley 2011, Westing 2013).

Table 1. Household harvest survey data from communities in Prince William Sound, Alaska in 2003. Households were classified as having used, attempted to harvest, or harvested resources if any member of that household participated in that category. The percentage of households that used a resource included those that harvested and gave it away or acquired the resource from another user, and included all non-commercial uses of the resource (Fall 2006).

Percentage (%) of households					
Community	**Species**	**Used**	**Attempted**	**Harvested**	**Total animals harvested**
Chenega Bay	Deer	81	75	56	50
	Moose	44	6	6	1
	Goat	25	13	6	1
	Sheep	13	6	0	0
	Black bear	13	0	0	0
Cordova	Deer	65	44	39	1354
	Moose	51	14	12	111
	Goat	11	3	1	16
	Sheep	1	1	1	8
	Black bear	10	8	3	35
Tatitlek	Deer	100	56	28	30
	Moose	32	0	0	0
	Goat	40	12	4	1
	Sheep	4	0	0	0
	Black bear	20	8	4	1

Table 2. Unit 6 deer harvest 2010-2020 (Crowley 2012, pers. comm., Westing 2013, 2014, FWS 2015, Westing 2021, pers. comm.). Harvest data was recorded via the State's deer hunter questionnaire survey until 2010/2011 and via a harvest ticket starting in 2011/2012 (Westing 2021, pers. comm.).

	Local resident		Nonlocal resident		Nonresident		
Year	Hunters	Deer harvested ((deer/ hunter)	Hunters	Deer harvested ((deer/ hunter)	Hunters	Deer harvested ((deer/hunter)	Total deer harvested
2010/2011	352	805(2.2)	775	778(1.0)	60	60(1.0)	1643
2011/2012	455	1202(2.6)	888	1426(1.6)	51	48(0.9)	2676
2012/2013	196	156(0.8)	606	367(0.6)	50	13(0.3)	536
2013/2014	212	228(1.1)	490	303(0.6)	41	3(0.1)	534
2014/2015	360	434(1.2)	793	858(1.1)	37	6(0.2)	1298
2015/2016	443	655(1.5)	936	977(1.0)	52	54(1.0)	1686
2016/2017	508	907(1.8)	1216	1601(1.3)	74	46(0.6)	2554
2017/2018	412	558(1.4)	943	849(1.3)	85	48(0.6)	1455
2018/2019	461	773(1.7)	888	916(1.0)	56	16(0.3)	1705
2019/2020	444	773(1.7)	1102	1319(1.2)	63	49(0.8)	2141

Effects of the Proposal

Removal of deer from the Unit 6 designated hunting provision would allow any Federally qualified subsistence user to harvest deer in Unit 6 on the behalf of other qualified users. This would allow additional access to deer by families or individuals that are unable to hunt themselves, as Federal regulation allows for designated hunters in the remainder of Alaska for deer, moose, and caribou. Biological effects on the Unit 6 deer population would be minimal because winter severity has as great an effect on Prince William Sound deer populations as does hunting pressure. In-season management authority could be used to mitigate conservation concerns if they develop.

OSM CONCLUSION

Support Proposal WP22–13.

Justification

Allowing any Federally qualified subsistence user to designate another qualified user to harvest deer on their behalf in Unit 6 would provide additional access to deer for individuals and families unable to harvest deer themselves, whether as a result of physical limitations, lack of boat access, or other reasons. This would also make the Unit 6 designated hunter regulation more consistent with the statewide regulation for designated hunters.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Southeast Alaska Subsistence Regional Advisory Council

Take No Action on WP22-13.

Southcentral Alaska Subsistence Regional Advisory Council

Oppose WP22-13. The Council submitted this proposal to create additional access for harvest by people who are less able to get their own deer; however, after considering the suggestion from public testimony for OSM to determine customary and traditional (C&T) use of deer in Unit 6 before expanding access to all rural residents, the Council was not in favor of recommending this change at this time. Making a C&T determination was beyond the scope of this proposal, so the Council opposed it as written and hopes a proposal for a C&T determination for Unit 6 deer will be submitted during the next wildlife cycle.

INTERAGENCY STAFF COMMITTEE RECOMMENDATIONS

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposal WP22-13

This proposal would remove deer from the Game Management Unit (GMU) 6 specific designated hunter regulation, allowing any federally qualified user (FQU) to designate another FQU to harvest deer in GMU 6 on their behalf. Currently, FQUs must adhere to a GMU 6 specific designated hunter rule which only allows someone who is either blind, 65 years of age or older, at least 70% disabled, or temporarily disabled, to designate another FQU.

Background

Sitka black-tailed deer in GMU 6 are at the extreme northern limit of their range (Cowan 1969). The most important factors limiting the deer population are snow depth and snowpack duration (Reynolds 1979). The population of deer in Prince William Sound (GMU 6) represents the northernmost extent of their acceptable range (Cowan 1969). A series of mild winters allows deer to increase and disperse to less favorable habitat, only to decline during severe winters from starvation. Regardless of management actions taken, weather will primarily influence population trajectory. Hunting can, however, be a limiting factor in local areas when deep snow concentrates deer on beaches during open season (Reynolds 1979).

Impact on Subsistence Users

This proposal would provide additional harvest opportunity for FQUs. Excessive harvest provided by this liberalization of the designated hunter rule in GMU 6 could result in reduced opportunity to harvest deer in the future.

Impact on Other Users

If adopted, this proposal may result in increased take by FQUs and reduce the opportunity for non-federally qualified users (NFQU).

Opportunity Provided by State

State customary and traditional use findings: The Alaska Board of Game (BOG) has made positive customary and traditional use findings for deer in GMU 6.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by the Alaska Department of Fish & Game (ADF&G) or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

The ANS for deer in GMU 6 is 1,000- 1,250 animals. The season and bag limit for GMU 6 is:

Table 1. GMU 6 Deer Hunting Regulations

Residency and Bag Limit	Bag Limit Details	Open Season (Permit/Hunt #)
Residents [a] *–5 deer total*	*Bucks*	*Aug. 1–Sept. 30*
	Any deer	*Oct.1–Dec. 31*
Nonresidents–4 deer total	*Bucks*	*Aug. 1–Sept. 30*
	Any deer	*Oct. 1–Dec. 31*

[a] Subsistence and General Hunts.

Conservation Issues

Many households contain members that do not hunt for themselves, and this liberalization of the designated hunter rule will make their bag limits available for any other FQU to harvest. Given the broad stipulations for a designated hunter under the federal subsistence program this has the potential to greatly increase harvest in GMU 6. Recent population indices, updated household survey data, and harvest data were not included in the Office of Subsistence Management's (OSM) staff analysis and therefore they present no basis for the statement that recent harvest is normal. There is no data presented to suggest that users are not able to meet their needs with the existing season and designated hunter stipulations. Quantifying deer harvest accurately is difficult and could be greatly complicated by the passage of this proposal. The OSM staff analysis also states of the proposal that "in-season management authority could be used to mitigate conservation concerns if they develop". This is simply something they would not be able to do in-season to conserve the deer population in GMU 6. The status of the population is determined pre-season by deer pellet indices which are a coarse tool and harvest data is not available until 8 months post-season.

Enforcement Issues

Deer standing below the mean high-water mark fall under the state's jurisdiction and would not be available for harvest under federal subsistence regulations. This distinction in where state and federal regulations start and stop could prove challenging for both users and law enforcement officers.

Position

ADF&G **OPPOSES** this proposal because increased harvest is likely to be excessive and unsustainable creating a conservation concern for this population of Sitka black-tailed deer. Under the provisions of the Alaska National Interest Lands Conservation Act which require the conservation of healthy populations and address conservation concerns, not create them.

WP22-14 Executive Summary	
General Description	Proposal WP22-14 requests that the black bear harvest limit in Unit 6 be increased from one to two black bears per year, and that the Unit 6D season would close if the harvest quota was met. *Submitted by: Dan Schmalzer and Nick Docken of Cordova*
Proposed Regulation	Unit 6—Black Bear *Unit 6 —~~1 bear~~ **2 bears**. In Unit 6D a State registration permit is required. Sept, 1 – June 30* ***§_____.26(n)(6)(ii) Unit-specific regulations:*** *(A) You may use bait to hunt black bear between April 15 and June 15. In addition, you may use bait in Unit 6D between June 16 and June 30. The harvest quota in Unit 6D is 20 bears taken with bait between June 16 and June 30.* ***If the State harvest quota in Unit 6D (RL065) is met, the Federal season in Unit 6D will close at the same time as the State season.***
OSM Conclusion	**Support**
Southeast Alaska Subsistence Regional Advisory Council Recommendation	**Take No Action**
Southcentral Alaska Subsistence Regional Advisory Council Recommendation	**Oppose**
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	**Oppose**
Written Public Comments	**None**

STAFF ANALYSIS
WP22-14

ISSUES

Proposal WP22-14, submitted by Dan Schmalzer and Nick Docken of Cordova, Alaska, requests that the black bear harvest limit in Unit 6 be increased from one to two black bears per year, and that the Unit 6D season would close if the harvest quota was met.

DISCUSSION

The proponents request the ability to harvest 2 black bears in a regulatory year. This would allow Federally qualified subsistence users additional opportunity to harvest red meat. Currently, if a hunter harvests a black bear in the fall, they cannot harvest another in the spring. They cite the cost of living, reduced ferry service, and COVID-19 restrictions as factors making Prince William Sound residents more dependent on wild renewable resources. Additionally, many local residents do not have access to moose and deer because boats or airboats are often necessary to harvest these species. Black bear hunting opportunity is easily accessed from the Copper River Highway and does not require a boat.

Existing Federal Regulation

Unit 6—Black Bear

Unit 6 —1 bear. In Unit 6D a State registration permit is required.	*Sept. 1 – June 30*

§_____.26(n)(6)(ii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15. In addition, you may use bait in Unit 6D between June 16 and June 30. The harvest quota in Unit 6D is 20 bears taken with bait between June 16 and June 30.

Proposed Federal Regulation

Unit 6—Black Bear

*Unit 6 —~~1 bear~~ **2 bears**. In Unit 6D a State registration permit is required.*	*Sept. 1 – June 30*

Unit 6—Black Bear

§_____.26(n)(6)(ii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15. In addition, you may use bait in Unit 6D between June 16 and June 30. The harvest quota in Unit 6D is 20 bears taken with bait between June 16 and June 30. **If the State harvest quota in Unit 6D (RL065) is met, the Federal season in Unit 6D will close at the same time as the State season.**

Existing State Regulation

Unit 6—Black Bear

Unit 6A, 6B — One bear (Residents and nonresidents)	*HT*	*Aug. 20 – June 30*
Unit 6C — One bear (Residents and nonresidents)	*HT*	*Sept. 1 – June 30*
Unit 6C — One bear (Residents and nonresidents)	*HT*	*Sept. 1 – June 30*
Unit 6D — One bear every regulatory year by permit available online at http://hunt.alaska.gov *or in person in Anchorage, Cordova, Fairbanks, Glenallen, Palmer, and Soldotna beginning Aug 25 (Residents and nonresidents)*	*RL065*	*Sept. 10 – Jun. 10*

Extent of Federal Public Lands

Unit 6 is comprised of approximately 71% Federal public lands, and consist of 49% U.S. Forest Service (USFS) managed lands, 14% Bureau of Land Management (BLM) managed lands, and 8% National Park Service (NPS) managed lands (**Figure 1**).

Customary and Traditional Use Determinations

Rural residents of Yakutat and residents of Units 6C and 6D (excluding residents of Whittier) have a customary and traditional use determination for black bear in Unit 6A. Rural residents of Units 6C and 6D (excluding residents of Whittier) have a customary and traditional use determination for black bear in Unit 6 remainder.

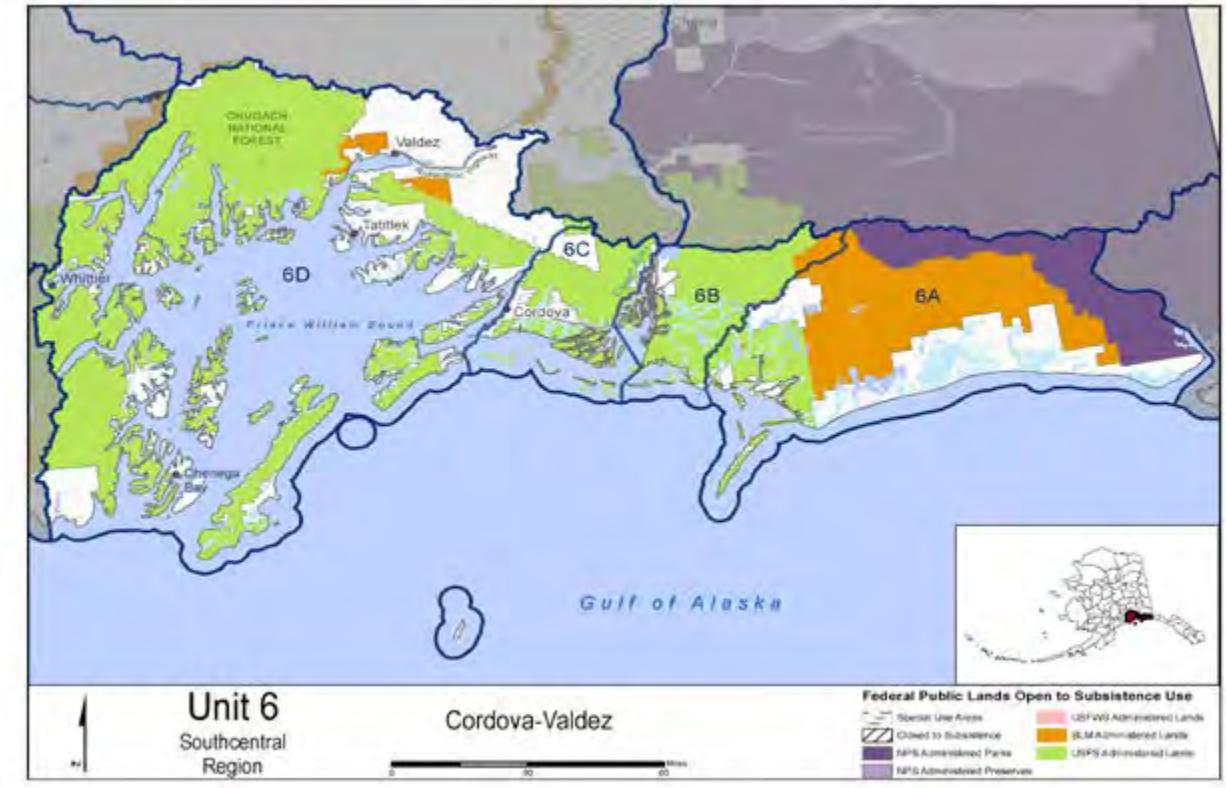

Figure 1. Unit 6 hunt area

Regulatory History

In 1990, the Federal Subsistence Board (Board) adopted interim subsistence regulations for black bear hunting at bait stations that aligned with State regulations. The Federal and State bear baiting season in Units 6A, 6B, and 6C has been Apr. 15 – June 15 and, since regulatory year 2005/06, the State baiting season in Unit 6D has been Apr. 15– June 30.

The Alaska Board of Game (BOG) has taken several incremental measures to reduce black bear harvest in Unit 6D over the past 15 years. In 2003, Unit 6D was closed to the shooting of black bears from a boat. Completing a bear baiting clinic to establish a bear bait station was required in 2005. Also, in 2005 the BOG changed the season dates for Unit 6D from Sept. 1 – June 30 to Sept. 1 – June 10 to reduce harvest of black bears. Beginning in regulatory year 2009/10, the start of the Unit 6D black bear season was changed from Sept. 1 to Sept. 10 to further reduce harvest. The intent of shifting the start of the season 10 days later was to reduce the harvest of black bears as they move from salmon streams to the high country during the fall. Also, in 2009, the BOG approved the use of a harvest reporting system for Unit 6 to better track hunting effort for black bears.

In 2014, the Board adopted Proposal WP14-09 with modification to lengthen the season for hunting black bears with bait in Unit 6D by 2 weeks to run through June 30, to require the use of a Federal registration permit, and to set a quota of 20 black bears to be taken over bait during the extended Federal baiting season. Requiring the use of a Federal registration permit was seen as a way to better track harvest of

black bears at a time when there was a growing conservation concern for the species but use of the State baiting permit was allowed in 2016.

In February 2015, the BOG adopted Proposal 210 to change the black bear hunt in Unit 6D to a registration hunt. The BOG concluded that bears in the area were being overharvested and that a better management tool was needed to assess and control harvest. This new regulation became effective July 1, 2015.

On February 27, 2015, the Alaska Department of Fish and Game (ADF&G) issued an Emergency Order closing the State black bear season in Unit 6D, effective May 27, 2015. This was in response to a steady decline in the black bear population and a tripling of the harvest between the 1990s and 2007, along with a marked decrease in harvest in 2012 and 2013. In addition, the percentage of females in the harvest had exceeded management goals since 2006.

Additionally, on May 19, 2015 wildlife special action request WSA15-09, submitted by ADF&G requested that the Federal subsistence black bear season close on May 27, the same effective date as the Emergency Order issued by the State. They also requested that the Federal Unit 6D black bear permit required from June 11 through June 30 be extended to begin on May 27, so that Federal subsistence users are in compliance with both State and Federal permit requirements. This special action request was unanimously approved by the Board with modification, temporarily extending the dates of the Unit 6D Federal subsistence black bear season from May 27, 2015 through June 30, 2015, because of the small number of black bears harvested by Federally qualified rural residents.

Biological Background

Black bears are common throughout Unit 6, with the exception of Kayak and Middleton Islands along the North Gulf Coast of Alaska, and Montague, Hinchinbrook, Hawkins, and several smaller islands in Prince William Sound (Crowley 2011). The State management goal for black bear in Unit 6 is to maintain a black bear population that will sustain a 3-year average annual harvest of 200 bears composed of at least 75% males with a minimum average skull size of 17 inches (Crowley 2011). The proportion of females taken exceeded the recommended management objective of 25% in 2006, 2007, and 2009 (Crowley 2011).

While there are no accurate population data for black bears in Unit 6, black bear densities tend to be highest in western Prince William Sound (Unit 6D) and lowest along the North Gulf Coast and eastern Prince William Sound (Units 6A, 6B, and 6C) (McIIroy 1970; Modafferi 1978, 1982). Black bear populations in Unit 6 fluctuate due to the severity of winter weather, food abundance, hunting pressure and in some areas, competition with and predation by brown bears (Mcllroy 1970, Schwartz et al. 1986).

Harvest monitoring and assessment has been the primary method used to assess the status of the black bear population in Unit 6. In 2009, the BOG approved the use of a harvest reporting system that incorporated an assessment of effort in addition to the harvest (Crowley 2011). Since the late 1980s, ADF&G has been using the skull size as a biological objective because it is thought that these changes may indicate changes in population size, harvest composition, and the sustainability of harvest levels. A decreasing skull size may indicate a decline in older bears in the population, which may be indicative of a population decline (Lowell 2011). To assess the population age structure, which is a measure of population health, skull size and harvest densities are compared between 8 geographic areas that

correspond to well-defined watersheds within Unit 6 (Crowley 2011). The decline in skull size of male black bears, along with high annual harvest during the 5-year period from 2005– 2009, when compared to the previous two 5-year periods, suggested that harvest may be impacting the age structure of the Unit 6 black bear population. A similar trend was not found for female harvested bears.

A sharp decline in black bear harvest was observed in the years following the severe winter of 2011-2012, which may have resulted in low recruitment of young for the following years. This information and the reports of fewer black bear sightings by many user groups prompted the U.S. Forest Service and ADF&G to begin a collaborative research project on Prince William Sound black bears. Fifty-three bears were fitted with satellite/GPS collars during the summers of 2016, 2017, and 2018. That project is ongoing.

Harvest History

Historical and ethnographic accounts of the Alutiiq of Prince William Sound and the Eyak Indians of the Copper River Delta, the traditional inhabitants of the Chugach, indicate that black bears were an important subsistence food source (Simeone 2008). Although black bears were once a major subsistence staple for residents in Prince William Sound communities, Sitka black-tailed deer have replaced black bears in importance according to local residents (Simeone 2008). Between 1986 and 2006, residents of Unit 6, resident hunters living outside of Unit 6, and nonresidents accounted for 11%, 58%, and 31% of the black bear harvest in Unit 6, respectively. A majority of the harvest (85%) occurred in Unit 6D (Simeone 2008). From 2005 – 2010, the hunting pressure and take of black bears in Unit 6 was greatest in Unit 6D (83– 86%), which coincides with the greatest densities of black bears and ease of access by Anchorage hunters through the Anton Anderson Memorial Tunnel (Whittier Tunnel) (Simeone 2008, Crowley 2011). An average of 427 black bears were taken per regulatory year between 2004 and 2013, which exceeds the State management goal to average 200 black bears over a 3-year period.

Without accurate population estimates it is difficult to determine if current harvest levels are sustainable. Although it is difficult to determine the status of black bear populations using harvest data (Garshelis 1993), the decrease in age of harvested male bears during the high harvest from 2005 – 2009 suggested that the harvest was having a population level effect (reducing the overall size of the population) (Crowley 2011). More compelling was the sharp drop in total Unit 6D harvest during 2012 and 2013 (**Table 1**). Additionally, the number of bears taken over bait in Unit 6D, where bear baiting is most prevalent, almost doubled between 2005 (50 bears) and 2009 (97 bears) but declined again in 2011 (**Table 2**).

The total reported harvest of black bears taken in Unit 6D by Federally qualified users, from 2010 to 2019 was 24 black bears (Westing 2021). Between 2010 and 2019, Federally qualified subsistence users harvested 0-7 bears in Unit 6D, accounting for just 1.0% of the total Unit 6D black bear harvest on average. The percentage of black bears taken over bait by all hunters in Unit 6D ranged from 7% to 35% between 2010 and 2020.

Table 1. Black Bear harvest in Unit 6D from 2010-2019 (Westing 2021, pers. comm.).

Year	Chenega Bay	Cordova	Tatitlek	Total by Federally qualified subsistence users	Total 6D Harvest	% harvested by Rural Residents
2010	1	0	0	1	453	0.2%
2011	3	3	1	7	467	1.5%

Year	Chenega Bay	Cordova	Tatitlek	Total by Federally qualified subsistence users	Total 6D Harvest	% harvested by Rural Residents
2012	2	0	0	2	357	0.6%
2013	1	1	1	3	188	1.6%
2014	0	0	0	0	105	0
2015	0	1	0	1	91	1.1%
2016	0	4	0	4	140	2.3%
2017	1	1	0	2	212	0.9%
2018	1	2	0	3	201	1.5%
2019	0	1	0	1	221	0.5%
Average	0.9	1.3	0.2	2.4	243.5	1.0

Table 2. Black Bear harvest over bait in Unit 6D from 2005-2020 (Westing 2021, pers. comm.).

Year	Harvested over bait	Not harvested over bait	% of harvest baited
2010/2011	67	386	15%
2011/2012	33	434	7%
2012/2013	27	331	8%
2013/2014	31	157	16%
2014/2015	26	79	25%
2015/2016	32	59	35%
2016/2017	37	103	26%
2017/2018	47	166	22%
2018/2019	28	178	14%
2019/2020	33	188	15%

Effects of the Proposal

If adopted, this proposal would allow Federally qualified subsistence users to harvest 2 black bears in Unit 6. This would allow additional harvest opportunity for rural residents of Unit 6 that would help offset increases in the cost of living, reductions in ferry service, and restrictions imposed to mitigate the COVID pandemic.

In Unit 6D, where conservation concerns have existed, Federally qualified subsistence users have harvested less than 8 bears/year, from a total harvest that has ranged from 91-453 bears/year between 2010 and 2020. While some conservation concerns still exist for black bears in Unit 6D, concern would be mitigated if the Federal season closed when the State closes its season, if the black bear harvest quota is reached in Unit 6D (RL065).

Current Federal regulations in Unit 6D require a State registration permit. Permission from ADF&G would be needed to use a State permit with a different harvest limit under Federal regulations. Alternatively, Federal users may be able to obtain two State registration permits, or a Federal permit could be established.

OSM CONCLUSION

Support Proposal WP22-14.

Justification

Increasing the Federal subsistence harvest limit from 1 to 2 black bears in a regulatory year would increase subsistence harvest opportunity and allow Federally qualified rural residents of Unit 6 to harvest an additional bear, providing an additional source of red meat. The small number of black bears harvested by Federally qualified subsistence users in Unit 6D and closing the Federal subsistence season in Unit 6D if the State quota is met, mitigate conservation concerns.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Southeast Alaska Subsistence Regional Advisory Council

Take No Action on WP22-14.

Southcentral Alaska Subsistence Regional Advisory Council

Oppose WP22-14. The proposed changes are substantial and complicated. The Council expressed conservation concerns for the road system around Cordova in Unit 6C. The Council would like to see the proposal re-written with further scoping and evaluation before making a decision that would double the harvest limit.

INTERAGENCY STAFF COMMITTEE RECOMMENDATIONS

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposal WP22-14

This proposal would increase the bag limit for black bear on federal public land in Game Management Unit (GMU) 6 for federally qualified users (FQU) from 1 bear to 2 bears per regulatory year.

Background

Black bear population data is lacking for most of Alaska. However, harvest data when effort is relatively constant, can show trends that parallel population dynamics. Throughout coastal Alaska, black bear harvest increased until about the mid-2000s. Since 2010, steep declines in harvest have occurred while effort has declined only slightly. Additionally, high take of females can suggest periods where cub production has been lower than normal. Recently, harvest has begun to increase again suggesting that there have been years with high cub production. This may indicate that the population in increasing; however, harvest that is dominated by subadults can also indicate unsustainable long-term harvest.

While the majority of harvest of black bears occurs in GMU 6D, most FQUs in GMU 6 live in Cordova and focus their hunting on GMU 6C. The five-year average harvest in GMU 6C is 20 bears with more than 60% of the harvest taken by FQUs. This harvest is 50% of the five-year average (41 bears) between RY05 and RY09. With stable effort for as long as harvest tickets have been required. This suggests that the population may still be low.

Impact on Subsistence Users

While in the short-term this will give FQUs increased harvest opportunities in the long-term, particularly in GMU 6C, this could decrease hunting opportunities for FQUs.

Impact on Other Users

By providing increased harvest to FQUs on a population that may not be able to support the increase, you impact long term hunting opportunity for non-federally qualified users (NFQU), particularly in GMU 6C.

Opportunity Provided by State

State customary and traditional use findings: The Alaska Board of Game (BOG) has made positive customary and traditional use findings for black bear in GMU 6.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by the Alaska Department of Fish & Game (ADF&G) or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

The ANS for black bear in GMU 6 is 80- 120 animals.

The season and bag limit for GMU 6D is:

Table 1. GMU 6 Black Bear Hunting Regulations.

Unit/Area	Residency	Bag Limit	Open Season (Permit/Hunt #)
Unit 6A, 6B	Residents and Non-residents	One bear	Aug. 20 – June 30 (Harvest Ticket)
Unit 6C	Residents and Non-residents	One bear	Sept. 1 – June 30 (Harvest Ticket)
Unit 6D	Residents and Non-residents	One bear every regulatory year	Sept. 10 – Jun. 10 (RL065)

Conservation Issues

The staff analysis from the Office of Subsistence Management (OSM) for this proposal focuses almost entirely on the harvest of black bears in GMU 6D. This is important considering the indicators of reduced success rates, anecdotal reports, and under-represented age classes in harvest and capture data. For RY20, the harvest increased by 50% which may trigger emergency order closures in the future if the trend continues. An inadequate amount of consideration has been given for other portions of GMU 6. Far more FQUs (>50% of successful hunters) take part in hunting in 6C, particularly in the spring. Baiting is a popular spring activity using the Copper River Highway for access. Additionally, GMU 6C has a higher proportion of females taken (often >35%) which make a population more susceptible to overharvest. This proposal would allow hunters to "bear shop" taking a small bear first to make sure they are successful and then taking a larger bear if it becomes available. With a one bear limit, a hunter must forgo smaller bears to wait for a large mature male. There are no population indicators to consider regarding bear harvest in GMU 6C but a similar decline in harvest occurred following the record snow winters of RY11-12 and local reports suggest that the population is currently rebuilding.

Enforcement Issues

Hunters would need to acquire two RL065 permits and/or two black bear harvest tickets depending on where they intend hunt. This is preferable to a federal permit which would create obfuscation and lead to poor reporting and potentially non-compliance. Hunters would also need to be aware of the dichotomy between state and federal hunting regulations, and where those jurisdictions start and stop.

Position

ADF&G **OPPOSES** this proposal. While OSM focused on only one particular subunit for their analysis, this proposal impacts all of GMU 6. Substantial harvest pressure by FQUs in GMU 6C could lead to unsustainable harvest on a population that may be currently rebuilding. In GMU 6D, reports indicate that there is increased harvest already occurring but not quickly enough to justify this increased opportunity. One cannot look at one of the subunits within GMU 6 to justify the passing of this proposal as it will impact the entire GMU. This also has the potential to create confusion amongst hunters as it brings state and federal hunting regulations out of alignment.

WP22–15 Executive Summary	
General Description	Proposal WP22-15 requests prohibiting trap or snare usage within 1,000 feet of specified trails, roadways, and campgrounds. *Submitted by: the Cooper Landing Community Safe Trails Committee*
Proposed Regulation	**§100.26(n)(7)(iii) Unit-specific regulations:** *(B) Setback distance of 1,000 feet on both sides of the trails* • Crescent Creek Trail starting at the USFS Boundary on toward Crescent Lake • Lower Russian Lake Trail to Barber Cabin & Russian River Falls • West Juneau Bench Trail (first 1.5 miles) • Devil's Creek Ski Loop *(C) Setback distance of 1,000 feet on both sides of roadways except for the designated Quartz Creek Road mile markers.* • All Federal land south of Quartz Creek road between mile .3 to mile .6. This land lies between the road and Kenai Lake. It includes the last .1 mile of East Quartz Creek Road. • The Old Seward Highway (no longer maintained) that runs from Crescent Creek Trailhead to Tern Lake • All pullouts on Federal land along the Sterling Highway from its junction with the Seward Highway (Tern Lake) to Cooper Landing. *(D) No trapping in campgrounds and a setback distance of 1,000 feet beyond campground borders if surrounding land is Federally managed.* • Quartz Creek Campground • Crescent Creek Campground • Russian River Campground • Cooper Creek Campgrounds, North & South
OSM Conclusion	**Oppose**
Southcentral Alaska Subsistence Regional Advisory Council Recommendation	**Oppose**
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	**Oppose**
Written Public Comments	**25 Support, 11 Oppose**

STAFF ANALYSIS
WP22-15

ISSUES

Wildlife Proposal WP22-15, submitted by the Cooper Landing Community Safe Trails Committee, requests prohibiting trap or snare usage within 1,000 feet of specified trails, roadways, and campgrounds.

DISCUSSION

The proponent states that population growth of the community and increased tourism is increasing the potential of encounters between recreation users and traps. Serious injuries to pets have occurred near popular trails, beaches and other areas. User groups and land uses are expanding and changing with a recreational user to trapper ratio of 99.6% to 0.04% of the State's population, demonstrating the need to change trapping regulations is long overdue. The proponent also states that news media have covered the community's growing interest to find a solution that is both compromising and positive for all users. Signs asking trappers to voluntarily set traps 400 yards (1,200 feet) away from the areas listed in this proposal were put up in 2019, 2020, and 2021. The proponent expressed that voluntary adherence is not enough. Well understood boundaries that are enforceable are needed.

The proponent conducted a community survey of landowners, post office box holders and businesses in the Cooper Landing census designated area to get feedback on trap setbacks, distance of setbacks, and specific locations. The proponent received approximately a 33% return on the surveys and this proposal reflects the results from those responses. The proponent specifically refers to four trails, three sections of roadways and four campgrounds in the Cooper Landing area, including Crescent Creek trail, Lower Russian trail, West Juneau Bench trail, Devil's Creek ski loop, and Quartz Creek, Crescent Creek, Russian River, and Cooper Creek campgrounds.

The proponent states that impacts to Federally qualified subsistence users would be negligible as it would only restrict trapping on a small portion of USDA Forest Service (USFS) lands in Unit 7. This Proposal would reduce risk of traps being disturbed by recreational users, possibly increase harvest due to less disturbance, and reduce trapping of non-target species. The proponent also states this proposal would reduce the risk associated with abandoned or "ghost traps" near the areas specified in this proposal for off-trapping seasonal activities and will reduce user conflicts. The proponent further states that these changes would better align with USFS mission statements and Alaska National Interest Lands Conservation Act (ANILCA) Title 1 Sec 101 (b) and adoption of this Proposal would help gain support for a similar proposal that is being submitted to the Alaska Board of Game (BOG).

Existing Federal Regulation

None

Proposed Federal Regulation

§100.26(n)(7)(iii) Unit-specific regulations:

(B) Setback distance of 1,000 feet on both sides of the trails

- *Crescent Creek Trail starting at the USFS Boundary on toward Crescent Lake*

- *Lower Russian Lake Trail to Barber Cabin & Russian River Falls*
- *West Juneau Bench Trail (first 1.5 miles)*
- *Devil's Creek Ski Loop*

(C) Setback distance of 1,000 feet on both sides of roadways except for the designated Quartz Creek Road mile markers.

- *All Federal land south of Quartz Creek road between mile .3 to mile .6. This land lies between the road and Kenai Lake. It includes the last .1 mile of East Quartz Creek Road.*
- *The Old Seward Highway (no longer maintained) that runs from Crescent Creek Trailhead to Tern Lake*
- *All pullouts on Federal land along the Sterling Highway from its junction with the Seward Highway (Tern Lake) to Cooper Landing.*

(D) No trapping in campgrounds and a setback distance of 1,000 feet beyond campground borders if surrounding land is Federally managed.

- *Quartz Creek Campground*
- *Crescent Creek Campground*
- *Russian River Campground*
- *Cooper Creek Campgrounds, North & South*

Existing State Regulation

5 AAC 92.510. Areas closed to hunting

(8) Unit 7:

A) the Portage Glacier Closed Area in Unit 7, which consists of Portage Creek drainages between the Anchorage-Seward Railroad and Placer Creek in Bear Valley, Portage Lake, the mouth of Byron Creek, Glacier Creek and Byron Glacier, is closed to hunting; however, migratory birds and small game may be hunted with shotguns, bow and arrow, or falconry from September 1 through April 30;

(B) the Seward Closed Area in Unit 7, which consists of the south side drainage of the Resurrection River downstream from the Kenai Fjords National Park's eastern boundary, and Resurrection Bay drainages between the mouth of the Resurrection River and the mouth of Lowell Creek, are closed to the taking of big game, except black bear;

(C) the Cooper Landing Closed Area, which consists of that portion of Unit 7 bounded by Juneau Creek, beginning at its confluence with the Kenai River, then upstream to the confluence of Juneau Creek and Falls Creek, then easterly along Falls Creek and the north fork of Falls Creek and over the connecting saddle to Devils Creek, then southeasterly along Devils Creek to its confluence with Quartz Creek, then southwesterly along Quartz Creek to the Sterling Highway, then westerly along the Sterling Highway to the Kenai River, and then westerly along the Kenai River to the point of beginning at the mouth of Juneau Creek, is closed to the taking of Dall sheep and mountain goat;

(D) repealed 7/1/2011;

(E) the Russian River Closed Area, which consists of the area within 150 yards from each side of, and including, the Russian River, from the outlet of Lower Russian Lake downstream to the confluence of the Russian River and Kenai River are closed to hunting during June and July;

Note: State regulations do not contain any trapping restrictions for Unit 7, but they do contain trapping restrictions in some management areas. The restrictions listed below are not exhaustive of all areas closed to trapping under State regulations but serve as examples.

The following areas are closed to trapping of furbearers as indicated:

(1) Unit 1(C) (Juneau area):

(A) a strip within one-quarter mile of the mainland coast between the end of Thane Road and the end of Glacier Highway at Echo Cove;

(B) Auke Lake and the area within one-quarter mile of Auke Lake;

(C) that area of the Mendenhall Valley bounded on the south by the Glacier Highway, on the west by the Mendenhall Loop Road and Montana Creek Road and Spur Road to Mendenhall Lake, on the north by Mendenhall Lake, and on the east by the Mendenhall Loop Road and Forest Service Glacier Spur Road to the Forest Service Visitor Center;

(D) a strip within one-quarter mile of the Douglas Island coast along the entire length of the Douglas Highway and a strip within one-quarter mile of the Eaglecrest Road;

(E) that area within the United States Forest Service Mendenhall Glacier Recreation Area;

(F) a strip within one-quarter mile of the following trails as designated on United States Geological Survey maps: Herbert Glacier Trail, Windfall Lake Trail, Peterson Lake Trail, Spaulding Meadows Trail (including the loop trail), Nugget Creek Trail, Outer Point Trail, Dan Moller Trail, Perseverance Trail, Granite Creek Trail, Mt. Roberts Trail and the Nelson Water Supply Trail, Sheep Creek Trail, Point Bishop Trail, Amalga Trail, Auke Nu/John Muir Trail, Eagle Glacier Trail, Point Bridget Trail, Treadwell Ditch Trail, and Salmon Creek Trail; however, traps with an inside jaw spread of five inches or less which are set at least five feet above the ground and snow are allowed if set more than 50 yards from the trail;

(2) Unit 14 (C) that portion of Chugach State Park outside of the Eagle River, Anchorage, and Eklutna management areas is open to trapping under Unit 14(C) seasons and bag limits, except that trapping of wolf, wolverine, land otter, and beaver is not allowed; killer style steel traps with an inside jaw spread seven inches or greater are prohibited; a person using traps or snares in the area must register with the Department of Natural Resources Chugach State Park area office and provide a trapper identification; all traps and snares in the area must be marked with the selected identification; the use of traps or snares is prohibited within

(i) 50 yards of developed trails;

(ii) one-quarter mile of trailheads, campground, and permanent dwellings

Extent of Federal Public Lands

Unit 7 is comprised of 77% Federal public lands and consists of 52% USFS managed lands, 23% National Park Service (NPS) managed lands, and 2% U.S. Fish and Wildlife Service (USFWS) managed lands.

Customary and Traditional Use Determinations

The Federal Subsistence Board (Board) has not made a customary and traditional use determination for furbearers in Unit 7. Therefore, all rural residents of Alaska may harvest this species in this unit.

Regulatory History

In 2014, the Board considered Proposal WP14-01, requesting statewide Federal provisions requiring trapper identification tags on all traps and snares, the establishment of a maximum allowable time limit for checking traps, and establishment of a harvest/trapping report form to collect data on non-target species captured in traps and snares. The proposal analysis indicated statewide application would be unmanageable, would require substantial law enforcement and public education efforts, and could cause subsistence users to avoid the regulation by trapping under State regulations. The proposal was unanimously opposed by all ten Federal Subsistence Regional Advisory Councils, Alaska Department of Fish and Game (ADF&G), and the public as reflected in written public comments. The Board rejected the proposal as part of its consensus agenda.

In 2015, the BOG considered Proposal 180, to prohibit trapping within 250 feet of most public roads and trails in the Cooper Landing Area. The BOG opposed the proposal, stating trappers and local residents need to work together to find a solution or compromise upon which all users can agree. BOG members also noted concerns about the enforceability of the proposal and loss of trapping opportunity by requiring trappers to travel 250 feet off trail and back to set and check traps (ADF&G 2015).

In 2016, the BOG considered Proposal 80, to restrict trapping in cities with populations >1,000 people at its Statewide regulations meeting. Specifically, Proposal 80 proposed prohibiting trapping within ¼ mile of publicly maintained roads, 200 feet of publicly maintained trails, and one mile of permanent dwellings, schools, businesses, and campgrounds. ADF&G stated that proposals restricting trapping should be addressed at regional rather than statewide BOG meetings, so affected local communities can comment. ADF&G also referred to State regulations that limit trapping in certain management areas (see State regulations above). The BOG opposed the proposal due to opposition by 26 Fish and Game Advisory Committees and concern for unintended consequences (e.g. inability to trap nuisance beavers or potentially rabid foxes near villages). The BOG also commented that these types of restrictions could be better handled through city or borough ordinances (ADF&G 2016).

In 2020, Proposal WP20-08, submitted by the East Prince of Wales Fish and Game Advisory Committee, requested to implement a statewide requirement that traps and snares be marked with either the trapper's name or State identification number. The proposal analysis indicated requiring Federally qualified subsistence users to mark traps as an unnecessary burden and would not prevent illegal trapping activity. A Federal marking requirement would be unenforceable since all users would still be able to avoid the requirement under less restrictive State regulations. The proposal was opposed by nine of the ten Federal Subsistence Regional Advisory Councils; the Kodiak/Aleutians Council voted to take no action. The Board rejected the proposal.

In 2020, Proposal WP20-20, submitted by Robert Gieringer, requested that hunting and trapping in Unit 7 be prohibited within one mile of roads and trails, and that traps be marked with brightly colored tape. This proposal was on the consensus agenda but was removed at the Board meeting by request from a member of the public. The Board rejected the proposal. The Board stated Federal regulations would be more restrictive than State regulations, violating the rural subsistence priority mandated by ANILCA. Furthermore, all users would still be able to hunt and trap without restrictions under State regulations, decreasing the proposal's effectiveness and increasing user confusion. The Board also stated marking traps with brightly colored tape could result in attracting more people to the trap and possibly pets (FSB 2020).

User Conflicts

Historically, user conflicts between local residents and trappers have occurred in the Cooper Landing areas, primarily over pets getting caught in traps (ADF&G 2015). ADF&G stated that while there is a lot of talk about dogs getting caught in traps, the number of dogs actually caught in traps and reported to ADF&G is low (ADF&G 2015). In 2014, ADF&G staff attended public meetings with local residents and trappers to identify compromises such as voluntary trap setbacks from trails and roads; however, none were agreed upon (ADF&G 2015). A local newspaper characterized the discrepancies between local trappers and pet owners as "a breakdown in communications" (McChesney 2015).

The Chair of the BOG stated that young, inexperienced trappers are primarily responsible for unethical trap setting. He stated many new trappers drive south from Anchorage and their first stop is Cooper Landing, where they set traps along gravel roads and pull-outs, which are also frequented by many other people and their pets. He suggested these user conflicts could be addressed through trapper education and by promoting ethical trapping (ADF&G 2016). Two of the guidelines in the Alaska trapper code of ethics are: 1. Check traps regularly, and 2. Promote trapping methods that will reduce the possibility of catching non-target animals (ADF&G 2021). Additionally, an Alaska Trappers Association ethics video stresses the importance of proper trap placement to avoid busy roads, trapping pets, and potentially offending passers-by with the sight of a trapped animal (ATA 2019).

The Alaska Trappers Association (ATA) posted several signs in highly trafficked areas of Cooper Landing in February 2015, warning trappers to avoid conflict by not trapping near trails and turnouts and cautioning pet-owners to be responsible and to keep their pets on a leash (McChesney 2015).

Current Events Involving the Species

Cooper Landing Community Safe Trails Committee plans to submit a proposal for the BOG 2022 meeting requesting that trap or snare usage within 1,000 feet of the same specified trails, roadways, and campgrounds that are identified in this proposal, be prohibited.

Effects of the Proposal

If the Board adopts Proposal WP22-15, Federal qualified subsistence users will be prohibited from using traps or snares within 1,000 feet of specific sections of four trails, four campgrounds, and both sides of specific sections of three different roadways.

This proposal would burden Federally qualified subsistence users who would have to set traps in much less accessible areas, reducing trapping opportunity. However, all users (Federally qualified and non-

Federally qualified) could still hunt and trap within 1,000 feet of these specific trails, campgrounds, and roadways under State regulations. Furthermore, adopting this proposal would result in Federal regulations being more restrictive than State regulations.

The maximum distance from roads and trails in other management areas where trapping is prohibited is 0.25 miles. A 1,000-foot setback, while less than 0.25 miles, is still a long distance to offset traps from roads and trails. In 2015, BOG members expressed concern about trappers having to travel 250 feet from trails during their discussion of Proposal 180 (see Regulatory History).

Hunting and trapping restrictions for specific areas may be more effectively addressed through means other than the Board (e.g. BOG, city ordinance, National Forest regulation). While the State does not have any trapping restrictions specific to Unit 7, it does restrict trapping in some management areas (5 AAC 92.550). Management areas in Unit 1C (e.g. Auke Lake, trails, Douglas Highway) prohibit trapping within one-quarter mile. Chugach State Park, outside of Anchorage, prohibits trapping within 50 yards of developed trails. If particular areas around Cooper Landing warrant similar restrictions, a proposal would need to be submitted to the BOG. However, based on the BOG's action on Proposal 180 in 2015, consensus between trappers and local residents on a regulatory solution or compromise may be prudent. (Note: While a proposal adopted by the BOG would apply to all users hunting under State regulations, Federally qualified subsistence users would still be able to trap within 1,000 feet of roads and trails on Federal public lands under Federal regulations if this proposal is not adopted.)

Alternatively, the town of Cooper Landing could issue a city ordinance that restricts trapping to address specific, local conflicts. In May 2019, the Anchorage Assembly passed an ordinance that bans trapping within 50 yards of all developed trails and within one-quarter mile of trailheads and buildings in the Anchorage Municipality. The Forest Supervisor of the Chugach National Forest also has the authority to close/restrict uses of Forest Service lands (36 CFR §261.50). Working with the Forest Supervisor may be another way to address local user conflicts in specific areas. The USFS currently prohibits pets to be off leash in developed recreation sites in all national forests (36 CFR §261.16(j)).

OSM CONCLUSION

Oppose Proposal WP22-15.

Justification

Adoption of Proposal WP22-15 would decrease trapping opportunity for Federally qualified subsistence users because users would have to spend more time accessing trapping areas. Additionally, Federal regulations would become more restrictive than State regulations. Finally, all users would still be able to hunt and trap without any restrictions under State regulations.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Southcentral Alaska Subsistence Regional Advisory Council

Oppose WP22-15.

Justification

This is a social issue, not a biological one, and adoption would be inconsistent with ANILCA as Federal regulations would become more restrictive than State regulations. Conflict issues are better addressed through the Alaska Board of Game in consultation with local user groups.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposal WP22-15

This proposal would prohibit the use of traps or snares within 1,000 feet of specified trails, roadways, and campgrounds on federal lands by federally qualified users (FQU) within Game Management Unit (GMU) 7.

Background

The proposal as written specifies the areas where a 1,000 foot setback would be enacted as follows on federal lands for federally qualified subsistence users.

§100.26(n)(7)(iii) Unit-specific regulations:

(B) Setback distance of 1,000ft. on both sides of the trails

- *Crescent Creek Trail starting at the USFS Boundary on toward Crescent Lake*
- *Lower Russian Lake Trail to Barber Cabin & Russian River Falls*
- *West Juneau Bench Trail (first 1.5 miles)*
- *Devil's Creek Ski Loop*

(C) Setback distance of 1,000ft. on both sides of roadways except for the designated Quartz Creek Road mile markers.

- *All federal land south of Quartz Creek road between mile .3 to mile .6. This land lies between the road and Kenai Lake. It includes the last .1 mile of East Quartz Creek Rd.*
- *The Old Seward Highway (no longer maintained) that runs from Crescent Creek Trailhead to Tern Lake*
- *All pullouts on federal land along the Sterling Hwy from its junction with the Seward Hwy (Tern Lake) to Cooper Landing.*

(D) No trapping in campgrounds and a setback distance of 1,000 ft. beyond campground borders if surrounding land is federal.

- *Quartz Creek Campground*
- *Crescent Creek Campground*
- *Russian River Campground*
- *Cooper Creek Campgrounds, North & South*

State regulations do not contain trapping restrictions relative to setbacks within GMU 7. However, season dates and bag limits do vary somewhat between state and federal regulations.

Table 1. Comparison of state regulations and federal subsistence regulations for furbearer trapping in GMUs 7 and 15 on the Kenai Peninsula.

Jurisdiction	Species	Unit	Bag limit	Season Dates
State Reg.	Beaver*	All	20	Oct 15 - Apr 30
Fed. Sub. Reg.	Beaver	All	20	Nov 10 - Mar 31
State Reg.	Coyote*	All	No limit	Oct 15 - Mar 31
Fed. Sub. Reg.	Coyote	All	No limit	Nov 10 - Mar 31
State Reg.	Red Fox*	All	1	Nov 10 - Feb 28
Fed. Sub. Reg.	Red Fox	7	No limit	Nov 10 - Feb 28
Fed. Sub. Reg.	Red Fox	15	1	Nov 10 - Feb 28
State Reg.	Lynx*	All	No limit	Jan 1 - Feb 15
Fed. Sub. Reg.	Lynx	All	No limit	Jan 1 - Jan 31
State Reg.	Marten*	All	No limit	Nov 10 - Jan 31
Fed. Sub. Reg.	Marten	7	No limit	Nov 10 - Jan 31
Fed. Sub. Reg.	Marten	15B	0	NO OPEN SEASON
Fed. Sub. Reg.	Marten	15 remainder	No limit	Nov 10 - Jan 31
State Reg.	Mink & Weasel	All	No limit	Nov 10 - Jan 31
Fed. Sub. Reg.	Mink & Weasel	All	No limit	Nov 10 - Jan 31
State Reg.	Muskrat	All	No limit	Nov 10 - May 15
Fed. Sub. Reg.	Muskrat	All	No limit	Nov 10 - May 15
State Reg.	Squirrel & Marmot	All	No limit	No Closed Season
Fed. Sub. Reg.	Squirrel & Marmot	All	No limit	No Closed Season (until 6/30/2022)
State Reg.	Wolf*	All	No limit	Oct 15 - Mar 31
Fed. Sub. Reg.	Wolf	All	No limit	Nov 10 - Mar 31
State Reg.	Wolverine*	All	No limit	Nov 10 - Feb 28
Fed. Sub. Reg.	Wolverine	15A	0	NO OPEN SEASON
Fed. Sub. Reg.	Wolverine	7, 15 remainder	No limit	Nov 10 - Feb 28

Impact on Subsistence Users

This proposal would limit opportunities for trappers trapping under federal subsistence trapping regulations. However, where season dates overlap, FQUs could still trap under state regulations.

Impact on Other Users

If adopted this proposal will have no direct impact on other users. However, language in the proposal does state:

> *"The proponent further states that these changes would better align with USFS mission statements and ANILCA Title 1 Sec 101 (b) and adoption of this Proposal would help gain support for a similar proposal that is being submitted to the Alaska Board of Game."*

Opportunity Provided by State

State customary and traditional use findings: The Alaska Board of Game (BOG) has made a positive customary and traditional use finding for furbearers in all GMUs (5AAC 99.025(13)).

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by the Alaska Department of Fish & Game (ADF&G) or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

The ANS for furbearers in Alaska is 90% of the harvestable portion of the population.

Conservation Issues

The proposal would not increase trapper success or number of animals harvested invoking a conservation concern.

Enforcement Issues

This proposal if adopted only applies to trappers who are FQUs on federal public lands if they choose to hunt under federal regulations. Federal law enforcement officials would likely be impacted due to the discernment of traps placed by FQUs under federal subsistence regulations vs. those placed under state regulations where seasons overlap. In addition, trappers will most likely find it confusing on which set of regulations they have to adhere to when trapping.

Position

ADF&G is **OPPOSED** to this proposal because of the potential reduced opportunity and confusion this could cause by bringing state and federal regulations out of alignment.

WRITTEN PUBLIC COMMENTS

Alaska Kenai Chapter Safari Club International
P.O. Box 2988
Soldotna, AK 99669
kenaisci@gmail.com

July 18, 2021

RE: Public Comments Processing, Office of Subsistence Management
(Attn: Theo Matuskowitz) subsistence@fws.gov
Oppose proposals WP22-15 through 32.

The Alaska Kenai Chapter of Safari Club International (KPSCI) is the largest conservation group on the Kenai Peninsula. Our chapter was founded in 1989 on three primary principles: Wildlife Conservation, Education and Humanitarian Services, and Advocacy for Hunting and Hunters Rights.

KPSCI represents hunters from across the Kenai Peninsula, including rural and non-rural communites. Our annual fundraiser is attended by 400-500 hunters, fisherman and wildlife conservationists who have a long history of customary and traditional use of harvesting fish and wildlife in Alaska. The KPSCI board and membership, consists of local hunters who participated from the beginning in opposition to the establishment of the Kenai Peninsula rural designations and customary and traditional use determinations. The chapter has a long history of not only opposing these erroneous determinations but engaged with our national chapter to pursue legal actions against them. The actions of the FSB has turned our community into "have and have nots" in regards to fish and wildlife harvest. Our organization does support a subsistence priority in rural parts of Alaska where congress had intended for the priority to apply, but not on the road connected Kenai where the characteristics of the communities have little to no difference.

Congress deliberately crafted ANILCA provisions to minimize impacts on public uses of public lands in conservation system units by Alaska residents for access and traditional activities necessarily related to harvests of fish and wildlife resources. Along with minimizing those impacts, Congress included numerous unique provisions in ANILCA to assure meaningful public involvement and to satisfy specific criteria as a threshold for federal decisions affecting those uses in Alaska. Furthermore, the congressional record clearly indicates that congress did not intend for the road connected Kenai Peninsula communites to be designated for a subsistence priority.

As an example, our organization finds the irony in WP22-15, diminishing trapping opportunity by the anti-hunting/trapping folks from the 'rural designated" community of Cooper Landing. Trapping is a customary and traditional use activity protected under ANILCA. These actions clearly illustrate why communites such as Cooper Landing should not have been granted a rural designation with C&T determinations as their community characteristics do not reflect or meet the criteria of Title VIII and the intent of congress.

Another example these erroneous proposals is WP22-32. The FSB ruled against a rural determination for the Russian villages in the North Fork/Homer area. An individual that received a subsistence moose permit for three years was told he lived outside the rural community of Ninilchik so his recent request was denied. This action resulted in proposal WP22-32 to expand the Ninilchik rural area to include North Fort Road. How can the FSB justify rewarding illegal behavior?

For these reasons we adamantly oppose proposals WP22-15 through 32.

WP22-15	All furbearers in Unit 7: Establish trap setbacks along trails, road, and campground. Diminishes a subsistence activity in a "rural designated" community.
WP22-16	Adopt a customary and traditional (C&T) finding for Moose Pass residents for moose.
WP22-17	Extend moose season in Unit 7 for Moose Pass residents to Aug. 10 to Sept. 20.
WP22-18	Extend hunting area for Moose Pass to include 15A and 15B. Season Aug. 10 to Sept 20 and Oct. 20 to Nov. 10. Add a registration hunt in these areas with a bag limit of one cow moose/per hunter.
WP22-19	Add 15C to the moose hunting season for Moose Pass residents, season Aug. 10 to Sept. 20. Bag limit increased to spike/FORK-50 inch or 3 brow tines on at least one side. Note: fork antlered bulls are not legal in the general non-rural season.
WP22-21	Allows Moose Pass to harvest caribou in Unit 7 under a registration permit rather than the limited entry draw, season Aug. 10 to Dec. 31. The general season is Aug. 10 to Sept. 20, in a draw hunt, for non-rural residents.
WP22	Establishes a Federal (rural resident) drawing system for Moose Pass residents in Unit 7, season Aug. 10 to Sept. 20 for caribou hunting.
WP22-23	Establishes a federal drawing system for mountain goat in Unit 7 for Moose Pass residents. Season Aug. 10 to Nov. 14. The general (non-rural) season is Aug. 10 to Oct. 15 by limited draw followed by a registration Nov. 1 to 14 in areas where the quota was not reached. The federal hunt will open all areas regardless of reaching the quota.
WP22-24	Establishes the same mountain goat special draw season in Unit 15 for Moose Pass residents.
WP22-25a/25b	Establishes a rural sheep season in Unit 7 for one sheep, no horns or gender restrictions.
WP22-26a/b	Not sure what this proposal asks for, request is to open a sheep season for Moose Pass residents. No season or bag limit shown.
WP22-28	Extends moose season in Unit 7 by five days, from Aug. 10 to Sept. 20 to Aug. 10 to Sept. 25.
WP22-29	Same as 28, extends moose season in Unit 7 to Aug. 10 to Sept. 25.
WP22-30	Extends moose season for rural residents in Unit 15 from Aug. 10 to Sept. 20 to Aug. 10 to Sept. 25.
WP22-31	Extends moose season for rural residents in Unit 15 from Aug. 10 to Sept. 20 to Aug. 10 to Sept. 25.
WP22-32	Request for a positive finding of "rural" for the "North Fork Rural Customary and Traditional Subsistence Use Community". An individual that received a subsistence moose permit for three years was told he lived outside the rural community of Ninilchik so his recent request was denied. This action resulted in proposal WP22-32 to expand the Ninilchik rural are to include North Fort Road. Nothing like rewarding illegal behavior!

The Kenai Chapter of Safari Club International opposes WP22-15 through WP22-32. We urge the FSB to vote NO on these proposals. KPSCI is the representative of the vast majority of the hunters, fisherman and wildlife conservationists residing on the Kenai Peninsula.

Sincerely,

Alaska's Kenai Chapter of Safari Club International

2021 Board of Directors
Mike Crawford
Joe Hardy
Shawn Killian
Bryan Vermette
Jesse Bjorkman
Sam Evanoff
Roy Smith
Ted Spraker
Rick Abbott

[EXTERNAL] Alaska Outdoor Council comments - 2022-2024 Wildlife Proposals

Rod Arno <rodarno@gmail.com>
Mon 7/19/2021 12:23 PM
To: AK Subsistence, FW7 <subsistence@fws.gov>
Cc: Mulligan, Benjamin J (DFG) <ben.mulligan@alaska.gov>

Alaska Outdoor Council
310 K Street, Suite 200
Anchorage, Alaska 99501
July 19, 2021

RE: Public comments for FSB 2022-2024 Wildlife Proposals

The Alaska Outdoor Council (AOC) is a Statewide coalition of individual members and clubs representing 10,000 Alaskans who hunt, trap, fish and recreate on public lands/waters in Alaska. AOC Club Representative have participated in the regulatory process of managing and allocating fish and game in Alaska since before statehood in 1959.

Numerous proposals submitted by Federal Subsistence Regional Advisory Councils, federally recognized subsistence communities, and individuals confirm the fears that many AOC Representatives had at the time of the passage of Alaska National Interest Lands Conservation Act (ANILCA) 1980. Dual management of who can harvest game depending on whether you are on state public and private lands or if you are on federal lands was not the intend of Congress when they passed ANILCA.

AOC opposes WP22-07, WP22-08, WP22-09.
Alaska Department of Fish & Game data should not invoke a complete closure to non-Federally Qualified Subsistence Users under Section 804 of ANILCA. Even the 9th Circuit Court, *Ninilchik Traditional Council* v. *U.S.*, 227 F3d 1186 in 2000 understood the priority given in Title VIII of ANILCA was not absolute.

AOC opposes WP22-15.
Congress's findings and declaration in Sec. 801 of ANILCA should leave no room for regulatory action by the Federal Subsistence Board (FSB) regarding anti-trapper claims. Sec. 801(3) of ANILCA should have the FSB concentrating only on "remote federal lands", as was the intent of Congress when they passed 802(2) of ANILCA.

AOC opposes WP22-16 thru 22.
Providing a priority for some individuals or communities to harvest game on federal public lands located on the Kenai Peninsula only exacerbates the conflict between federally qualified hunters and Alaskans living in non-federally qualified areas of the state. Both groups of hunters are similarly situated.

AOC opposes WP22-32.
It would be in Alaskan's best interest if the FSB would reduce the number of Alaskans allowed a priority to harvest game on federal lands just based solely on where they live, not how.

Thanks for the opportunity to provide public comments,

Rod Arno, Public Policy Director
Alaska Outdoor Council

Sent from Rod Arno's iPad.

[EXTERNAL] Proposal WP20-15

Randy Zarnke <itrap2@gci.net>
Mon 7/19/2021 8:16 AM
To: AK Subsistence, FW7 <subsistence@fws.gov>

The Alaska Trappers Association is opposed to Proposal WP20-15.

Title VIII of ANILCA mandates a priority for rural customary and traditional subsistence uses on federal land in order to protect and preserve those customary and traditional activities including from erosion by changing times.

Trapping is a customary and traditional use protected under Title VIII. Proposal WP20-15 is at odds with ANILCA for this and other reasons.

The Policy On Closures To Hunting, Trapping and Fishing on Federal Public Lands and Water in Alaska is very clear: ...*"Before closing any Federal public lands or waters to subsistence or non-subsistence uses of fish or wildlife, the Board will assess the availability and effectiveness of lesser restrictions and other management options that could preclude the need to implement such closure."*

At a recent meeting the Federal Subsistence Board rejected a similar, more radical proposal to close all hunting and trapping within one mile of roads and houses in the wider Cooper Landing area. In response the FSB issued some questionable advice as follows:

Alternatively, the town of Cooper Landing could issue a city ordinance that restricts trapping to address specific, local conflicts. In May 2019, the Anchorage Assembly passed an ordinance that bans trapping within 50 yards of all developed trails and within one-quarter mile of trailheads and buildings in the Anchorage Municipality. The Forest Supervisor of the Chugach National Forest also has the authority to close/restrict uses of Forest Service lands (36 CFR §261.50). Working with the Forest Supervisor may be another way to address local user conflicts in specific areas. The USFS currently prohibits pets to be off leash in developed recreation sites in all national forests (36 CFR §261.16(j)). The Kenai NWR prohibits trapping near trailheads, campgrounds, and roads to minimize user conflicts while still providing meaningful trapping opportunity in the undeveloped areas of the refuge (Eskelin 2019, pers. comm.). (Note: Kenai NWR is primarily located in Unit 15, which is adjacent to Unit 7.)

To begin, Cooper Landing is not an organized entity.

Further, in the lead-up to the Anchorage ordinance, Theo Matuskowitz, Office of Subsistence Management, declined involvement on the basis that a municipal ordinance cannot supersede ANILCA on the federal lands proposed for MOA trapping restrictions. So now a few years later apparently the FSB has apparently decreed that indeed a local government may override ANILCA as evidenced by the above advice.

Also, we believe that the Forest Supervisor should mandate an enforced leash law before moving to restrict subsistence trapping prioritized under ANILCA as a way to address local user conflicts in specific areas. That belief presupposes that off-leash dog recreation does not supersede subsistence trapping as protected under Title VIII.

Finally, Kenai NWR trapping closures within 1 mile of roads, while firearm discharge restrictions are only 1/4 mile in many areas, are not supportable as a public safety issue. It is likely past due the FSB consider re-opening overly restricted KNWR areas to subsistence trapping.

The Forest Service has long had leash laws and firearm discharge restrictions in place for public safety reasons. Trapping has not been included in those restrictions because, regardless of what trapping opponents repeat time and time again, traps pose an extremely low public safety risk and accidents involving humans are exceedingly rare.

Prior to a 2015 meeting of the Alaska Board of Game, the BOG chair suggested that local anti-trappers identify discreet locations of local importance for possible set aside as de-facto off-leash dog parks. That suggestion was ignored. Instead the local activists joined with a much larger coalition of non-local activists, many of whom have been long focused on ending all trapping. Extensive closures were sought. The BOG rejected the large-scale trapping closures.

A widely distributed and heavily promoted internet and direct mail survey promulgated by WP20-15's author this past winter seeking to gain input and support for trapping closures appears to have attracted a low level of local support of perhaps around 30%. But that is difficult to say exactly, because we do not have access to all the survey details. Certainly a referendum or ballot initiative that gathered only 30% support would be considered a landslide defeat. And this does not even take into account that the 420 surveys were mailed to all property owners, resident or not; was distributed to 765 email addresses via the Cooper Landing Community Crier and was available on Facebook. So the survey itself is very problematic in that it is impossible to tell actual local participation which may very well be way below even 30% local involvement. Cooper Landing 2020 census population figure is 478 total. Apparently erosion of trapping opportunity is not supported by most Cooper Landing residents. And once again, local anti-trapping interests have paired with the long time anti trapping activists.

There have of course been several instances of loose running dogs being accidentally trapped in the Cooper Landing area over the past 20-30 years. It's not difficult to conclude that both parties share responsibility on many of these occasions.

To help address this issue, the Alaska Trappers Association has provided advisory signage intended to increase awareness and reduce conflict, hosting live workshops on how to recognize extant trapping activity, hands-on instruction on how to release various traps and snares, attending agency meetings and informal household community gatherings.

We are not aware that any of the activists ever attended any of the trapper-sponsored workshops. Ever since the ATA advisory signage went up we are aware of no conflicts in those areas so the signage seems to be a big help.

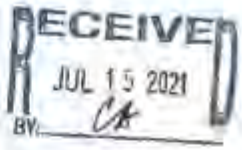
There may to be some openess to the idea of pairing certain trapping restrictions with mandatory leash laws.

On the other hand, ATA will continue to resist one-sided solutions where all the onus is on the trapper.

ATA invites the Forest Supervisor to contact us prior to any potential decision.

Thank you for the opportunity to comment.

ALASKANS **FOR** WILDLIFE



Federal Subsistence Board
Office of Subsistence Management
Attn: Theo Matuskowitz
1011 E. Tudor Road, MS-121
Anchorage, Alaska 99503-6199

July 8, 2021

Dear Federal Subsistence Board,

The Alaskans FOR Wildlife organization <alaskansforwildlife.org> wishes to offer support for the proposal WP22-15 which is offered by sponsors, the Cooper Landing Safe trails Committee in the quest to keep the public recreational users of recreational trails and camping areas safe in their uses, free of conflict with traps and trappers and safe from accidental injury by seeking a trap/snare setback of at least 1,000 feet from the public use areas and trails listed in the proposal.

We support such setbacks from public use areas in general so as to avoid accidental injuries by user parties. Also, importantly, the setback if observed will help to sustain subsistence in the view of a general public.

We feel that a setback is a reasonable requirement which if followed in good faith by trappers will actually, in other words, help ***sustain*** the practice by a general public recreational trail user.

Public relational trail use is increasing over time, and this proposed requirement for setback where no such requirement of any kind exists is reasonable and will help avoid the negativity of growing conflicts on the use areas.

Please consider the importance of accommodating user safety of these public use areas as proposed in WP22-15.

Thank you for consideration of this support.

Jim Kowalsky, Chair
Alaskans FOR Wildlife
PO Box 81957
Fairbanks, Alaska 99708
jimkowalsky@yahoo.com

[EXTERNAL] Proposal WP22-15

Mike Amos <indyndusty@gmail.com>

Mon 7/19/2021 8:27 PM

To: AK Subsistence, FW7 <subsistence@fws.gov>

It has been brought to my attention that a proposal has been submitted asking for trapping setbacks.

Being a resident of Cooper Landing for the last 10 years and frequent user of the trails and public access points near town, I have talked with several people who have been directly affected by traps being placed too close to trails and public use areas resulting in an injured (lost leg) dog or worse yet being killed.

Having a set back for traps is not only ethical but a safety factor as well. The number of licensed trappers in Alaska is only a fraction of one percent, so why is it ok for that trapping minority to hold the rest of the population "Hostage" causing fear for our pets and children to be able to enjoy the outdoors.

Cooper Landing is a destination thousands of people travel to during the summer months, this is changing as more people are traveling to Cooper Landing in the winter months to ski, snowshoe, snowmobile and bike. As a business owner in Cooper Landing I am looking forward to expanding my bike rental business into the winter months by offering Fat tire bikes. Being able to advertise that we have safe trails for everyone and free of traps in,on or near public use areas will be a big plus for new businesses such as mine. Economic growth in Cooper Landing especially during the winter months is a huge bonus for us all.

We're not demanding that trapping be abolished, we're asking for some setbacks to be established so everyone can use these areas equally.

Having a setback of 1000' is not unreasonable and is a great comprise for both parties, being trappers and nontrappers. The overwhelming positive response to the survey sent out in February clearly shows that a proposed 1000' setback is needed.

[EXTERNAL] Comments in support of proposal WP22-15

Larissa Arbelovsky <1larissakp@gmail.com>

Fri 7/9/2021 3:18 PM

To: AK Subsistence, FW7 <subsistence@fws.gov>

Dear Mr. Matuskowitz,

I am writing today in support of the proposed change to the Federal Subsistence Wildlife Refuge Regulations for 2022-2024 regarding trap setbacks in Cooper Landing (WP22-15). As a hunter, fisherwoman and supporter of subsistence lifestyles and trapping, as well as a skier, hiker, backpacker and dog owner, I appreciate the need to have a balanced system to manage our lands to accommodate the diverse uses. This proposal is very reasonable in only asking for a 1,000 feet setback for traps or snares around extremely popular recreational trails, parking lots & campgrounds in the Cooper Landing management area.
Thank you for your time and consideration in this matter.

Larissa Arbelovsky
907-398-3714
PO Box 2627
Soldotna, AK 99669

[EXTERNAL] Public Comment Re: proposal WP22-15

Derrick Branson <derrickinak@gmail.com>

Fri 7/9/2021 11:33 PM

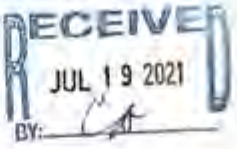
To: AK Subsistence, FW7 <subsistence@fws.gov>

I am writing to express my support for proposal WP22-15. I strongly feel that setbacks for trapping should be increased in the suggested areas.

Thank you,
Derrick Branson

Janette Cadieux
P.O. Box 873
Cooper Landing, AK 99572
jette.cadieux@gmail.com

Federal Subsistence Board
Office of Subsistence Management
(Atten: Theo Matuskowitz)
1011 E. Tudor Road, MS-121
Anchorage, Alaska 99503-6199



July 11, 2021

Dear Members of the Federal Subsistence Board.

I am writing in response to your call for comments on Proposal WP22-15. This proposal to limit trapping around trailheads and corridors heavily used by non-trappers in and around the Cooper Landing area is overdue.

I am strongly in favor of Proposal WP22-15. Trapping activities do not mesh well with the varied dominant uses of trailheads and trail corridors in Cooper Landing. There is no reason why forced sharing of these spaces should occur. Trappers have the ability to go farther afield to trap and they should be required to do so. It's a matter of safety for all other users. It is also a matter of fairness and balance. Non-trapping uses are just as valid as trapping yet non-trappers in Cooper Landing have been forced to adapt to the presence of trapping or, more commonly, give up using an area that is trapped. Non-trapping users of these target corridors in Cooper Landing far, far out-number trappers. It is easy for trappers to go farther afield before setting traps. They should be required to do so to reduce conflict with other users.

Cooper Landing is unincorporated and must rely on federal and state regulatory bodies such as the Federal Subsistence Board and the State Board of Game to manage trapping activity for a safe and fair balance of activities. Non-trappers have the rightful claim to enjoy spaces on public lands free of conflicts with trappers. Regulation, and enforcement, must occur to make that possible. Keep in mind, "Shared resources without strong management often fall victim to selfish acts by individuals." -Craig Welch, National Geographic, April 2017. Enforcement will need to occur because bad-actors do exist.

Thank you for your consideration of my opinion on this matter. Establishing and maintaining a safe and fairly balanced use of public lands is possible through Proposal WP22-15.

Sincerely,

Janette Cadieux

[EXTERNAL] Proposal WP22-15 Opposition

Kevin Clark <kevin.r.clark92@gmail.com>
Sun 7/11/2021 7:14 AM
To: AK Subsistence, FW7 <subsistence@fws.gov>

Federal Subsistence Board
Office of Subsistence Management
Attn: Theo Matuskowitz
1011 E. Tudor Road MS-121
Anchorage, Alaska 99503-6199

Dear Mr. Matuskowitz,

I am writing to you today to oppose the passing of Proposal WP22-15 requesting consideration of subsistence trapping regulations prohibiting subsistence trappers from using a trap or snare within 1,000 feet of specific trails, roadways, and campgrounds on Federal lands near Cooper Landing. I believe this proposal is an unnecessary overreach for the following reasons:

Common Sense: Anyone that knows anything about trapping understands that this proposal lacks common sense. 90% of the time, pets get caught in traps due to irresponsible pet owners. This is Alaska, not Central Park. It is dangerous stop you and to your pet to walk it off leash outside of city limits. Almost all the reported bear attacks in this state come from some bozo walking their dog off leash. The dog goes and stirs up the bear and brings it right back to the dog owner. The same thing with dogs getting into traps. Some jabrony walks their dog off leash in the winter (knowing full well that it's trapping season) and the dog inevitably comes in contact with a trap set. This could happen if you are 1,000 ft off trail, of 10,000 ft. A dog is gonna be a dog. They are attracted to smells. The problem here isn't trappers trapping to close to trails, the problem is there being absolutely no regulations requiring pet owners to keep their dogs on leash.

Unfair: Anyone that has ever done a winter down here would know that it's dang near impossible to find a place to safely park your vehicle along the road. Most trappers down here have to work public jobs because lets face it, fur prices aren't what they used to be. Not to say that subsistence trappers can't make extra money trapping (which is desperately needed in the winter especially with rising gas prices), but it's hard to make a living doing it these days. And because of that reason most trappers have to trap near a road system or trail in order to be able to run their lines before or after work. Because of their work schedule, they don't have the leisure to take 8hrs to run their traplines. If this proposal passes, your going to effectively shut down trapping in this area completely. The DOT only maintains certain pullouts (some are listed on your proposal), of which there really isn't many. If you shut down trapping near these pullouts and roads, people aren't even going to try. The amount of time and resources it would take to do it correctly (according to your proposal) wouldn't be worth the money you could make. And heaven help if you accidentally screwed up and had the Federal Government levy a fine against you for it.

Unsafe. This one is straight forward. If you further limit the country that traps can lawfully trap, the few that do attempt it will be placed in unsafe conditions. Isn't it dangerous enough to partake in trapping without having to park on the side of the road in winter conditions? To try and unload all your gear on a snow bank while simultaneously playing real life frogger with oncoming vehicles? Seriously. You're gonna end up with more vehicle accidents then dogs in traps if you didn't pass this goofy proposal.

Impact on Conservation. Are you prepared to implement a predator control plan once you effectively force all the trappers in this area out of the game? Have you fully considered what will happen when there are no trappers, less land because of that stupid highway project, and now peoples "fur babies" are getting chewed up by coyotes on a regular basis? Or when the grouse/ptarmigan disappear because the marten population booms? The plan and simple facts are this proposal is coming from a place of emotion rather than a place of common sense and science.

In conclusion, I have watched silently as the rights of outdoorsmen has been eroded across this country for years. Look at what just happened in New Mexico. If you start passing these emotion driven regulations, how long until you can't trap on federal land at all? And how much money do these skiers/hikers pump back into the local economy? I highly doubt its anything in comparison to the amount of money trappers do. With purchasing fuel, licenses, trapping supplies, ect. Please let cooler heads prevail here. No trapper wants to catch someone's dog. Not only because we're dog lovers too, but because it causes extra work for us. Have to move your set because of the scent of a dog, having to go to court because the owner wants to sue you. Not to mention that a trap a dog is in, is a trap that's not catching a fur bearer. Trappers try our best to stay away from high use areas. But these dog walking hikers don't stay on trails to begin with! How about passing a law that they can't leave the trail and must maintain their dog on leash the entire time? How about making them purchase a hiker/skier license like we have to purchase a trapping license. How about enforcing SOME regulation on them? Cause as it stands right now they can go anywhere, do anything, and push to impose more regulations on trappers for free. Since when do people that don't have any skin in the game get to enforce those who do?

I hope this letter does not offend anyone. That's not my intention. I know the political pressures of trying to resolve these issues are daunting. But you have to speak up for trappers. We already get treated like scum because people think we are barbaric. I don't trap because I like to kill. I trap because I've seen a disease ridden coyote that doesn't have enough food. I've seen what happens when predator stocks aren't properly managed. I came to this awesome state because I wanted the freedom that everyone claims is up here. It's a little ridiculous that I'm even having to write a letter defending trapping in the "Last Frontier", but hey, here we are.

I hope it hammers home the point that more regulations on trappers is not the answer. Please, don't let the voice of the many destroy the rights of the few. Thank you for your time in reading this.

Respectfully,

Kevin Clark

7-16-21

Dear Subsistence Board:

Ref. Alaska Proposal W22-15, to prohibit trapping ("trap setbacks") within 1000 feet of certain lands, trails, campgrounds, pull-outs, etc. in the vicinity of Cooper Landing.

I encourage you **NOT TO** implement proposed rules which would prohibit trapping within 1000 feet for an extensive list of places in and around Cooper Landing . It appears the purpose of such prohibition mostly would be to protect dogs that are running loose (with or without the proximity of their owners) on the listed public trails, lands, and places possibly under your purview.

Cooper Landing and other Kenai Peninsula public trails and lands actually are more hazardous to hikers and other users from loose dogs than they are from trapping. Lack of consideration is manifested by some dog owners who allow dogs to be off-leash when using the listed places. Rarely would dog owners of leashed dogs be off-trail by up to 1000 feet to be accidentally affected by trapping!

On public lands and trails (and private land) of Cooper Landing and the Kenai Peninsula, I find myself frequently encountering unleashed barking dogs which have threatened me and grand children by running towards us and barking and growling at the same time. Meanwhile the dog owners show up a few minutes later saying "Oh, don't worry, he / she won't hurt you" . Baloney! The THREAT of the off-leash dog is hurt enough, let alone injury due to the possibility of being bitten - *why does my use and my well-being on a trail, public lands or private property have to be disrupted by their loose dog*? **Why do subsistence trappers have to sacrifice merely to satisfy the narrow interests of certain dog owners or other people failing to use public lands responsibly?**

Please see below an excerpt from the regulations of the USDA George Washington National Forest in Virginia. For various reasons the regulations there have evolved to protect the public with respect to dogs. I have highlighted key passages which show the intent to protect the public using those lands from dangerous pet animals.

I believe it appropriate for the Subsistence Board, in coordination (see Fish and Wildlife Coordination Act (16 U.S.C. 661-667) with other federal land managers (such as those authorized to manage the USDA Chugach National Forest), to maintain consistency with regulations such as those of the George Washington National Forest to protect the public from unconstrained dogs, including to protect trappers pursuing their traditional activities:

Excerpt from George Washing Nat'l Forest Regulations:

'Pets and Animals

Pets must always be on a leash. In campgrounds, keep your pet within your designated campsite unless walking the pet. Leashes cannot exceed 6' in length.

Clean up after your pet, removing all manure, pet food, and litter.

Owners of barking and/or threatening dogs or other pets that disturb visitors may be asked to leave the recreation area.

Pets (except guide dogs) are not allowed on beaches or in swimming areas. "

-George Washington Nat'l Forest 2021

The above rules show an emphasis on protecting humans from unconstrained pet owners and their dogs. Owners of dogs will tell you their dog is under their voice control to support their desire to let their animal be loose. Such assertion is not shown to be true or valid in practice. It's not the trapper or trapping, legitimate hunting with dogs, or other individual people that need to be constrained! **It's irresponsible dog owners and their animals themselves that need to be constrained.**

Not only would additional rules and regulations requiring leashed dogs protect the human public, they would protect the dog. The proposed rules in proposal W22-15 would be unnecessary.

Thank you for your consideration.

Cleve Cowles
Alaska Resident

[EXTERNAL] Comments on proposal WP22-15

Mike D <michael.d.donnellan@gmail.com>

Mon 7/19/2021 1:20 PM

To: AK Subsistence, FW7 <subsistence@fws.gov>

Hello,

I am writing in support of proposal WP22-15 (setting setbacks for trapping in Unit 7). I actually don't think that this proposal goes far enough (I would like to see setbacks of at least 1/4 mile from all established roadways, campgrounds, and trails), but I am willing to support this proposal as a starting point. Out of concern for my dog, I personally avoid using the areas in question for cross country skiing during the wintertime because there are no trapping setbacks. This is not only unfortunate for me, but also for the local businesses that I would support otherwise. It is high time for us many non-consumptive users to be able to safely use the areas that a few trappers unfairly dominate during trapping season (and beyond, via the ghost traps they unethically leave behind). I fully support ethical subsistence trapping on Federal lands, but it is long past time that this common sense compromise be made.

Thank you for considering my comment.

Mike Donnellan
PO Box 181
Girdwood, AK 99587

[EXTERNAL] Adopt Proposal WP22-15

Jordan Ebert <jordanebert@LIVE.COM>

Wed 7/14/2021 10:57 AM

To: AK Subsistence, FW7 <subsistence@fws.gov>

Dear Federal Subsistence Board,

I am writing in support of proposal WP22-15, which would prohibit subsistence trappers from using a trap or snare within 1,000 feet of a number of trails, roadways, and campgrounds on Federal Lands near Cooper Landing. This proposal would be a solution to the growing number of conflicts between recreational users and subsistence trappers, and reduce bycatch of non-intended species such as scavenging birds, bears, small game, and dogs. Results of a survey sent in February 2021 indicate community members strongly favor regulations supporting trapping setbacks from the trails, campgrounds and roads: 86%-92% of respondents supported the setbacks.

Proposal WP22-15 would also cause minimal disruption to subsistence trapping, because trappers would still have access and use to the vast backcountry beyond the 1000' setbacks. This is not an "anti-trapping" campaign but instead is a "safe trails" issue. Additionally, more distance from high use trails and campgrounds would benefit trappers as there would be less activity to scare away wildlife. It would also be more aligned with the historical and traditional ways and means of trapping fur bearing animals.

In May 2019, the Anchorage Assembly passed an ordinance that bans trapping within 50 yards of all developed trails and within one-quarter mile of trailheads and buildings in the Anchorage Municipality. Juneau has quarter mile setbacks on many of their trails. The precedent for setbacks on public lands in our state has already been established.

When Dr. Robert Gieringer submitted a proposal for a one-mile setback during the last meeting of the Federal Subsistence Management Board, the Board suggested that "the town of Cooper Landing could issue a city ordinance that restricts trapping to address specific, local conflicts." But unfortunately Cooper Landing is not an incorporated municipality and does not have the power to issue ordinances, and so the area must depend upon regulatory action by the Federal Subsistence Board, The Alaska State Board of Game and the US Forest Service.

Current trapping regulations allow traps to be set anywhere, creating a hazard for recreational users, their children and their dogs. Proposal WP22-15 would address this safety issue, and ensure that trails are safer for everyone. Please adopt proposal WP22-15.

Sincerely,

Jordan Ebert

[EXTERNAL] WP22-15 comments, Unit 7 Kenai Peninsula

Candy FitzPatrick <antarcticandy@yahoo.com>

Mon 7/19/2021 1:39 PM

To: AK Subsistence, FW7 <subsistence@fws.gov>

Hello Theo Matuskowitz and crew,

In regards to the safe and equitable use of specific portions of trails, roads, and campgrounds (and land surrounding the trails, roads, and campgrounds) in the Chugach National Forest in the Cooper Landing area (Proposal WP22-15, Unit 7), please consider the results of the survey conducted by the Cooper Landing Safe Trails Committee in early 2021. The results of that survey indicated that community members favor regulations supporting trapping setbacks from the trails, roads, and campgrounds.

I am in support of the amicable work that would be conducted between recreational users, subsistence trappers, and appropriate government agencies pertaining to the issues that were covered by that survey and responses (I believe the results have been presented to you and the board). I have little opinion about the actual distance the setback should be and will rely on the information provided by my fellow community members in regards to that.

In addition, I encourage the matching of the regulations in alignment between the federal and state agencies as that would be advantageous in helping to quell confusion about which regulations pertain to what piece of land for all users.

Thank you for your time and efforts for this issue,
Candy FitzPatrick
P.O. Box 877
Cooper Landing, AK 99572

Federal Subsistence Board
Office of Subsistence Management
Attn: Theo Matuskowitz
1011 E. Tudor Road, MS-121
Anchorage, Alaska 99503-6199

July 8, 2021

Dear Mr. Matuskowitz,

I am writing to you today in support of Proposal WP22-15 requesting consideration of subsistence trapping regulations prohibiting subsistence trappers from using a trap or snare within 1,000 feet of specific trails, roadways, and campgrounds on Federal Lands near Cooper Landing. As a resident of Cooper Landing I utilize the trails and roadways/campgrounds on a daily basis—especially during trapping season and believe this proposal would ensure a higher level of safety for residents, children, pets, and working animals. My family mushes dogs (11 year old daughter), skis, runs, hikes, and hunts where legally allowed. There have been incidents where people and dogs have run into traps and I feel it is necessary to have set backs to ensure a higher level of safety. I appreciate the OSM staff and boards review of this proposal and all the work they do to protect federal subsistence rights.

Gunal'cheesh,

Sincerely,

Adrienne Fleek
L'ook Beadwork

[EXTERNAL] support

Lydia Furman <lfurman844@gmail.com>
Sat 7/10/2021 2:53 AM
To: AK Subsistence, FW7 <subsistence@fws.gov>

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Federal Subsistence Management Board,

While I am opposed to trapping in general because it is cruel and inhumane, I recognize subsistence trappers are important in Alaska. Therefore I support Proposal WP22-15 for the following reasons:

- Results of a survey sent in February 2021 indicate community members strongly favor regulations supporting trapping setbacks from the trails, campgrounds and roads: 86%-92% of respondents supported the setbacks.
- As ski trails are being developed on campground roads, roads closed in winter and in new local areas (Devil's Pass Ski Loops), an increasing number of people are visiting the area for winter recreation opportunities.
- The psychological impact on many outdoor enthusiasts who fear their dog could be caught in a trap has created a situation that has been described by some as feeling "held hostage" and causes them to avoid outdoor winter recreational activities.
- The Mission Statement of the US Forest Service (USFS) states it must manage its lands and balance the short term and long term needs of people and nature. This can best be accomplished by: "working in collaboration with communities and our partners;" "providing access to resources and experiences that promote economic, ecological and social vitality;" "connecting people to the land and to one another."
- The Forest Service Value Statement states management of its lands for "safety in every way: physical, psychological and social." Traps set in high use areas are not safe.
- The requested setbacks would curtail the incidence of bycatch of non-intended species such as scavenging birds, bears, small game, or even dogs.
- The requested setbacks would prevent the unsightly visual of an animal caught in a trap or snare set in a recreational area, whether dead or not. Such sights are particularly difficult for children.
- The areas requested for setbacks comprise a very small portion of the land surrounding Cooper Landing compared to the vast Alaska backcountry still available to trappers. This is not an "anti-trapping" campaign but instead is a "safe trails" issue.
- More distance from high use trails and campgrounds would benefit trappers as there would be less activity to scare away wildlife. It would also be more aligned with the historical and traditional ways and means of trapping fur bearing animals.
- Current trapping regulations allow traps to be set anywhere, creating a hazard for recreational users, their children and their dogs.
- Only .4% of Alaskans have a trapping permit, which means 99.6% DO NOT engage in trapping, at least not legally. Almost all of our public land is available for trapping despite the exceedingly

small number of Alaskans who trap. If trapping was compatible with recreational uses such as skiing, hiking, skijoring and snowshoeing, this inequity and imbalance would not be a problem. However, traps are not safe for recreational users near trails, roadsides and campgrounds. A change in the trapping regulations that reflects the majority of public usage is long overdue.

- The placement of traps in areas used for recreation has been a long standing issue for the community of Cooper Landing and there have been several efforts to create a solution that is fair and workable for both trappers and recreational users. These efforts have continually failed. Now the issue has become even more important as the population of Cooper Landing and the popularity of winter recreational activities have grown. It is clear that some trap placement regulations need to be put in place to stop the conflicts and increase safety.
- There are vast areas of Federal and State lands available for trapping even if the setback request is adopted.
- When Dr. Robert Gieringer submitted a proposal for a one-mile setback during the last meeting of the Federal Subsistence Management Board, the Board suggested that "the town of Cooper Landing could issue a city ordinance that restricts trapping to address specific, local conflicts." Cooper Landing is not an incorporated municipality and does not have the power to issue ordinances. It does have an organized Community Club that listens to the concerns of local residents, and the members of the community have spoken loudly in favor of trap setbacks.
- In May 2019, the Anchorage Assembly passed an ordinance that bans trapping within 50 yards of all developed trails and within one-quarter mile of trailheads and buildings in the Anchorage Municipality. Juneau has quarter mile setbacks on many of their trails. The precedent for setbacks on public lands in our state has already been established. Unfortunately, unincorporated areas and second class boroughs have no authority to establish such regulations and must depend upon regulatory action by the Federal Subsistence Board, The Alaska State Board of Game and the US Forest Service.

Sincerely, Lydia Furman Peter

[EXTERNAL] Attn: Theo Matuskowitz : Cooper Landing Safe Trails

Allison Galbraith <ak.nanooks@gmail.com>

Mon 7/12/2021 2:37 PM

To: AK Subsistence, FW7 <subsistence@fws.gov>

Hi. I would like to indicate my strong support of the Cooper Landing Safe Trails proposal WP22-15. I am a frequent and avid winter user of ski trails etc. in this area and find it absolutely appalling that my ON LEASH skijor/mushing dogs could potentially get caught in a trap. I think a 1,000 foot setback should be a minimum for these mutually exclusive activities of recreation and trapping in these areas. Trails should feel safe for all users and usage should not be solely claimed by one group over another. There is so much safe trapping land that there is absolutely no need to be trapping along trails where other recreational activities occur. It is simply irresponsible and selfish.

Please add me to the list of people who strongly support the adoption of the Cooper Landing Safe Trails proposal WP22-15.

Allison Galbraith
Homer, Alaska

Federal Subsistence Board
Office of Subsistence Management
Attn: Theo Matuskowitz
1011 E. Tudor Road, MS-121
Anchorage, Alaska 99503-6199

July 11, 2021

Dear Mr. Matuskowitz,

I am writing to you today in support of Proposal WP22-15 requesting consideration of subsistence trapping regulations prohibiting subsistence trappers from using a trap or snare within 1,000 feet of specific trails, roadways, and campgrounds on Federal Lands near Cooper Landing. I believe this proposal is long overdue. We are not asking for trappers to give up their heritage or subsistence lifestyle. We are asking them to recognize that there are more and more folks recreating on trails and in the back country and we ALL must adapt and make concessions to share the outdoors fairly and equitably. Also, I feel that most of our local trappers who are from Cooper Landing already follow the practices requested in this proposal because they recreate with their families on these same trails and recognize the need for the larger setbacks. The problem lies more with non-local trappers who either do not care, are not ethical, or not familiar with the extent of outdoor enthusiasts and recreationalists active in our community.

I also feel the following reasons should be recognized in supporting Proposal WP22-15.

- Results of a survey sent in February 2021 indicate community members strongly favor regulations supporting trapping setbacks from the trails, campgrounds, and roads. 86%-92% of respondents supported the setbacks.
- As ski trails are being developed on campground roads, roads closed in winter and in new local areas (Devil's Pass Ski Loops), an increasing number of people are visiting the area for winter recreation opportunities.
- The psychological impact on many outdoor enthusiasts who fear their dog could be caught in a trap has created a situation that has been described by some as feeling "held hostage" and causes them to avoid outdoor winter recreational activities.
- The *Mission Statement* of the US Forest Service (USFS) states it must manage its lands and balance the short term and long-term needs of people and nature. This can best be accomplished by:
- "Working in collaboration with communities and our partners;"
- "Providing access to resources and experiences that promote economic,
- ecological and social vitality;"
- "Connecting people to the land and to one another."
- The *Forest Service Value Statement* states management of its lands for "safety in every way: physical, psychological and social." Traps set in high use areas are not safe.
- The requested setbacks would curtail the incidence of bycatch of non intended species such as scavenging birds, bears, small game or even dogs.
- The requested setbacks would prevent the unsightly visual of an animal caught in a trap or snare set in a recreational area, whether dead or not. Such sights are particularly difficult for children.
- The areas requested for setbacks comprise an exceedingly small portion of the land surrounding Cooper Landing compared to the vast Alaska backcountry still available to trappers. This is not an "anti-trapping" campaign but instead is a "safe trails" issue.

- More distance from high use trails and campgrounds would benefit trappers as there would be less activity to scare away wildlife. It would also be more aligned with the historical and traditional ways and means of trapping fur bearing animals.
- Current trapping regulations allow traps to be set anywhere, creating a hazard for recreational users, their children, and their dogs.
- Only .4% of Alaskans have a trapping permit, which means 99.6% DON'T engage in trapping, at least not legally. Almost all of our public land is available for trapping
- despite the exceedingly small number of Alaskans who trap. If trapping was
- compatible with recreational uses such as skiing, hiking, skijoring and snowshoeing, this inequity and imbalance would not be a problem. However, traps are not safe for recreational users near trails, roadsides, and campgrounds. A change in the trapping regulations that reflect most of the public usage is long overdue.
- The placement of traps in areas used for recreation has been a long-standing issue for the community of Cooper Landing and there have been several efforts to create a solution that is fair and workable for both trappers and recreational users. These efforts have continually failed. Now the issue has become even more important as the population of Cooper Landing and the popularity of winter recreational activities have grown. Some trap placement regulations need to be put in place to stop the conflicts and increase safety.
- There are vast areas of Federal and State lands available for trapping even if the
- setback request is adopted.
- When Dr. Robert Gleringer submitted a proposal for a 1-mile setback during the last meeting of the Federal Subsistence Management Board, the Board suggested that "*the town of Cooper Landing could issue a city ordinance that restricts trapping to address specific, local conflicts.*" Cooper Landing is not an incorporated municipality and does not have the power to issue ordinances. It does have an organized Community Club that listens to the concerns of residents, and the members of the community have spoken loudly in favor of trap setbacks.
- In May 2019, the Anchorage Assembly passed an ordinance that bans trapping within 50 yards of all developed trails and within one-quarter mile of trailheads and buildings in the Anchorage Municipality. Juneau has quarter mile setbacks on many of their trails. The precedent for setbacks on public lands in our state has already been established. Unfortunately, unincorporated areas and second-class boroughs have no authority to establish such regulations and must depend upon regulatory action by the Federal Subsistence Board, The Alaska State Board of Game, and the US Forest Service.

Lastly, I hope that the Federal Subsistence Board takes this as a great opportunity in creating a workable model that other communities in Alaska can utilize to assist in their efforts for avoiding user conflicts and increase safety for their trail users.

Thank you for your time and attention regarding this matter,

Sincerely,

Yvette & Gary Galbraith

Yvette & Gary Galbraith
Upper Kenai Cabins
Cooper Landing Residents

[EXTERNAL] Cooper Landing trap setback comment WP22-15

Mareth Griffith <magpiemareth@gmail.com>

Fri 7/9/2021 8:33 AM

To: AK Subsistence, FW7 <subsistence@fws.gov>

Good morning Mr. Matuskowitz,

I am writing to voice my support for a proposal barring traps or snares from being placed within 1000 feet of specific trails, roads and campgrounds in the Cooper Landing area.

I am a resident of Seward, Alaska, and a member of the Seward Nordic Ski Club. I enjoy taking advantage of the ski trails and other winter recreational opportunities between Seward and Cooper Landing. I support the proposal as a way to increase skiers' safety in developed, front-country recreation areas, as well as the safety of small children and pets. USFS regulations currently allow traps to be set within close proximity to trails, and I believe a change in regulations that would keep traps out of front-country, high-use recreational areas is long overdue.

Thank you for your consideration.

Mareth Griffith
32715 Wizard Ave
Seward AK 99664
907-268-8911

Alaska Kenai Chapter Safari Club International
P.O. Box 2988
Soldotna, AK 99669
kenaisci@gmail.com

RE: Public Comments Processing, Office of Subsistence Management
(Attn: Theo Matuskowitz) subsistence@fws.gov
Oppose proposals WP22-15 through 32.

The Alaska Kenai Chapter of Safari Club International (KPSCI) is the largest conservation group on the Kenai Peninsula. Our chapter was founded in 1989 on three primary principles: Wildlife Conservation, Education and Humanitarian Services, and Advocacy for Hunting and Hunters Rights.

KPSCI represents hunters from across the Kenai Peninsula, including rural and non-rural communites. Our annual fundraiser is attended by 400-500 hunters, fisherman and wildlife conservationists who have a long history of customary and traditional use of harvesting fish and wildlife in Alaska. The KPSCI board and membership, consists of local hunters who participated from the beginning in opposition to the establishment of the Kenai Peninsula rural designations and customary and traditional use determinations. The chapter has a long history of not only opposing these erroneous determinations but engaged with our national chapter to pursue legal actions against them. The actions of the FSB has turned our community into "have and have nots" in regards to fish and wildlife harvest. Our organization does support a subsistence priority in rural parts of Alaska where congress had intended for the priority to apply, but not on the road connected Kenai where the characteristics of the communities have little to no difference.

Congress deliberately crafted ANILCA provisions to minimize impacts on public uses of public lands in conservation system units by Alaska residents for access and traditional activities necessarily related to harvests of fish and wildlife resources. Along with minimizing those impacts. Congress included numerous unique provisions in ANILCA to assure meaningful public involvement and to satisfy specific criteria as a threshold for federal decisions affecting those uses in Alaska. Furthermore, the congressional record clearly indicates that congress did not intend for the road connected Kenai Peninsula communites to be designated for a subsistence priority.

As an example, our organization finds the irony in WP22-15, diminishing trapping opportunity by the anti-hunting/trapping folks from the 'rural designated" community of Cooper Landing. Trapping is a customary and traditional use activity protected under ANILCA. These actions clearly illustrate why communites such as Cooper Landing should not have been granted a rural designation with C&T determinations as their community characteristics do not reflect or meet the criteria of Title VIII and the intent of congress.

Another example these erroneous proposals is WP22-32. The FSB ruled against a rural determination for the Russian villages in the North Fork/Homer area. An individual that received a subsistence moose permit for three years was told he lived outside the rural community of Ninilchik so his recent request was denied. This action resulted in proposal WP22-32 to expand the Ninilchik rural area to include North Fort Road. How can the FSB justify rewarding illegal behavior?

For these reasons we adamantly oppose proposals WP22-15 through 32.

WP22-15 All furbearers in Unit 7; Establish trap setbacks along trails, road, and campground. Diminishes a subsistence activity in a "rural designated" community.

WP22-16 Adopt a customary and traditional (C&T) finding for Moose Pass residents for moose.

WP22-17 Extend moose season in Unit 7 for Moose Pass residents to Aug. 10 to Sept. 20.

WP22-18 Extend hunting area for Moose Pass to include 15A and 15B. Season Aug. 10 to Sept 20 and Oct. 20 to Nov. 10. Add a registration hunt in these areas with a bag limit of one cow moose/per hunter.

WP22-19 Add 15C to the moose hunting season for Moose Pass residents, season Aug. 10 to Sept. 20. Bag limit increased to spike/FORK-50 inch or 3 brow tines on at least one side. Note: fork antlered bulls are not legal in the general non-rural season.

WP22-21 Allows Moose Pass to harvest caribou in Unit 7 under a registration permit rather than the limited entry draw, season Aug. 10 to Dec. 31. The general season is Aug. 10 to Sept. 20, in a draw hunt, for non-rural residents.

WP22 Establishes a Federal (rural resident) drawing system for Moose Pass residents in Unit 7, season Aug. 10 to Sept. 20 for caribou hunting.

WP22-23 Establishes a federal drawing system for mountain goat in Unit 7 for Moose Pass residents. Season Aug. 10 to Nov. 14. The general (non-rural) season is Aug. 10 to Oct. 15 by limited draw followed by a registration Nov. 1 to 14 in areas where the quota was not reached. The federal hunt will open all areas regardless of reaching the quota.

WP22-24 Establishes the same mountain goat special draw season in Unit 15 for Moose Pass residents.

WP22-25a/25b Establishes a rural sheep season in Unit 7 for one sheep, no horns or gender restrictions.

WP22-26a/b Not sure what this proposal asks for, request is to open a sheep season for Moose Pass residents. No season or bag limit shown.

WP22-28 Extends moose season in Unit 7 by five days, from Aug. 10 to Sept. 20 to Aug. 10 to Sept. 25.

WP22-29 Same as 28, extends moose season in Unit 7 to Aug. 10 to Sept. 25.

WP22-30 Extends moose season for rural residents in Unit 15 from Aug. 10 to Sept. 20 to Aug. 10 to Sept. 25.

WP22-31 Extends moose season for rural residents in Unit 15 from Aug. 10 to Sept. 20 to Aug. 10 to Sept. 25.

WP22-32 Request for a positive finding of "rural" for the "North Fork Rural Customary and Traditional Subsistence Use Community". An individual that received a subsistence moose permit for three years was told he lived outside the rural community of Ninilchik so his recent request was denied. This action resulted in proposal WP22-32 to expand the Ninilchik rural are to include North Fort Road. Nothing like rewarding illegal behavior!

The Kenai Chapter of Safari Club International opposes WP22-15 through WP22-32. We urge the FSB to vote NO on these proposals. KPSCI is the representative of the vast majority of the hunters, fisherman and wildlife conservationists residing on the Kenai Peninsula.

Sincerely,

Alaska's Kenai Chapter of Safari Club International

2021 Board of Directors
Mike Crawford
Joe Hardy
Shawn Killian
Bryan Vermette
Jesse Bjorkman
Sam Evanoff
Roy Smith
Ted Spraker
Rick Abbott

[EXTERNAL] Comments For Trapping Proposal WP20-15

THOMAS LESSARD <tlessard@mtaonline.net>

Mon 7/19/2021 12:36 PM

To: AK Subsistence, FW7 <subsistence@fws.gov>

WP20-15

Trapping is customary and traditional. These trapping closures will make subsistence trapping more difficult for everyone but especially for elders who have a hard time getting around and young kids who don't have snow machines or cars.

I have trapped in some of the areas they are trying to close, sharing the furs and making hats for gifts for the grandchildren and others. These trapping closures will make it harder to share furs and will make it harder to pass along the trapping traditions to the young kids.

Specific trapping locations are very important over time. Closing the locations will harm the traditions. It will squeeze the trappers. They will have to move to areas where other people already trap and that's a problem.

Moose Pass just got ok'ed for subsistence. They said having subsistence out their back door was a big deal. But these other people who don't trap want subsistence trapping taken away because they say it's too close to their house or skiing trail. They want their dogs to be able to run all over even chasing moose. Sometimes a dog gets in a trap but never a dog that is on a leash.

I think we need leash laws so dogs can't run all over.

Some bird hunters say trappers are going to hurt their dogs. I see bird hunters out hunting with their dogs early in the fall before trapping even begins. By the time trapping seasons roll around the spruce hens are eating spruce needles and the ptarmigan slopes are full of snow. Nobody I know wants to eat spruce hens that are eating needles and it's too hard to hunt when the snow is getting deep. I guess that's why I don't see anybody out bird hunting with their dogs during trapping season.

Another thing they say it's unsafe to set a trap in some places but it's ok to blast away with a shotgun in the very same place. It doesn't make much sense.

They sent a survey to everybody even people who don't live here. They also put the survey on the internet. They didn't get many of them back but say 90% of them want to close trapping so that proves their point. It doesn't prove much of anything because who knows who filled out the survey?

One new subsistence guy from Moose Pass said Cooper Landing should make their own dog park on Community Club property. That's a good idea.

They say traps are dangerous and will catch kids. I've never heard of that. But people do get hurt by bears, cars, fish hooks and dog bites. So there are things that are dangerous but traps are not one of them.

Please reject WP20-15

Tom Lessard
Cooper Landing

[EXTERNAL] Comments for Trapping Proposal WP20-15

Kathryn Lessard <klessard62@gmail.com>

Mon 7/19/2021 3:56 PM

To: AK Subsistence, FW7 <subsistence@fws.gov>

WP20-15

This proposal is designed to restrict or even eliminate a traditional subsistence activity to allow for unrestrained dogs to run free on our trail systems, in campgrounds, on roadways and in developed recreational sites.

The proposal fails to demonstrate that trapping is a public safety problem unlike unrestrained dogs.

Unrestrained dogs are a safety risk to our wildlife, oher users and other dogs. There were approximately 4.7 million reported dog bites and 46 deaths due to dog attacks in 2019 in the US. These were mostly children. Approximately 45 deaths in 2020.

As a school nurse for 20 years, I have treated quite a few serious dog bites and no trapping injuries.

I encourage the board to reject this proposal.

Kathryn Lessard
Cooper Landing

[EXTERNAL] Proposal WP22-15

Debbie Martyn <d.martyn12@gmail.com>

Fri 7/9/2021 8:12 PM

To: AK Subsistence, FW7 <subsistence@fws.gov>

Federal Subsistence Board
Office of Subsistence Management
Attention : Mr. Theo Matuskowitz

Dear Theo,

In February of 2020 my beautiful Husky Mix dog Champion was caught and killed in an illegal hunting trap that unfortunately had been placed close to a residential area close to my home.

It still saddens me to this day. I wonder how much he must have suffered before he died and so needlessly as well. If we had more laws in place protecting people and their beloved pets, who just want to be able to access recreational areas without fear of getting maimed, hurt, or dying, then these types of needless deaths could be averted forever.

By the way, if placed close to recreational areas and trails used by the public, these hunting traps not only have the potential to maim and/or kill domestic pets, but have the potential to be dangerous to people of any age, including small children who can also get an arm or a leg caught in these traps, disfiguring them forever, or possibly even killing them.

Thank you for supporting Proposal WP22-15.

Best regards,

Deborah Martyn

[EXTERNAL] Subsistence Proposal WP22-15

Julian Mason <julian@ak.net>

Thu 7/8/2021 4:13 PM

To: AK Subsistence, FW7 <subsistence@fws.gov>
Cc: lthuskys@gmail.com <lthuskys@gmail.com>

I am writing to support Cooper Landing Safe Trails proposal WP22-15. I am a (inactive) licensed trapper and have a home in Cooper Landing. My guests, family, and I use the trails year round. While I obviously have no objection to trapping, I believe that some places should be free of traps so that people and their pets can enjoy the trails without fear. If the Safe Trails proposal is adopted, very little land will be off limits to trapping and virtually the entire national forest will be open.

I appreciate your considering my views, and hope that WP22-15 will be adopted. J

--

Federal Subsistence Board
Attn: Theo Matuskowitz

July 19, 2021

Trapping in the Cooper Landing area

This is a letter in full support of the proposed trapping setback of 1000 feet being presented to the Federal Subsistence Board by the Cooper Landing Safe Trails Committee. Though we are not members, we are dog owners and recreationist who do fully support this cause.

We have lived in Cooper Landing since 1992 and can recount numerous instances of individuals having their dogs caught in snares and conibear traps resulting in loss of limbs and/or death. The efforts of the trapping community to self-promote sensible setbacks from trails and trailheads has sadly failed, with traps continuing to be found in high density use areas, quite commonly only a few feet off a trail or road.

We can honestly say that the trapping being done in the Cooper Landing area has 100% affected the use of the trails that we utilize. That one user group (trappers) can have such a negative impact on the rest of the user groups is unequitable, and quite truthfully, unfair.

Please consider the setback proposal so that Cooper Landing residents, and the many visitors who come here, can safely utilize the local trails with their pets without having to worry about their safety.

Thank You,

Dan Michels
Kristen Helgren
Owners of Luci and Gemma

[EXTERNAL] Wildlife Proposal WP20-15

Dan Mico <danmico@hotmail.com>

Sun 7/18/2021 1:05 PM

To: AK Subsistence, FW7 <subsistence@fws.gov>

Attn: Federal Subsistence Board
Re: Opposition to Proposal WP20-25

I am writing to state my opposition to proposal WP20-15 in its' entirety. Not only would this make trapping more difficult for subsistence users, it would displace those already trapping in the proposed areas creating conflict and putting more pressure into areas adjacent to closures as trappers have to find new lines. Most recently this occurred at the "Devils Creek Ski Loop" (not an officially recognized recreation area) when skiers commandeered an area managed for wildlife habitat that has been trapped for years and forced its' current user to move out.

Additionally, there are plenty of sets such as submerged traps or elevated cubbies that pose no threat to dogs and have no reason to be banned within these distances.

Curtailing the rights of subsistence users for the actions of one or two unethical trappers is not the answer.

Dan Mico
PO Box 51
Moose Pass, AK 99631

(907)288-2026
danmico@hotmail.com

[EXTERNAL] WP22-15, Attn: Theo Matuskowitz

MARY LOUISE MOLENDA <sunrise@arctic.net>

Sun 7/11/2021 2:05 PM

To: AK Subsistence, FW7 <subsistence@fws.gov>

Please enact the requested setback for Cooper Landing because:
- It is inhumane to expose nature lovers to the stress and anxiety of seeing and rescuing a maimed pet ensnared in a trap.
- The requested 1,000 foot setback is not onerous and does not unnecessarily inhibit the activities of trappers who constitute a small percentage of trail users.
- Cooper Landing does not have the statutory authority to create or enforce the requested 1,000 foot setback.

This needs to be done and we can't do it. Please help us.

Mary Louise Molenda
PO Box 752
Cooper Landing, Ak 99572
907-205-0842

[EXTERNAL] WP22-15

Mona Painter <painter@arctic.net>

Sun 7/18/2021 11:31 PM

To: AK Subsistence, FW7 <subsistence@fws.gov>

Federal Subsistence Board
Office of Subsistence Management (Attn: Theo Matuskowitz)
1011 E. Tudor Road, MS-121 Anchorage, Alaska 99503-6199

I am in favor of the Wildlife Proposal 22-15 regarding trap emplacements in Unit 7 on the Kenai Peninsula. I worked on the Cooper Landing Community Safe Trails Committee to develop this proposal. I have been a resident of Cooper Landing for over 62 years and have seen just about every aspect of trapping I can think of from historical photos to seeing traps set just off trails as I was hiking. With a much broader population base in recent years and more and more interest in recreational trail use, I've seen some problems between user groups on local well-used trails. I am encouraged to learn that the different groups are open to discussing compromises.

[EXTERNAL] WP22-15

Laurie Radzinski <l.radzinski@gmail.com>

Wed 7/14/2021 12:55 PM

To: AK Subsistence, FW7 <subsistence@fws.gov>

I live in Cooper Landing and am in favor of a prohibition on traps and/or snares within 1,000 feet of the trails and areas proposed by the Cooper Landing Safe Trails Committee.

Laurie Radzinski
PO Box 587
Cooper Landing AK 99572

[EXTERNAL] Attn: Theo Matuskowitz; Support Proposal WP22-15

Janet Rhodes <janetrhodes1@msn.com>

Sat 7/10/2021 9:19 AM

To: AK Subsistence, FW7 <subsistence@fws.gov>

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Matuskowitz,

Please support Proposal WP22-15. Here is a list of supporting reasons:

- Results of a survey sent in February 2021 indicate community members strongly favor regulations supporting trapping setbacks from the trails, campgrounds and roads: 86%-92% of respondents supported the setbacks.
- As ski trails are being developed on campground roads, roads closed in winter and in new local areas (Devil's Pass Ski Loops), an increasing number of people are visiting the area for winter recreation opportunities.
- The psychological impact on many outdoor enthusiasts who fear their dog could be caught in a trap has created a situation that has been described by some as feeling "held hostage" and causes them to avoid outdoor winter recreational activities.
- The Mission Statement of the US Forest Service (USFS) states it must manage its lands and balance the short term and long term needs of people and nature. This can best be accomplished by:

"working in collaboration with communities and our partners;"
"providing access to resources and experiences that promote economic, ecological and social vitality;"
"connecting people to the land and to one another."

- The Forest Service Value Statement states management of its lands for "safety in every way: physical, psychological and social." Traps set in high use areas are not safe.
- The requested setbacks would curtail the incidence of bycatch of non-intended species such as scavenging birds, bears, small game, or even dogs.
- The requested setbacks would prevent the unsightly visual of an animal caught in a trap or snare set in a recreational area, whether dead or not. Such sights are particularly difficult for children.
- The areas requested for setbacks comprise a very small portion of the land surrounding Cooper Landing compared to the vast Alaska backcountry still available to trappers. This is not an "anti-trapping" campaign but instead is a "safe trails" issue.
- More distance from high use trails and campgrounds would benefit trappers as there would be less activity to scare away wildlife. It would also be more aligned with the historical and traditional ways and means of trapping fur bearing animals.
- Current trapping regulations allow traps to be set anywhere, creating a hazard for recreational users, their children and their dogs.
- Only .4% of Alaskans have a trapping permit, which means 99.6% DO NOT engage in trapping, at least not legally. Almost all of our public land is available for trapping despite the exceedingly small number of Alaskans who trap. If trapping was compatible with recreational uses such as skiing, hiking, skijoring and snowshoeing, this inequity and imbalance would not be a problem. However, traps are not safe for recreational users near trails, roadsides and campgrounds. A change in the trapping regulations that reflects the majority of public usage is long overdue.

- The placement of traps in areas used for recreation has been a long standing issue for the community of Cooper Landing and there have been several efforts to create a solution that is fair and workable for both trappers and recreational users. These efforts have continually failed. Now the issue has become even more important as the population of Cooper Landing and the popularity of winter recreational activities have grown. It is clear that some trap placement regulations need to be put in place to stop the conflicts and increase safety.

Thanks for your time.

Janet Rhodes

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[EXTERNAL] WP22-15

Larry Rundquist <rundquist@gci.net>

Mon 7/19/2021 5:53 PM

To: AK Subsistence, FW7 <subsistence@fws.gov>

Re: Organization: Cooper Landing Community Safe Trails Committee

Address: PO Box 652, Cooper Landing, AK 99572

I fully support the proposal for trapping setbacks as proposed by this Committee. Alaskans are active in the backcountry on and off trails for hunting, fishing, and hiking and should not have to worry about stepping in a trap. This proposal should be expanded state-wide around population centers and the road system.

Thanks...

Larry Rundquist

2912 Alder Dr

Anchorage, Alaska 99508

[EXTERNAL] 2022-24 Wildlife Proposal: Oppose WP22-15, Unit 7 trap setbacks

Lisa Slepetski <lslepets@alumni.colostate.edu>

Sun 7/18/2021 9:21 PM

To: AK Subsistence, FW7 <subsistence@fws.gov>

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

To: Federal Subsistence Board
Office of Subsistence Management
Re: WP22-15 Unit 7 Trap setbacks - Opposed

As a full time, year-round Moose Pass resident and subsistence user of Unit 7 public lands and trails - not only for hunting, trapping, and foraging, but also for recreational hiking and skiing with my dogs - I fully oppose Wildlife Proposal WP22-15, which would prohibit traps and snares within 1,000 feet of trails, roads, and campgrounds. I appreciate the Board's consideration of my comments.

First, this proposal would make Federal Subsistence trapping regulations more restrictive than State of Alaska trapping regulations. The State of Alaska has rejected similar trapping proposals in the past. The vast area proposed for these setbacks include not only Chugach National Forest land, but also Bureau of Land Management, State of Alaska, Kenai Peninsula Borough, and private land. This would also create confusion by both trappers and dog owners if setbacks were required only by subsistence users on federal land, but not by trappers under State regulations. The subsistence taking of wildlife is recognized as an important use of federal lands per the Alaska National Interest Lands Act (ANILCA) and this would be an unnecessary restriction on the rights of subsistence trappers.

This idea that **all** traps are dangerous and deadly, and not compatible with other user groups, is false. With the different types of traps, snares, and sets, not all of them are harmful, attractive, and/or accessible to loose dogs. I have always taken my dogs with me to check my marten tree cubby sets, as they pose no risk to them. My sets are high enough off the ground, with the trap placed within a deep box, that dogs can't reach. Ethical trappers do not want to catch dogs. Many of us own dogs! Excessive setbacks along such a huge tract of land puts more burden on trappers, while not putting any responsibility on loose dog owners for their own pet's safety. In fact, just the proposed prohibited area along both sides the Sterling Highway from Tern Lake to Cooper Landing is about 7.5 miles long - without even accounting for the other trails and roads within the proposal, that alone would be 2.84 square miles where subsistence trapping would be eliminated. This doesn't even include the area that would also be eliminated along the Old Sterling Highway (which runs parallel to, and south of, the Sterling Highway), making trapping impossible along much of this area within Chugach National Forest;

steep, dangerous, avalanche-prone mountains would meet a trapper before s/he reached the end of the 1,000 ft setback along the Old Sterling Hwy. Many trails and roads have similar terrain limitations.

Also, trapping is not open year-round in Unit 7 (for anything other than small rodents). The longest trapping season in the proposal area is six months - which provides six months without trapping for off leash dogs. Public land is managed for multiple uses, and this separation in time allows for both user groups to engage in their activities for half of the year. The Skilak Lake Loop of the Kenai Wildlife Refuge is closed to trapping, providing year-round, trap-free trails and roads.

In addition, this proposal affects well beyond the boundaries of Cooper Landing, into unpopulated areas of the Seward Highway. One of the "trails" mentioned - Devil's Creek Ski Loop - is not an officially recognized trail, but is actually a moose habitat/fuels reduction management area, the "Devil's Vegetation Project", north of Devil's Creek Trail. The "ski loop" consists of the skid roads that were closed, seeded, and rehabilitated per the Environmental Assessment and Decision Notice (see https://www.fs.usda.gov/project/?project=38120). This is an area, open to subsistence snowmachine use, that has been trapped for years both before and after the vegetation projects and is popular with youth learning how to trap marten with tree cubbies; it is away from the actual Devil's Creek Trail, but has a parking lot that is plowed in winter and gentle terrain. Their traps were up weeks before some volunteers groomed it - for the first time ever - last winter. If this proposal passes, I am worried a precedent will be set that if a trapper takes the time and effort to create, brush, and maintain their own trap line, someone else could decide they like it, declare it a trail, and institute a trapping setback on the trapper's own trail. What constitutes a "trail" with regards to trying to prohibit subsistence activities? If certain areas and trails can be deemed "prohibited to trapping", as a subsistence user am I able to propose areas and trails that require dogs to be leashed - or even ban dogs entirely (if not engaged in lawful hunting) - if dogs are harassing wildlife or interfering with my ability to engage in subsistence trapping?

Further, if the intent of this set back is to protect off leash dogs, there are numerous issues to address. Per the Chugach NF website (https://www.fs.usda.gov/detail/chugach/about-forest?cid=fseprd564151): "You may take a dog into the Chugach National Forest however, they must be leashed or restrained in developed recreation areas such as campgrounds, picnic areas and on developed trails." If a dog accidentally runs away, or the owner allows their dog purposely off leash - be it 10 feet or 1,000 ft - there are countless other ways a dog may be harmed or killed. Examples: Bears, moose, coyotes, wolves, porcupine, beavers, otters, tree snow wells/heavy snow/ice falling off trees, thin ice, swift water, hypothermia, or just getting run over by a car, attacked by another dog, getting lost, or simply running away. Trap setbacks are a false sense of security - traps are stationary, but wildlife hazards move! Environmental hazards change with the weather or seasons. Alternatively, a loose dog may be harassing/harming people, other dogs, or wildlife, totally unbeknownst to the owner. I have seen or experienced all of these things in Unit 7. I hunt birds with one of my dogs, and not only have I seen loose (non-hunting) dogs kill grouse and hare out of predatory instinct without the owners knowing and the meat going to waste, but also loose dogs have attacked my hunting dog, and my non-hunting, ON-leash dog. In areas where off leash dogs are permitted, they are still required to be "under control", but how is a dog under control if you can't see what your dog is doing even just 25 feet away in thick forest? I don't even let my hunting dog run very far on the Chugach, as I know that any time my dog is off-leash and I can't see her, there is always some risk! I have never had an incident with my dogs and traps, but I have had numerous problems with loose dogs that were not under owner control. As a dog owner, I do not hunt my bird dog until I have made sure the area is clear of traps. If I see trapping signs, I go

somewhere else to hunt. Or, I walk my dog on a leash. Looking for indications that a trapper is working an area is no different than paying attention for moose or bears, or ensuring ice is thick enough to support my weight. My safety, and the safety of my pets, is ultimately my responsibility in the woods. It's just part of winter in Alaska, where trapping helped literally mold the state and the people and formed many of the trails and roads that exist to this day.

Thank you for your time and consideration.
Lisa Slepetski
Moose Pass, AK

[EXTERNAL] WP22-15

Jackie's Google <jackiesinak@gmail.com>
Sat 7/10/2021 5:43 PM
To: AK Subsistence, FW7 <subsistence@fws.gov>

As a year-round hiker on the Kenai Peninsula I fully support the addition of set-back limits for trapping along the trails and campgrounds in the Cooper Landing areas as listed. I keep my dog leashed while hiking to keep her safe, both from local wildlife and poorly placed traps. I'm sure no trapper would choose to injure a hiker or their pet, adding this regulation will remind them to take care so that our forested areas are available to all and for all purposes.

Thanks,

Jacqueline Smith
Soldotna, AK

[EXTERNAL] proposal WP22-15

lilicowvet@gmail.com <lilicowvet@gmail.com>
Sun 7/11/2021 6:00 AM
To: AK Subsistence, FW7 <subsistence@fws.gov>

Dear Sirs,

I am a Homer resident, supporter of local development of sustainable commercial activities that encourage the long term usage of our wildlands. While the economic activities have changed with time and development, it is important to review current regulations in order to promote healthy ecosystems.

New proposals for trapping regulations that move the trapping areas further away from high usage and trail systems does just that. It encourages people to use these trails and enjoy and learn about conservation in concurrence with economic development. Trapping is still allowed, and yes it will be more inconvenient to set and check traps as they are further away from developed trails, but that inconvenience allows other members of the community to develop other commercial activities dependent on those trails.

Please support the review of current trapping regulations in order to further distribute the benefit of our resources so that more people can enjoy the bounty.

Liliana Sotomayor
Homer, AK
lilicowvet@gmail.com

[EXTERNAL] Proposal WP20-15

Ted Spraker <tedspraker@gmail.com>

Mon 7/12/2021 2:12 PM

To: AK Subsistence, FW7 <subsistence@fws.gov>

Proposal WP20-15 requests a 1,000 foot setback on trails in the Cooper Landing area for placing a trap. I am strongly opposed to this request.

There is a small group of Cooper Landing residents that have been asking the Board of Game to restrict trapping simply because they don't approve of trapping or hunting. Now, they are seeking a restriction from the Federal Subsistence Board. Although I respect their opinion, there is no merit or clear justification in their request other than to reduce trapping opportunities for rural residents. There are far more dogs injured or killed on the highway through Cooper Landing each month than free ranging dogs caught in a trap annually. Additionally, with the exception of beaver (closes April 30) and Muskrat (closes May 15) trapping season is only open from Nov. 10 to March 31 in Unit 7, resulting in 7 months of no trapping.

It's my understanding that the Federal Subsistence Board's mission is to provide harvest opportunities for federally qualified rural residents. Adoption of this proposal would unjustifiably diminish opportunities for subsistence uses in this area and establish a confusing regulation when determining 1,000 feet from a trail.

Ted Spraker
49230 Victoria Ave.
Soldotna, AK 99669

[EXTERNAL] Supporting WP22-15

Lorraine Temple <lthuskys@gmail.com>

Mon 7/19/2021 11:06 AM

To: AK Subsistence, FW7 <subsistence@fws.gov>

Dear Federal Subsistence Board, Office of the Subsistence Management,

I totally support proposal WP22-15 to create safer areas near trails, roads and campgrounds by creating trap set backs of 1,000 feet. Traps set close to highly used public areas are a danger to pets, children, the economy and the activity of trapping itself. They create a danger for our pets and children; dogs will catch a scent and go explore and children just like to run as they should and god forbid, they get caught. I feel the reason this has not happened already is that parents are hypervigilant of their children instead of just letting them run and roam and explore as children should be able to do.

Cooper Landing is becoming more of an Alaskan destination as it hosts some of the best trails and jumping off points in the Chugach National Forest and the Kenai National Wildlife Refuge. Both locals and visitors come to this area to bike, hike, ski, skijor, snowmachine, snowshoe and just enjoy the beauty and charm of this location. The very economy of Cooper Landing is potentially threatened by a hesitation of such visitors if safety continues to be an issue as the demographic changes to a more recreational use. A local restaurateur was recently heard describing the desire and need to expand our traill system to winter fat tire biking and skiing to attract more business in the off season months; traps close to the trails are detrimental to winter recreational activities and thwart the opportunity of growing a winter economy.

In the interest of the trapper, traps set near the areas listed are not going to be as productive to the target species as high activity is contrary to wildlife traveling freely in those areas. There is plenty of backcountry available for trappers to utilize safely and more productively than in highly used areas. We need areas where winter activities can occur without the constant terrifying fear of losing a beloved pet to a trap; this proposal is an attractive compromise and viable alternative to the current lack of trapping regulations. I have been skating on Tern Lake and literally been shaking with fear at my dogs running over the southside of the lake where I know trapping occurs; cross country skiing around Kenai Lake has turned into an unpleasant experience as my dogs wander a few feet into the trees as we make our way on the snow covered beach. There was an active trap found just south of the end of Williams Road on the Kenai Lake beach years ago.

I realize most trappers are educated and are responsible in their trap placement. There are unfortunately those that come here and are not. It was overheard years ago at Wildmans that a young man from the Valley bragged that "every turnout from Cooper Landing to Tern Lake had a trap there". When asked what he would do if he caught a dog he answered, "use it for bait". I realize the resources to enforce all areas are limited but having these steadfast regs in place is definitely a more discernible, tangible guideline for trappers to follow.

This issue is ongoing with a long history preceding this current proposal and is only escalating. The community overwhelmingly supported the idea of set backs which was reflected in a survey distributed to over 400 property owners, residents and business owners with the majority (90%) suggesting a quarter mile setback was optimal. The Cooper Landing Community Safe Trails committee decided a 1,000ft setback was acceptable but to reiterate, the community was in support of having safe setbacks from highly used public areas for safe recreational use. The cry out from the community underscores the importance of equitable usage as more and more users are recreational v. consumptive. The facts are, only .4% of Alaskans have a trapping permit so, 99.6% DON'T TRAP. Is it really fair that literally all the public land is available to this life threatening activity that hampers the enjoyment of skiing, snowshoeing, skating, hiking, ...with pets and children?
It's time for things to change. I think of smoking cigarettes in closed places that was ultimately banned due to public outcry about the adverse health effects to others and the second hand smoke. It took a long time and lots of effort to get this changed, but it happened. In the same vain, the unhealthy, unsafe, unfair placement of traps near areas frequented by recreational users has met its tipping point for change. Please hear the feelings of the people and implement this proposal.
Sincerely,
Lorraine Temple

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Bike Cooper Landing
rentals & repairs
www.bikecooperlandingak.com

Alaska Husky Spirit
Lorraine Temple ~ PO Box 652 Cooper Landing, AK 99572
AlaskaHuskySpirit.epizy.com (907)299-2855cell
"To be a star, you must shine your own light,
follow your own path and don't be afraid of the darkness
for that is when stars shine their brightest." —Anonymous

"Come stay with us in Cooper Landing overlooking the mighty Kenai River!"

[EXTERNAL] Comments on WP22-15

Nick VanderHoff <nvanderhoff@yahoo.com>
Sun 7/18/2021 7:52 PM
To: AK Subsistence, FW7 <subsistence@fws.gov>

Attention: Theo Matuskowitz

I am writing in support of proposal 22-15 which places trapping setbacks of 100' on high use trails, near campgrounds and along certain roadways near Cooper Landing, Alaska, all on Federal lands.

My reasons for supporting Proposal 22-15 include,d but are not limited to, the ones listed below:

• Results of a survey sent in February 2021 indicate community members strongly favor regulations supporting trapping setbacks from the trails, campgrounds and roads.86%-92% of respondents supported the setbacks.

• As ski trails are being developed on campground roads, roads closed in winter and in new local areas (Devil's Pass Ski Loops), an increasing number of people are visiting the area for winter recreation opportunities.

• The psychological impact on many outdoor enthusiasts who fear their dog could be caught in a trap has created a situation that has been described by some as feeling "held hostage" and causes them to avoid outdoor winter recreational

• The Forest Service Value Statement states management of its lands for "safety in every way: physical, psychological and social." Traps set in high use areas are not safe.

• The requested setbacks would curtail the incidence of bycatch of non- intended species such as scavenging birds, bears, small game or even dogs.

• The requested setbacks would prevent the unsightly visual of an animal caught in a trap or snare set in a recreational area, whether dead or not. Such sights are particularly difficult for children.

• More distance from high use trails and campgrounds would benefit trappers as there would be less activity to scare away wildlife. It would also be more aligned with the historical and traditional ways and means of trapping fur bearing animals.
• Current trapping regulations allow traps to be set anywhere, creating a hazard for recreational users, their children and their dogs.

• Only .4% of Alaskans have a trapping permit, which means 99.6% DON'T engage in trapping, at least not legally. Almost all of our public land is available for trapping despite the exceedingly small number of Alaskans who trap. If trapping was compatible with recreational uses such as skiing, hiking, skijoring and snowshoeing, this inequity and imbalance would not be a problem. However, traps are not safe for recreational users near trails, roadsides and campgrounds. A change in the trapping regulations that reflects the majority of public usage is long overdue.

• The placement of traps in areas used for recreation has been a long standing issue for the community of Cooper Landing and there have been several efforts to create a solution that is fair and workable for both trappers and recreational users. These efforts have continually failed. Now the issue has become even more important as the population of Cooper Landing and the popularity of winter recreational activities have grown. It is clear that some trap placement regulations need to be put in place to stop the conflicts and increase safety.

• When Dr. Robert Gieringer submitted a proposal for a 1 mile setback during the last meeting of the Federal Subsistence Management Board, the Board suggested that "the town of Cooper Landing could issue a city ordinance that restricts trapping to address specific, local conflicts." Cooper Landing is not an incorporated municipality and does not have the power to issue ordinances. It does have an organized Community Club that listens to the concerns of local residents, and the members of the community have spoken loudly in favor of trap setbacks.

• In May 2019, the Anchorage Assembly passed an ordinance that bans trapping within 50 yards of all developed trails and within one-quarter mile of trailheads and buildings in the Anchorage Municipality. Juneau has quarter mile setbacks on many of their trails. The precedent for setbacks on public lands in our state has already been established. Unfortunately unincorporated areas and second class boroughs have no authority to establish such regulations and must depend upon regulatory action by the Federal Subsistence Board, The Alaska State Board of Game and the US Forest Service.

John N. VanderHoff

nvanderhoff@yahoo.com

Sent from my iPad

WP22-16/17/18/19/21/22/23/24/26a Executive Summary	
General Description	Proposal WP22-16 requests that the Federal Subsistence Board (Board) recognize the customary and traditional use of moose in Units 7, 15A, and 15B by residents of Moose Pass. *Submitted by: Seth Wilson.* Proposals WP22-17, WP22-18, and WP22-19 request that the Board recognize the customary and traditional use of moose in Units 7, 15A and 15B, and 15C, respectively, by residents of Moose Pass. *Submitted by: Lisa Slepetski.* Proposals WP22-21 and WP22-22 request that the Board recognize the customary and traditional use of caribou in Units 7 and 15B and 15C, respectively, by residents of Moose Pass. *Submitted by: Lisa Slepetski.* Proposals WP22-23 and WP22-24 request that the Board recognize the customary and traditional use of goats in Unit 7 remainder and Unit 15, respectively, by residents of Moose Pass. *Submitted by: Lisa Slepetski.* Proposal WP22-26a requests that the Board recognize the customary and traditional uses of sheep in Unit 7 by residents of Moose Pass. *Submitted by: Lisa Slepetski.*

WP22-16/17/18/19/21/22/23/24/26a Executive Summary	
Proposed Regulation	**Customary and Traditional Use Determination—Moose** *Unit 7* — *Residents of Chenega Bay, Cooper Landing, Hope, **Moose Pass**, and Tatitlek* *Unit 15A and 15B* — *Residents of Cooper Landing, Nanwalek, Ninilchik, **Moose Pass**, Port Graham, and Seldovia* *Unit 15C* — *Residents of Nanwalek, Ninilchik, **Moose Pass**, Port Graham, and Seldovia* **Customary and Traditional Use Determination—Caribou** *Unit 7* — *Residents of Cooper Landing, Hope, and **Moose Pass*** *Unit 15B and 15C* — *Rural residents of Cooper Landing, Hope, Nanwalek, Ninilchik, **Moose Pass**, Port Graham, and Seldovia*
	Customary and Traditional Use Determination—Goat *Unit 7 remainder* — *Rural residents of Chenega Bay, Cooper Landing, Hope, **Moose Pass**, Nanwalek, Ninilchik, Port Graham, Seldovia, and Tatitlek.* *Unit 15* — *Rural residents of Cooper Landing, Hope, **Moose Pass**, Nanwalek, Ninilchik, Port Graham, and Seldovia.* **Customary and Traditional Use Determination—Sheep** Unit 7 — *~~No Federal subsistence priority~~ Residents of **Moose Pass***
OSM Conclusion	**Support** Proposals WP22-17/18/19/21/22/23/24/26a and **take no action** on Proposal WP22-16.
Southcentral Alaska Subsistence Regional Advisory Council Recommendation	**Support** Proposals WP22-16/17/18/21/23/26a, **support** WP22-22 and WP22-24 **with modification** to remove Unit 15C and **oppose** WP22-19.
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	**Neutral**
Written Public Comments	**2 Oppose**

STAFF ANALYSIS
WP22-16/17/18/19/21/22/23/24/26A

ISSUES

Proposal WP22-16, submitted by Seth Wilson of Glennallen, requests that the Federal Subsistence Board (Board) recognize the customary and traditional use of moose in Units 7, 15A, and 15B by residents of Moose Pass.

Proposals WP22-17, WP22-18, and WP22-19, submitted by Lisa Slepetski of Moose Pass, request that the Board recognize the customary and traditional use of moose in Units 7, 15A and 15B, and 15C, respectively, by residents of Moose Pass.

Proposals WP22-21 and WP22-22, submitted by Lisa Slepetski of Moose Pass, request that the Board recognize the customary and traditional use of caribou in Units 7 and 15B and 15C, respectively, by residents of Moose Pass.

Proposals WP22-23 and WP22-24, submitted by Lisa Slepetski of Moose Pass, request that the Board recognize the customary and traditional use of goats in Unit 7 remainder and Unit 15, respectively, by residents of Moose Pass.

Proposal WP22-26a, submitted by Lisa Slepetski of Moose Pass, requests that the Board recognize the customary and traditional use of sheep in Unit 7 by residents of Moose Pass. A companion proposal, WP22-26b, requests that a harvest and season be established for sheep in Unit 7. All nine proposals are summarized in Table 1.

Table 1. Moose Pass customary and traditional use proposals considered in this analysis.

Proposal	Species	Area
WP22-16	moose	Units 7, 15A, 15B
WP22-17	moose	Unit 7
WP22-18	moose	Units 15A and 15B
WP22-19	moose	Unit 15C
WP22-21	caribou	Unit 7
WP22-22	caribou	Unit 15B and 15C
WP22-23	goat	Unit 7 remainder
WP22-24	goat	Unit 15
WP22-26a	sheep	Unit 7

DISCUSSION

The proponent of Proposal WP22-16 states that residents of Moose Pass have a long tradition of moose hunting on the Kenai Peninsula. Residents of the area currently participate in all available State moose hunting opportunities available locally, and moose is shared within the community.

The proponent of Proposals WP22-17, WP22-18, WP22-19, WP22-21, WP22-22, WP22-23, WP22-24, and WP22-26a notes that Moose Pass was recently recognized as a rural community. The research that went into this determination demonstrated that residents of Moose Pass have customarily and traditionally

used a wide variety of resources, including moose, caribou, goats, and sheep. The proponent also notes that competition with non-local Alaskans and non-residents makes it extremely difficult to draw tags in regular State hunts. She states that adding Moose Pass to the existing determination would create a more meaningful opportunity for subsistence harvest.

Because there are existing customary and traditional use determinations for moose, caribou, and goats in the units included in this request, and a "no Federal subsistence priority" determination for sheep in Unit 7, this analysis will only consider whether the existing determinations should be revised and expanded to include Moose Pass. Other communities are not considered in this analysis. All nine customary and traditional use determination proposals submitted for Moose Pass this cycle are considered here in order to avoid repeating consideration of the eight factors for determining customary and traditional use across multiple analyses.

Existing Federal Regulation

Customary and Traditional Use Determination—Moose

Unit 7	*Residents of Chenega Bay, Cooper Landing, Hope, and Tatitlek*
Unit 15A and 15B	*Residents of Cooper Landing, Ninilchik, Nanwalek, Port Graham, and Seldovia.*
Unit 15C	*Residents of Ninilchik, Nanwalek, Port Graham, and Seldovia*

Customary and Traditional Use Determination—Caribou

Unit 7	*Residents of Cooper Landing and Hope*
Unit 15B and 15C	*Rural residents of Cooper Landing, Hope, Nanwalek, Ninilchik, Port Graham, and Seldovia.*

Customary and Traditional Use Determination—Goat

Unit 7, Brown Mountain Hunt Area	Residents of Nanwalek and Port Graham
Unit 7 remainder	*Rural residents of Chenega Bay, Cooper Landing, Hope, Nanwalek, Ninilchik, Port Graham, Seldovia, and Tatitlek*
Unit 15	*Rural residents of Cooper Landing, Hope, Nanwalek, Ninilchik, Port Graham, and Seldovia.*

Customary and Traditional Use Determination—Sheep

Unit 7	*No Federal subsistence priority*

Proposed Federal Regulation

Customary and Traditional Use Determination—Moose

Unit 7	*Residents of Chenega Bay, Cooper Landing, Hope, Moose Pass, and Tatitlek*
Unit 15A and 15B	*Residents of Cooper Landing, Nanwalek, Ninilchik, Moose Pass, Port Graham, and Seldovia*
Unit 15C	*Residents of Nanwalek, Ninilchik, Moose Pass, Port Graham, and Seldovia*

Customary and Traditional Use Determination—Caribou

Unit 7	*Residents of Cooper Landing, and Hope, and Moose Pass*
Unit 15B and 15C	*Rural residents of Cooper Landing, Hope, Nanwalek, Ninilchik, Moose Pass, Port Graham, and Seldovia*

Customary and Traditional Use Determination—Goat

Unit 7, Brown Mountain Hunt Area	*Residents of Nanwalek and Port Graham*
Unit 7 remainder	*Rural residents of Chenega Bay, Cooper Landing, Hope, Moose Pass, Nanwalek, Ninilchik, Port Graham, Seldovia, and Tatitlek.*
Unit 15	*Rural residents of Cooper Landing, Hope, Moose Pass, Nanwalek, Ninilchik, Port Graham, and Seldovia.*

Customary and Traditional Use Determination—Sheep

Unit 7	*No Federal subsistence priority Residents of Moose Pass*

Note: A map of Brown Mountain Hunt Area is included in **Appendix 1**.

Extent of Federal Public Lands

Unit 7 is comprised of approximately 77% Federal public lands, and consists of 52% U.S. Forest Service (USFS), 23% National Park Service (NPS), and 2% U.S. Fish and Wildlife Service (USFWS) managed lands. NPS lands in Unit 7 are within Kenai Fjords National Park and are closed to all hunting (see **Unit 7 Map** in the 2020-2022 Federal Subsistence Management Regulations Book).

Unit 15 is comprised of approximately 47% Federal public lands and consist of 46% USFWS managed lands, 1.1% Bureau of Land Management (BLM) managed lands, 0.4% USFS managed lands, and 0.1% NPS managed lands(see **Unit 15 Map** in the 2020-2022 Federal Subsistence Management Regulations Book). NPS managed lands in Unit 15 are within Kenai Fjords National Park and closed to all hunting.

Regulatory History

At the inception of the Federal Subsistence Management Program in Alaska in 1990, the majority of the Kenai Peninsula was classified by the State as the Kenai Peninsula Nonrural Area (now named the Anchorage-Matsu-Kenai Nonsubsistence Area). The State did not allow subsistence uses in nonrural areas. In 1992, the Board adopted customary and traditional use determinations from State regulations. At that time, the State recognized the communities of Nanwalek (English Bay) and Port Graham as having customary and traditional use of moose in an area surrounding these communities in the southwest portion of Unit 15C, but the road-connected portion of the Kenai Peninsula—including Units 7 and most of Unit 15—was determined by the State of Alaska to be a nonsubsistence area.

In 1992, the State did not recognize customary and traditional uses of caribou or sheep in Unit 7, and at that time the Board adopted a determination of "no Federal subsistence priority" for these species. The only customary and traditional use determination for goats in Unit 7 was for residents of Port Graham and English Bay (Nanwalek) in a small area known as Brown Mountain Hunt Area. These two communities also had a customary and traditional use determination for goats in the Port Dick and English Bay hunt area portions of Unit 15C, and Seldovia had a customary and traditional use determination for goats in the Seldovia hunt area, also within Unit 15C.

In April 1994 and 1995, the Board discussed customary and traditional use determinations for all large mammals on the Kenai Peninsula, but deferred these proposals because there was no agreed upon timeline and process in place for making customary and traditional use determinations. After an extensive Federal process involving data gathering, public hearings, and court decisions, on May 3, 1996, the Board made customary and traditional use determinations for moose in all or portions of Unit 15 for residents of Nanwalek (English Bay), Ninilchik, Port Graham and Seldovia. Decisions on the remaining species and communities were deferred until rural determinations on the Kenai Peninsula could be reviewed.

In 1996 Proposal P96-22 was submitted by the Kenai Peninsula Outdoor Coalition, requesting that the customary and traditional use determination for goats in Unit 15C be revised to include only residents of Port Graham and English Bay, and exclude residents of Seldovia. The Board rejected Proposal P96-22. At its April 1997 meeting, the Board adopted a customary and traditional use determination for moose in the Kings Bay drainage portion of Unit 7 for the residents of Chenega Bay and Tatitlek (P97-018b).

During the 2000s, there were several attempts to recognize customary and traditional use of moose and other big game in Units 7 and 15, but no proposals were approved until the end of the decade. In 2001, the Kenaitze Indian Tribe submitted Proposal WP01-49. The proposal had many components concerning customary and traditional use determinations for caribou and moose in southcentral and southwestern Alaska for residents of Units 7 and 15. The Board deferred the proposal pending the outcome of the Board's review of its rural determinations on the Kenai Peninsula.

The Board then addressed customary and traditional use determinations in Unit 15 in 2003, but deferred decision until the completion of a report by the Institute for Social and Economic Research on rural determination and methodology and a review of rural determinations as required by regulation every 10 years. The Board revised its rural determinations in 2007, but it did not make any new customary and traditional use determinations for the Kenai Peninsula at that time.

In 2008, the Board adopted Proposal WP08-22a, which recognized customary and traditional use for the community of Cooper Landing for moose in Units 7, 15A, and 15B. In 2010, the Board adopted Proposal WP10-32a, recognizing the customary and traditional uses of caribou in Unit 7 by residents of Hope. The same determination was made for Cooper Landing in 2014 (WP14-08). Also in 2010, the Board adopted Proposal WP10-33, recognizing the customary and traditional uses of moose by residents of Hope in Unit 7. In 2014, the Board adopted Proposal WP14-10 with modification, adding residents of Tatitlek and Chenega Bay to the customary and traditional use determination for moose in Unit 7 remainder.

In 2020, Michael Adams of Cooper Landing submitted Proposal WP20-18a, asking the Board to recognize the customary and traditional use of goats in Unit 7 by Cooper Landing. Upon clarification, the proponent stated that he did not intend to include the Brown Mountain Hunt Area in his request; this is an area on the southern Kenai Peninsula where rural residents of Nanwalek and Port Graham have a previous customary and traditional use determination for goats. The Board adopted Proposal WP20-18a with modification to specify that the determination applies to Unit 7 remainder, and to also include the communities of Chenega Bay, Hope, Nanwalek, Ninilchik, Port Graham, Seldovia, and Tatitlek. The portion of Unit 7 excluding Brown Mountain Hunt Area was redefined as Unit 7 remainder.

Also in 2020, the Board adopted Proposal WP20-22a, recognizing the customary and traditional uses of caribou in subunits 15B and 15C by residents of Cooper Landing, Hope, Nanwalek, Ninilchik, Port Graham, and Seldovia. That same year, Ninilchik Traditional Council submitted Proposal WP20-23a, requesting that the Board recognize Ninilchik's customary and traditional use of goats in Unit 15. The Board adopted Proposal WP20-23a with modification to also include the communities of Cooper Landing, Hope, Nanwalek, Port Graham, and Seldovia.

Ninilchik's customary and traditional use determination for sheep in Unit 15 was also made in 2020 (WP20-24a). Prior to this change, there was no Federal subsistence priority for sheep in Unit 15. Analysis of WP20-24a was therefore limited to the community included in the proposal, Ninilchik, and no other communities were considered for inclusion in the customary and traditional use determination for sheep in Unit 15 at that time. There is currently no Federal subsistence priority for sheep in Unit 7, the adjacent Game Management Unit on the Kenai Peninsula in which Cooper Landing is located.

The community of Moose Pass (defined as including the census designated places (CDPs) of Moose Pass, Crown Point, and Primrose) received rural status in 2021 when the Board adopted Proposal RP19-01. Therefore, no previous customary and traditional use determinations have been made for the community.

Community Characteristics

The Moose Pass area is situated within the traditional territory of the Lower or Outer Cook Inlet Dena'ina Athabaskans on the northwestern portion of the Kenai Peninsula. Not far from the Moose Pass area, Dena'ina people fished and hunted within the Kenai River watershed. The Alutiiq or Sugpiaq traditional territory bordered the southeastern portion of the peninsula.

The contemporary town of Moose Pass is in the western extent of the Chugach National Forest. The community includes the CDPs of Crown Point, Moose Pass, and Primrose. Moose Pass was settled during the developmental phase of mining and railway construction on the Kenai Peninsula, which began in the early 1900s (Barry 1976; Rakestraw 2002). The community's name is said to derive from an encounter between a mail carrier traveling by dog team and a moose (DCRA 2021). The population in Moose

Pass experienced growth during the 1970s and 1980s as workers with the oil industry and government agencies moved into the area. Since that time, tourism and recreation industries have continued to bring in more people to the community and surrounding area (Whitmore-Painter 2002). In 2019, the estimated population was 391 (ADLWD 2020).

Eight Factors for Determining Customary and Traditional Use

A community or area's customary and traditional use is generally exemplified through the eight factors: (1) a long-term, consistent pattern of use, excluding interruptions beyond the control of the community or area; (2) a pattern of use recurring in specific seasons for many years; (3) a pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics; (4) the consistent harvest and use of fish or wildlife as related to past methods and means of taking: near, or reasonably accessible from the community or area; (5) a means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate; (6) a pattern of use which includes the handing down of knowledge of fishing and hunting skills, values, and lore from generation to generation; (7) a pattern of use in which the harvest is shared or distributed within a definable community of persons; and (8) a pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area.

The Board makes customary and traditional use determinations based on a holistic application of these eight factors (50 CFR 100.16(b) and 36 CFR 242.16(b)). In addition, the Board takes into consideration the reports and recommendations of any appropriate Regional Advisory Council regarding customary and traditional use of subsistence resources (50 CFR 100.16(b) and 36 CFR 242.16(b)). The Board makes customary and traditional use determinations for the sole purpose of recognizing the pool of users who generally exhibit some or all of the eight factors. The Board does not use such determinations for resource management or restricting harvest. If a conservation concern exists for a particular population, the Board addresses that concern through the imposition of harvest limits or season restrictions rather than by limiting the customary and traditional use finding.

In 2010, the Secretary of the Interior asked the Board to review, with Regional Advisory Council input, the customary and traditional use determination process and present recommendations for regulatory changes. At its fall 2013 meeting, the Southcentral Alaska Subsistence Regional Advisory Council made a recommendation to "change the way such determinations are made by making area-wide customary and traditional use determinations for all species," and supported other Regional Advisory Councils when choosing a process that works best in their regions (SCRAC 2013:107–110). In June 2016, the Board clarified that the eight-factor analysis applied when considering customary and traditional use determinations is intended to protect subsistence use, rather than limit it. The Board stated that the goal of the customary and traditional use determination analysis process is to recognize customary and traditional uses in the most inclusive manner possible.

Use of wild resources by Moose Pass residents was demonstrated through public testimony during consideration of Rural Proposal RP19-01 (Public Hearing 2019). The community's use of wild resources is also demonstrated by a comprehensive subsistence survey conducted by the Alaska Department of Fish and Game (ADF&G) Division of Subsistence from 2000 to 2001 (Davis et al. 2003), and ADF&G harvest reports.

During the public hearing, many residents of Moose Pass reported the value of being able to gather firewood, berries, and mushrooms from the lands outside their backdoor, but also related their willingness to travel as far as necessary to take advantage of all opportunities to hunt and fish. Also important for almost all who provided testimony was the ability and commitment to feed their family with wild foods that are available locally. "We've fed our children moose, black bear, goat, sheep, salmon and trout throughout the years" (Public Hearing 2019).

ADF&G conducted its only comprehensive subsistence survey in the Moose Pass area from 2000 to 2001. All 148 households in the community were invited to participate in the study. Results indicated that 99% of the 99 households that participated in the survey used wild foods, 92% harvested resources, 87% reported receiving resources from others, and 60% reported sharing their harvested resources with others (Davis et al. 2003).

The average number of different resources harvested per surveyed household in Moose Pass averaged just under 8; the total average household harvest was 236 pounds, and the average per person harvest was 87 pounds (Davis et al. 2003).

Use of moose by residents of Moose Pass

During the ADF&G subsistence survey study period 28.3% of surveyed households attempted to harvest moose, 8.1% of surveyed households harvested moose, and 41.4% of surveyed households used moose. An estimated 12 moose were harvested by the community, resulting in 16.1 pounds of moose meat per person (Davis et al. 2003). Moose were among resources shared: 36.4% of surveyed households received moose and 9.1% of surveyed households gave away the resource (Davis et al. 2003).

Use of caribou by residents of Moose Pass

During the ADF&G subsistence survey study period one percent of surveyed Moose Pass households attempted to harvest caribou and were successful, and 10.1% of all surveyed households used the resource. An estimated 9 caribou were harvested by the community, resulting in 3.4 pounds of caribou meat per person (Davis et al. 2003). Caribou were among resources shared: 9.1% of surveyed households received caribou, and 3% of surveyed households gave away the resource (Davis et al. 2003).

Use of goats and sheep by residents of Moose Pass

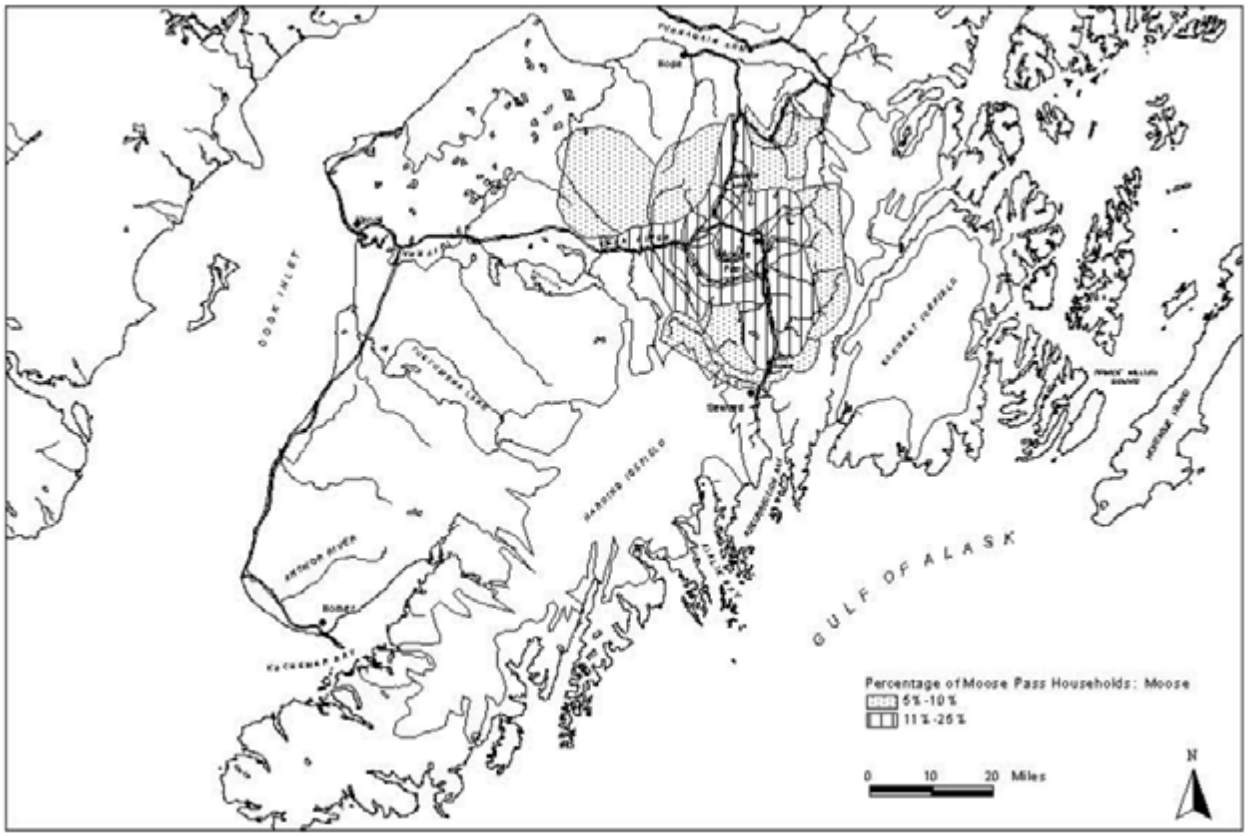
Goats and sheep fill a common niche in subsistence hunting and diet. During the ADF&G subsistence survey study period, three percent of surveyed households attempted to harvest goats, and 2% of all surveyed households were successful. An estimated 3 goats were harvested by the community, resulting in 0.5 pounds of goat meat per person (Davis et al. 2003). Goats were among resources shared: 3% of surveyed households received goat, and 3% of surveyed households gave away the resource (Davis et al. 2003).

Four percent of surveyed Moose Pass households hunted for sheep during the survey year, but no sheep were harvested. Approximately 5% of surveyed households received and used sheep.

Moose Pass' wildlife use areas

The ADF&G Division of Subsistence survey also mapped Moose Pass study area locations for hunting, fishing, and gathering activities during the period 1990-2000. Mapped community use areas should not be considered exhaustive but do provide valuable information on confirmed areas of search and use for wild resources. The map data demonstrate a preference for intensive local land and water use as opportunities are available, typical of a subsistence practice characterized by efficiency of effort and cost. Residents traveled farthest to harvest salmon, marine fish, and marine invertebrates, with most of the harvest coming from the confluence of the Kenai and Russian rivers, the waters of Resurrection Bay, the beaches stretching between Kenai and Homer and the waters out into the Cook Inlet.

Most other resources, including moose, caribou, bear, and goats were taken in the mountains surrounding Moose Pass, Cooper Landing, and Sunrise, or the foothills and flats northeast of Sterling (Davis et al. 2003). Documented moose use occurred within Units 7 and 15 (Map 1). Within Unit 7, areas within Federal conservation units attracted the most Moose Pass moose hunters (Davis et al. 2003). During the 2019 public hearing, a resident of Moose Pass testified that while growing up in the community, she harvested her first moose in the Abernathy Creek area (Public Hearing 2019).



Map 1. Documented Moose Pass moose use area 1990-2000, showing percentage of surveyed households using each area (Davis et al. 2003). Mapped use areas should not be considered exhaustive.

Participation in State hunts

Residents of Moose Pass hunt moose under State regulations in Units 7 and 15. Current resident hunting opportunity for moose in Unit 7 is by drawing permit for one bull or one antlerless moose (DM210 and DM211, respectively) and by harvest ticket with antler restriction (Unit 7 remainder). All opportunities except for the DM211 hunt are also open to nonresidents, increasing competition. From 2009 to 2019, State harvest records indicate that there were 112 reported hunts for moose in Unit 7 by residents of Moose Pass and 11 moose were harvested, for an average success rate of about 10% (**Table 2**).

During the same period, there were 12 hunts for moose in Unit 15 by residents of Moose Pass, and 1 moose harvest (**Table 2**). Current resident hunting opportunity for moose under State regulations in Unit 15 is characterized by drawing (DM508), tier II (TM549), and registration permits (RM572), as well as a general season with antler restrictions. Because of competition for permits and other restrictions on hunting, lack of participation should not be interpreted as lack of interest.

Table 2. Attempted and successful moose hunts by residents of Moose Pass in Units 7 and 15 from 2009 to 2019 (ADF&G 2021b). This data includes both general season and permit hunts. Dashes indicate years in which no hunts were attempted in a particular subunit.

	Unit 7		Unit 15A		Unit 15B		Unit 15C	
Year	Hunted	Harvested	Hunted	Harvested	Hunted	Harvested	Hunted	Harvested
2019	8	1	--	--	--	--	--	--
2018	6	0	--	--	--	--	1	0
2017	15	4	1	0	--	--	--	--
2016	12	0	--	--	1	0	--	--
2015	9	0	1	0	--	--	1	0
2014	11	1	--	--	--	--	1	0
2013	11	0	1	0	--	--	--	--
2012	5	0	--	--	--	--	1	0
2011	3	1	--	--	--	--	--	--
2010	18	2	--	--	--	--	3	1
2009	14	2	--	--	--	--	1	0
Totals	**112**	**11**	**3**	**0**	**1**	**0**	**8**	**1**

Current resident hunting opportunity for caribou under State regulations in Unit 7 is by drawing permit within a portion of the Unit (DC001). This opportunity is also open to nonresidents, which increases competition. From 2009 to 2019, there were 9 hunts for caribou in Unit 7 by residents of Moose Pass, and 5 caribou were harvested (**Table 3**).

Current resident hunting opportunity for caribou under State regulations in Unit 15 is by drawing permit within portions of 15B and 15C (DC608 and DC618). Both these opportunities are also open to nonresidents, increasing competition. From 2009 to 2019, there was 1 caribou hunt in Unit 15B by residents of Moose Pass, and one caribou was harvested (**Table 3**). No caribou were harvested in Unit 15C by residents of Moose Pass during this time period.

Table 3. Caribou harvests by residents of Moose Pass in Units 7 and 15B from 2009 to 2019 (Fowler 2021, pers. comm.). Data rows are not included in the table for years when no hunts were conducted. Dashes indicate years in which no hunts were attempted in a particular subunit.

	Unit 7		Unit 15B	
Year	Hunted	Harvested	Hunted	Harvested
2017	1	0	--	--
2015	--	--	1	1
2013	2	0	--	--
2012	2	0	--	--
2011	2	2	--	--
2010	2	0	--	--
Totals	**9**	**2**	**1**	**1**

Current resident hunting opportunity for goats under State regulations in Unit 7 is by registration permit (RG331-352) or drawing permit (DG331-352). Both opportunities are also open to nonresidents, increasing competition. From 2009 to 2019, there were 7 hunts for goats in Unit 7 by residents of Moose Pass, and 2 harvests.

Current resident hunting opportunity for goats under State regulations in Unit 15 is by registration permits (RG364, RG374, RG375, RG352-363) and drawing permits (DG364, DG352-363). Several of these opportunities are also open to nonresidents, increasing competition. From 2009 to 2012, there were no hunts for goats in Units 15 by residents of Moose Pass (**Table 4**).

Table 4. Attempted and successful goat hunts by residents of Moose Pass in Unit 7 from 2009 to 2019 (ADF&G 2021b). Data rows are not included in the table for years when no hunts were conducted.

	Unit 7	
Year	Hunted	Harvested
2013	4	1
2011	2	1
2010	1	0
Totals	**7**	**2**

The State harvest system for sheep in Unit 7 is broken up into drawing permit hunts and a harvest ticket hunt (for one ram with full curl or larger). The drawing hunt areas include Round Mountain (Units 7 and 15A, DS150) and Crescent Lake (Unit 7, DS156). From 1999 through 2019, there were 19 hunts for sheep in Unit 7 by residents of Moose Pass, and 3 harvests (**Table 5**).

Table 5. Attempted and successful sheep hunts by residents of Moose Pass in Unit 7 from 2009 to 2019 (Fowler 2021, pers. comm.). Data rows are not included in the table for years when no permits were issued.

Year	Hunted	Harvested
2017	1	0
2016	2	0
2015	2	0

Year	Hunted	Harvested
2013	3	1
2012	2	0
2011	2	0
2010	4	2
2009	3	0
Total	**19**	**3**

Effects of the Proposal

WP22-16, WP22-17, WP22-18, and WP22-19

If these proposals are adopted, residents of Moose Pass would be added to the customary and traditional use determination for moose in Unit 7 and all subunits in Unit 15, allowing them to harvest moose under Federal subsistence regulations across the Kenai Peninsula. If the proposal is rejected, residents of Moose Pass could continue to hunt moose under State regulations in Units 7 and 15.

WP22-21 and WP22-22

If these proposals are adopted, the residents of Moose Pass would be added to the customary and traditional use determination for caribou in Units 7, 15B, and 15C, allowing them to harvest caribou under Federal subsistence regulations across most of the Kenai Peninsula. If the proposal is rejected, residents of Moose Pass could continue to hunt caribou under State regulations in Units 7, 15B, and 15C.

WP22-23 and WP22-24

If these proposals are adopted, the residents of Moose Pass would be added to the customary and traditional use determination for goats in Unit 7 remainder and Unit 15, allowing them to harvest goat under Federal subsistence regulations across most of the Kenai Peninsula. If the proposal is rejected, residents of Moose Pass could continue to hunt goats under State regulations in Unit 7 remainder and 15.

WP22-26a

If this proposal is adopted, the residents of Moose Pass would be added to the customary and traditional use determination for sheep in Unit 7, allowing them to harvest sheep under Federal subsistence regulations in the unit if a Federal season is established.

OSM CONCLUSION

Support Proposals WP22-17/18/19/21/22/23/24/26a and **take no action** on Proposal WP22-16.

Justification

WP22-16, WP22-17, WP22-18, and WP22-19

Moose Pass residents' patterns of moose hunting and harvest exhibit the characteristics of customary and traditional use in Unit 7 and all subunits of Unit 15. Use of moose by Moose Pass residents has been documented on the Kenai Peninsula, as shown through community testimony related to Moose Pass' recent rural designation, a subsistence survey, and data from residents hunting for moose under State regulations. No action need be taken on WP22-16, as it duplicates the content of proposals WP22-17 and WP22-18.

WP22-21 and WP22-22

Moose Pass' residents' patterns of caribou hunting and harvest generally exhibit the characteristics of customary and traditional use in Units 7, 15B, and 15C. Use of caribou has been documented on the Kenai Peninsula, as shown through community testimony related to Moose Pass' recent rural designation, a subsistence survey, and data from residents hunting for caribou under State regulations.

WP22-23 and WP22-24

Moose Pass' residents' patterns of goat hunting and harvest generally exhibit the characteristics of customary and traditional use in Unit 7 remainder and Unit 15. Use of goats has been documented on the Kenai Peninsula, as shown through community testimony related to Moose Pass' recent rural designation, a subsistence survey, and data from residents hunting for goats under State regulations. Harvest records for Moose Pass residents hunting for goats under State hunts should be interpreted in the context of a history of limited hunting opportunity, particularly in Unit 15.

WP22-26a

Moose Pass residents' patterns of sheep hunting and harvest generally exhibit the characteristics of customary and traditional use in Unit 7, as demonstrated through a subsistence survey and community testimony.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Southcentral Alaska Subsistence Regional Advisory Council

Support proposals WP22-16/17/18 which request that the Board recognize the customary and traditional use of moose in Units 7 and 15A and 15B by residents of Moose Pass. **Support** proposal **WP22-21,** which requests that the Board recognize the customary and traditional use of caribou in Unit 7 by residents of Moose Pass. **Support WP22-23**, which requests that the Board recognize the customary and traditional use of goats in Unit 7 remainder by residents of Moose Pass. **Support WP22-26a**, which requests that the Board recognize the customary and traditional uses of sheep in Unit 7 by residents of Moose Pass. The proposals provide resources needed by Moose Pass subsistence users. Evidence showed those residents have been customarily and traditionally using moose in Units 7, 15A, and 15B, caribou in Unit 7, goats in Unit 7 remainder, and sheep in Unit 7.

Oppose proposal **WP22-19**, which requests that the Board recognize the customary and traditional use of moose in Unit 15C by residents of Moose Pass. There was insufficient evidence to establish that Moose Pass subsistence users had customary and traditional use of moose in Unit 15C.

Support WP22-22 with modification to remove "Unit 15C". WP22-22 requests that the Board recognize the customary and traditional use of caribou in 15B and 15C by residents of Moose Pass. The proposal provides resources needed by Moose Pass subsistence users. Evidence showed those residents have been customarily and traditionally using caribou in Unit 15B. There was insufficient evidence to establish Moose Pass subsistence users had a customary and traditional use of caribou in Unit 15C.

Support WP22-24 with modification to specify that Unit 15C is not included. The proposal provides resources needed by Moose Pass subsistence users. Evidence showed those residents have been customarily and traditionally using goats in Units 15A and 15B. There was insufficient evidence to establish Moose Pass subsistence users had a customary and traditional use of goats in Unit 15C.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposals and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

WILDLIFE PROPOSAL WP22-16/17/18/19

These proposals would make a customary and traditional (C&T) use determination for moose in the Seward and Kenai regions, Game Management Units (GMU) 7, 15A, 15B, and 15C respectively, for residents of Moose Pass.

Background

Currently, residents of Chenega Bay, Cooper Landing, Hope, and Tatitlek have a C&T use determination for moose in GMU 7. Wildlife proposals WP22-16, and WP22-17 request adding Moose Pass residents

to the existing C&T determination. For GMUs 15A and 15B, residents of Cooper Landing, Ninilchik, Nanwalek, Port Graham, and Seldovia have a C&T use determination for moose. Proposals WP22-16 and WP22-18 request adding Moose Pass residents to this existing C&T determination. For GMU 15C, only residents of Ninilchik, Nanwalek, Port Graham, and Seldovia currently have a C&T use determination for moose. Proposal WP22-19 requests adding Moose Pass residents to this C&T determination.

Under state regulations, most of the Kenai Peninsula (including GMU 7 and most of GMU 15) is classified as a nonsubsistence area (5 AAC 99.015(3)) and therefore, no C&T use determinations can exist under state regulations for this area. However, subsistence hunting opportunities are available for rural residents of the Kenai Peninsula under federal regulation in the Chugach National Forest and Kenai National Wildlife Refuge. The Federal Subsistence Board (FSB) made positive C&T use determinations for moose in GMU 15 for residents of Nanwalek, Port Graham, Seldovia, and Ninilchik in 1996. The following year, the FSB adopted a C&T use determination for a portion of GMU 7 for residents of Chenega and Tatitlek. In 2008, the FSB adopted WP08-22a, which recognized C&T uses of moose in GMUs 7, 15A, and 15B for residents of Cooper Landing. C&T uses of moose in GMU 7 by residents of Hope were recognized in 2010 when the board adopted WP10-33. Finally, the FSB adopted and modified proposal WP14-10 in 2014 to add Chenega and Tatitlek to the C&T use determination for the remainder of GMU 7. Currently, there are no C&T use determinations for Moose Pass residents because the community only received rural status in January of 2021 when the FSB adopted RP19-01. Prior to this status change, Moose Pass residents were not qualified to participate in federal subsistence hunts.

The only comprehensive subsistence harvest data is from work done by the Subsistence Section on Moose Pass for the 12-month period of April, 2000 – March 31, 2001. The Section conducted the survey in 2001 under a cooperative agreement between the Alaska Department of Fish & Game (ADF&G) and the Chugach National Forest. The study interviewed 203 residents of Moose Pass and Seward to collect information about the harvest and uses of wild fish, game, and plant resources; demography; and aspects of the local cash economy such as employment and income. Results indicate that 99% of households used wild foods, 92% harvested resources, 87% reported receiving resources from others, and 60% of households reported sharing their harvested resources with others (Davis et al. 2003). Moose Pass residents harvested an average of 87 pounds of wild foods per person (236 pounds per household) and used an average of 7.9 resources per household. For comparison, Seward residents (who are classified as nonrural residents) harvested 97 pounds per person and used an average of 7.5 resources per household, while Ninilchik residents (federally qualified users on the Kenai Peninsula that can hunt moose on GMU 15) harvested 164 pounds per person in the most recent study year (Fall et al. 2000).

Large land mammals composed 28% of the total pounds of subsistence foods harvested by Moose Pass residents. During the study period, 28.3% of Moose Pass households attempted to harvest moose, 8.1% harvested moose, and 41.4% used moose. An estimated 12 moose were harvested by the community, resulting in 16.1 pounds of moose meat per capita (Davis et al. 2003). Moose were shared with other households, where 36.4% of households received moose, and 9.1% of households gave it away (Davis et al. 2003). Mapping of subsistence search and harvest locations demonstrates a preference for intensive local land and water use, with most large mammal resources taken in the mountains surrounding Moose Pass, Cooper Landing, and Sunrise, or the foothills and flats northeast of Sterling.

Residents of Moose Pass hunt moose under the State system in GMUs 7 and 15 under harvest ticket, registration, and drawing permits.

Impact on Subsistence Users

Recognizing the C&T use of moose for residents of Moose Pass would expand the pool of FQUs in GMUs 7, 15A,15B, and 15C, and increase moose hunting opportunity for Moose Pass residents under federal regulations. This will increase competition and further limit opportunities for currently FQUs under federal regulations. If the proposal is rejected, residents of Moose Pass would continue to hunt moose under state regulations in GMUs 7 and 15.

Impact on Other Users

There could be very tangible impacts to non-federally qualified users (NFQU) if the FSB takes further action, such as changing regulations to provide greater federal subsistence opportunities.

Opportunity Provided by State

State customary and traditional use findings: The Joint Board of Fisheries and Game has declared the majority of the Kenai Peninsula to be a nonsubsistence area (5 AAC 99.015(3)). As such, the Board of Game (BOG) cannot find C&T uses for any game animals in the area.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for C&T uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by ADF&G or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for C&T uses under normal conditions. Hunting regulations can be re-examined if harvests for C&T uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

However, because there can be no C&T finding for game in a nonsubsistence area, there can be no ANS for moose.

Enforcement Issues

There are no foreseeable enforcement issues with this proposal.

Position

ADF&G is **NEUTRAL** when it comes to the eligibility to participate in federal subsistence hunting opportunities. However, ADF&G highly encourages additional subsistence harvest and use research for Kenai Peninsula residents be conducted to provide adequate data when assessing actual subsistence harvest needs before making any C&T use determinations.

Table 1. Results of query evaluating the number of received harvest tickets for which residents of Moose Pass and other communities reportedly intended to hunt, did hunt, and harvested a moose in either GMU 15A, 15B, 15C, or 07Z during the general moose season (GM000) from 2015-2020.

Year	Moose Pass Residents, Reported Harvest Tickets	Moose Pass Residents, Which Hunted	Moose Pass Residents, Which Harvested	Other Community Residents, Reported Harvest Tickets	Other Community Residents, Which Hunted	Other Community Residents, Which Harvested
2015	11	11	1	2051	2051	221
2016	12	12	0	1963	1963	247
2017	13	13	2	1895	1895	217
2018	7	7	0	1852	1852	255
2019	8	8	1	2101	2101	397
2020	14	14	0	2327	2324	390

Wildlife Proposal WP22-21/22

These proposals would make a customary and traditional (C&T) use determination for caribou in Game Management Units (GMU) 7, 15B, and 15C for residents of Moose Pass.

Background

Currently, residents of Cooper Landing and Hope have a C&Tuse determination for caribou in GMU 7. Rural residents of Cooper Landing, Hope, Nanwalek, Ninilchik, Port Graham, and Seldovia have a C&T use determination for caribou in GMUs 15B and 15C. Under state regulations, most of the Kenai Peninsula (including GMU 7 and most of GMU 15) is classified as a nonsubsistence area (5 AAC 99.015(3)) and therefore, no C&T use determinations can exist under state regulation. However, subsistence hunting opportunities are available for rural residents of the Kenai Peninsula under federal regulation in the Chugach National Forest and Kenai National Wildlife Refuge. In 2010, the Federal Subsistence Board adopted Proposal WP10-32a to recognize the C&T uses of caribou in GMU 7 by rural residents of Hope. In 2014, the Board adopted WP14-08 to recognize the C&T uses of caribou in GMU 7 by residents of Cooper Landing. In 2020, the Board recognized C&T uses of caribou in GMUs 15B and 15C for residents of Cooper Landing, Hope, Nanwalek, Ninilchik, Port Graham, and Seldovia with proposal WP20-22a. Currently, there are no C&T use determinations for Moose Pass residents because the community only received rural status in January of 2021 when the Federal Subsistence Board adopted RP19-01. Prior to this status change, Moose Pass residents were not federally qualified to participate in subsistence hunts.

The only comprehensive subsistence harvest data is from work done by the Subsistence Section on Moose Pass for the 12-month period of April, 2000 – March 31, 2001. The Division conducted the survey in 2001 under a cooperative agreement between the Alaska Department of Fish & Game (ADF&G) and the Chugach National Forest. The study interviewed 203 residents of Moose Pass and Seward to collect information about the harvest and uses of wild fish, game, and plant resources; demography; and aspects of the local cash economy such as employment and income. Results indicate that 99% of Moose Pass households used wild foods, 92% harvested resources, 87% reported receiving resources from others, and 60% of households reported sharing their harvested resources with others (Davis et al. 2003). Moose Pass

residents harvested an average of 87 pounds of wild foods per person (236 pounds per household) and used an average of 7.9 resources per household. For comparison, Seward residents (who are classified as nonrural residents) harvested 97 pounds per person and used an average of 7.5 resources per household. Ninilchik residents (federally qualified users on the Kenai Peninsula that can hunt caribou on GMU 15) harvested 164 pounds per person in the most recent study year (Fall et al. 2000).

Large land mammals composed 28% of the total pounds of subsistence foods harvested by Moose Pass residents. During the study period, 1% of Moose Pass households attempted to harvest caribou and were successful, and 10.1% used caribou. An estimated 9 caribou were harvested by the community, resulting in 3.4 pounds of caribou meat per capita (Davis et al. 2003). Caribou were shared with other households, where 9.1% of households received caribou, and 3% of households gave it away (Davis et al. 2003). Mapping of subsistence search and harvest locations demonstrates a preference for intensive local land and water use, with most large mammal resources taken in the mountains surrounding Moose Pass, Cooper Landing, and Sunrise, or the foothills and flats northeast of Sterling. During the study period, "[eight] percent of Moose Pass households reported hunting caribou on the Kenai Peninsula. Seven percent of them hunted around the Resurrection Creek west to the Chickaloon River and south to the mountains west of Summit Lake. Other households hunted just east of Summit Lake and near the Sterling Highway near Resurrection Pass Trail" (Davis et al. 2003: 98).

Residents of Moose Pass hunt caribou under the State system in GMUs 7 and 15 under a drawing permit system.

Impact on Subsistence Users

Recognizing the C&T use of caribou for residents of Moose Pass would expand the pool of federally qualified users (FQU) in GMUs 7, 15B, and 15C, and increase caribou hunting opportunity for Moose Pass residents. This could potentially limit opportunities for current FQUs by increasing competition for caribou in GMUs 7, 15B, and 15C. If the proposal is rejected, residents of Moose Pass could continue to hunt caribou under state regulations in GMUs 7 and 15.

Impact on Other Users

If adopted, there are minimal impacts to nonrural users unless the Federal Subsistence Board (FSB) takes further action, such as changing regulations to provide greater federal subsistence opportunities or to address conservation concerns. All residents can also participate in caribou hunts under state regulations if they are awarded a drawing permit.

Opportunity Provided by State

State customary and traditional use findings: The Joint Board of Fisheries and Game has declared the majority of the Kenai Peninsula to be a nonsubsistence area (5 AAC 99.015(3)). As such, the Board of Game (BOG) cannot find C&T uses for any game animals in the area.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for C&T uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by ADF&G or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for C&T uses under normal conditions. Hunting regulations can be re-examined if harvests for C&T uses consistently

fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

However, because there can be no C&T finding for game in a nonsubsistence area, there can be no ANS for caribou.

Enforcement Issues

There are no foreseeable enforcement issues with this proposal.

Position

ADF&G is **NEUTRAL** when it comes to the eligibility to participate in federal subsistence hunting opportunities. However, ADF&G highly encourage additional subsistence harvest and use research for Kenai Peninsula residents be conducted to provide adequate data when assessing subsistence harvest needs before any C&T use determinations are made.

Wildlife Proposal WP22-23/24

These proposals would establish a customary and traditional (C&T) use determination for goats in Game Management Unit (GMU) 7 remainder and GMU 15 for residents of Moose Pass.

Background

Currently, rural residents of Chenega Bay, Cooper Landing, Hope, Nanwalek, Ninilchik, Port Graham, Seldovia, and Tatitlek have a C&T use determination for goats in GMU 7 remainder. Rural residents of Cooper Landing, Hope, Nanwalek, Ninilchik, Port Graham, and Seldovia have a C&T use determination for goats in GMU 15.

Under state regulations, most of the Kenai Peninsula (including GMU 7 and most of GMU 15) is classified as a nonsubsistence area (5 AAC 99.015(3)) and therefore, no C&T use determinations can exist under state regulation. However, subsistence hunting opportunities are available for rural residents of the Kenai Peninsula under federal regulation in the Chugach National Forest and Kenai National Wildlife Refuge. In 1992, when state regulations were incorporated into federal regulations a positive C&T use determination existed for goats in the Brown Mountain hunt area of GMU 7 and in the English Bay hunt area of GMU 15C for Port Graham and Nanwalek (English Bay) Nanwalek residents. Additionally, the Federal Subsistence Board (FSB) held a similar determination for the residents of Seldovia for goats in the Seldovia hunt area in GMU 15C.

In 2020, proposal WP20-18a was submitted requesting a C&T use determination for goats in GMU 7 for Cooper Landing residents and was later modified to exclude the Brown Mountain hunt area from the proposal. The FSB adopted WP20-18a with this modification to specify that the determination applies to GMU 7 remainder, and to also include the communities of Chenega Bay, Hope, Nanwalek, Ninilchik, Port Graham, Seldovia, and Tatitlek. The portion of GMU 7 excluding Brown Mountain hunt area was redefined as GMU 7 remainder. Also in 2020, WP20-23a was submitted requesting a C&T use determination for goats in GMU 15 for residents of Ninilchik. The FSB adopted WP20-23a with modification to also include the communities of Cooper Landing, Hope, Nanwalek, Port Graham, and Seldovia.

In January 2021, the FSB adopted RP19-01, providing a C&T determination for Moose Pass residents. Before this decision, Moose Pass residents were not federally qualified to participate in subsistence hunts, including goats.

The only comprehensive subsistence harvest data is from work done by the Subsistence Section on Moose Pass for the 12-month period of April, 2000 – March, 2001. The Section conducted the survey in 2001 under a cooperative agreement between the Alaska Department of Fish & Game and the Chugach National Forest. The study interviewed 203 residents of Moose Pass and Seward to collect information about the harvest and uses of wild fish, game, and plant resources; demography; and aspects of the local cash economy such as employment and income. Results indicate that 99% of households used wild foods, 92% harvested resources, 87% reported receiving resources from others, and 60% of households reported sharing their harvested resources with others (Davis et al. 2003). Moose Pass residents harvested an average of 87 pounds of wild foods per person (236 pounds per household) and used an average of 7.9 resources per household. For comparison, Seward residents (who are classified as nonrural residents) harvested 97 pounds per person and used an average of 7.5 resources per household, while Ninilchik residents harvested 164 pounds per person in the most recent study year (Fall et al. 2000).

Household surveys conducted in 2000 found that large land mammals composed 28% of the total pounds of subsistence foods harvested by Moose Pass residents. During the study period, 3.0% of Moose Pass households attempted to harvest goats, 2.0% harvested goats, and 5.1% used goats. An estimated 3 goats were harvested by the community, resulting in 0.54 pounds of goat meat per capita (Davis et al. 2003). 2000 mapping of subsistence search and harvest locations demonstrated a preference for intensive local land and water use for most large mammal resources taken in the mountains surrounding Moose Pass, Cooper Landing, and Sunrise, or the foothills and flats northeast of Sterling. Studies conducted in the 1990s found that most Moose Pass goat hunting households hunted in the vicinity of Grant, Ptarmigan, Vogt, and southern Kenai lakes, where 11% of households hunted. At that time, 5% or less of Moose Pass households reported hunting for goats in the mountains around Trail Creek, Summit Lake, Crescent Lake, Bear Lake, and near Seward. Remaining areas included Resurrection Bay and along the Resurrection River.

Residents of Moose Pass hunt goats under the State system in GMUs 7 and 15 under drawing and registration permits.

Impact on Subsistence Users

Recognizing the C&T use of goats for residents of Moose Pass would expand the pool of federally qualified users (FQU) in GMUs 7 and 15C and increase goat hunting opportunity for Moose Pass residents. This could potentially limit opportunities for FQUs by increasing competition for goats in GMUs 7 and 15C. If the proposal is rejected, residents of Moose Pass could continue to hunt goats under State regulations in GMUs 7 and 15.

Impact on Other Users

If adopted, there are minimal impacts to non-federally qualified users (NFQU) unless the FSB takes further action, such as changing regulations to provide greater federal subsistence opportunities or to address conservation concerns.

Opportunity Provided by State

State customary and traditional use findings: The Joint Board of Fisheries and Game has declared the majority of the Kenai Peninsula to be a nonsubsistence area (5 AAC 99.015(3)). As such, the Board of Game (BOG) cannot find C&T uses for any game animals in the area.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by ADF&G or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for C&T uses under normal conditions. Hunting regulations can be re-examined if harvests for C&T uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

However, because there can be no C&T finding for game in a nonsubsistence area, there is no ANS for goats for GMUs 7 and 15C.

Enforcement Issues

There are no foreseeable enforcement issues with this proposal.

Position

ADF&G is **NEUTRAL** on eligibility to participate in federal subsistence hunting opportunities. However, ADF&G highly encourages additional subsistence harvest and use research for Kenai Peninsula residents be conducted to provide adequate data when assessing subsistence harvest needs before any C&T use determinations are made.

Wildlife Proposal WP22-25a/26a

These proposals would establish a customary and traditional (C&T) use determination for Dall sheep in Game Management Unit (GMU) 7 for residents of Cooper Landing and Moose Pass, respectively.

Background

Currently there is no federal subsistence priority for Dall sheep in GMU 7.

Both Cooper Landing and Moose Pass are located within GMU 7. GMU 7 is within the State of Alaska designated Anchorage-Matsu-Kenai Nonsubsistence Use Area (nonsubsistence area) (5AAC 99.015(3)). Therefore, no C&T use determination for Dall sheep in GMU 7 can exist under state regulation. However, subsistence hunting opportunities are available for federally qualified l users (FQU) of the Kenai Peninsula under federal regulation in the Chugach National Forest and Kenai National Wildlife Refuge. In 1992, the FSB adopted the C&T use determinations from state regulations. At the time of adoption, the Alaska Board of Game (BOG) did not recognize C&T uses of Dall sheep in GMU 7, and the FSB adopted a determination of "no Federal subsistence priority" (72 Fed. Reg. 22961; May 29, 1992).

Since 1992, three federal C&T use determinations for wildlife have been made in GMU 7 for Cooper Landing. In 2008, the FSB adopted Proposal WP08-22a recognizing C&T uses of moose by residents of Cooper Landing in GMU 7. In 2014, the FSB adopted Proposal WP14-08, recognizing the C&T uses of caribou in GMU 7 by Cooper Landing. In 2020, the FSB adopted Proposal WP20-18a, recognizing

C&T uses of goats in GMU 7 by Cooper Landing (and other Kenai Peninsula communities). Regarding Moose Pass, in 2021 the FSB adopted RP19-01 which provided Moose Pass with rural status. Therefore, no previous wildlife C&T use determinations have been made for Moose Pass at this time, and Moose Pass residents have not previously been designated as federally qualified to participate in subsistence hunts where specifically designated communities have C&T use determinations. For both Moose Pass and Cooper Landing, no previous C&T use determinations for Dall sheep have been made in any unit or subunit; nor have these communities been specifically considered for such a determination prior to this proposal.

Cooper Landing: The community of Copper Landing is located at Mile 48 of the Sterling Highway on the Kenai Peninsula. In 2020, the estimated population of the Cooper Landing census-designated place was 275 (ADLWD 2021). The Subsistence Section only has one year of comprehensive subsistence harvest data for Cooper Landing, for the 12-month period of August 1, 1990-July 31, 1991. The study surveyed 61 of the 99 households in Cooper Landing to collect information about the harvest and uses of wild fish, game, and plant resources; demography; and aspects of the local cash economy such as employment and income.

Results indicate that, in 1990/1991 all (100%) of Cooper Landing households used wild foods, 94% harvested resources, 81% reported receiving resources from others, and 72% of households reported sharing their harvested resources with others. During the study period, 2% of Cooper Landing households attempted to harvest Dall sheep and were successful, and 4% of households used Dall sheep. An estimated 2 Dall sheep were harvested by the community, resulting in 0.6 pounds of Dall sheep meat per capita. Dall sheep were shared with other households, where 1% of households received Dall sheep, and 1% of households gave it away.

Seitz et al. (1994:213) reported search and harvest areas for Dall sheep and goats together. The 1990/1991 subsistence search and harvest areas for Dall sheep and goats indicate a preference for local area use, with most resources searched for and harvested in the mountains around Cooper Landing and the mountains of Turnagain Pass; the mountains east of Tustumena Lake, the head of Kachemak Bay, the southern area of the Kenai Peninsula; and in the mountains east of Resurrection Bay.

Moose Pass: The community of Moose Pass is located at Mile 29 of the Seward Highway on the Kenai Peninsula. In 2020, the estimated population of the Moose Pass census-designated place was 246 (ADLWD 2021). The Subsistence Section only has one year of comprehensive subsistence harvest data for Moose Pass, for the 12-month period of April 1, 2000-March 31, 2001. The study surveyed 99 of the 148 households in Moose Pass to collect information about the harvest and uses of wild fish, game, and plant resources; demography; and aspects of the local cash economy such as employment and income.

Results indicate that 99% of Moose Pass households used wild foods, 92% harvested resources, 87% reported receiving resources from others, and 60% of households reported sharing their harvested resources with others (Davis et al. 2003). Moose Pass residents harvested an average of 87 pounds of wild foods per person (236 pounds per household) and used an average of 8 resources per household. Large land mammals composed 28% of the total pounds of subsistence foods harvested by Moose Pass residents. During the study period, 4% of Moose Pass households attempted to harvest Dall sheep but none were successful. However, 5% of households received and 5% used Dall sheep. Of the 5% that received Dall sheep, 2% reported giving away some Dall sheep. No map data were provided for Dall sheep search areas (Davis et al. 2003).

Impact on Subsistence Users

Recognizing the C&T use of Dall sheep for residents of Cooper Landing and Moose Pass will, combined with WP22-25b/26b, establish a federal subsistence hunt for Dall sheep in GMU 7 on top of the existing state hunt and limit the pool of FQUs in Unit GMU 7 from all FQUs statewide to only rural residents of Cooper Landing and Moose Pass.

Impact on Other Users

The impact to NFQUs will occur if the FSB takes further action, such as changing regulations to provide greater federal subsistence harvest.

Opportunity Provided By State

State customary and traditional use findings: The Joint Board of Fisheries and Game has declared the majority of the Kenai Peninsula to be a nonsubsistence area (5 AAC 99.015(3)). As such, the (BOG) cannot find C&T uses for any game animals in the area.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by Alaska Department of Fish & Game or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

However, because there can be no C&T finding for game in a nonsubsistence area, there is no ANS for Dall Sheep in GMU 7.

Enforcement Issues

There are no anticipated enforcement issues with this proposal.

Position

ADF&G is **NEUTRAL** on eligibility to participate in subsistence hunting opportunities. However, ADF&G highly encourages additional subsistence harvest and use research for Kenai Peninsula residents be conducted to provide adequate data when assessing subsistence harvest needs before any C&T use determinations are made.

CITATIONS

ADLWD. 2021. Alaska population overview, 2020 estimates.

https://live.laborstats.alaska.gov/pop/index.cfm Retrieved September 24, 2021.

Davis, B., J.A. Fall, G. Jennings. 2003. Wild Resource Harvests and Uses by Residents f Seward and Moose Pass, Alaska 2000. Alaska Department of Fish and Game Division of Subsistence, Technical Paper No. 271, Anchorage.

Seitz, J., L. Tomrdle, and J. A. Fall. 1994. The Use of Fish and Wildlife in the Upper Kenai Peninsula Communities of Hope, Whittier, and Cooper Landing, 1990. Alaska Department of Fish and Game Division of Subsistence, Technical Paper No. 219, Anchorage.

WRITTEN PUBLIC COMMENTS

Alaska Kenai Chapter Safari Club International
P.O. Box 2988
Soldotna, AK 99669
kenaisci@gmail.com

RECEIVED
JUL 19 2021
BY:

July 18, 2021

RE: Public Comments Processing, Office of Subsistence Management
(Attn: Theo Matuskowitz) subsistence@fws.gov
Oppose proposals WP22-15 through 32.

The Alaska Kenai Chapter of Safari Club International (KPSCI) is the largest conservation group on the Kenai Peninsula. Our chapter was founded in 1989 on three primary principles: Wildlife Conservation, Education and Humanitarian Services, and Advocacy for Hunting and Hunters Rights.

KPSCI represents hunters from across the Kenai Peninsula, including rural and non-rural communites. Our annual fundraiser is attended by 400-500 hunters, fisherman and wildlife conservationists who have a long history of customary and traditional use of harvesting fish and wildlife in Alaska. The KPSCI board and membership, consists of local hunters who participated from the beginning in opposition to the establishment of the Kenai Peninsula rural designations and customary and traditional use determinations. The chapter has a long history of not only opposing these erroneous determinations but engaged with our national chapter to pursue legal actions against them. The actions of the FSB has turned our community into "have and have nots" in regards to fish and wildlife harvest. Our organization does support a subsistence priority in rural parts of Alaska where congress had intended for the priority to apply, but not on the road connected Kenai where the characteristics of the communities have little to no difference.

Congress deliberately crafted ANILCA provisions to minimize impacts on public uses of public lands in conservation system units by Alaska residents for access and traditional activities necessarily related to harvests of fish and wildlife resources. Along with minimizing those impacts, Congress included numerous unique provisions in ANILCA to assure meaningful public involvement and to satisfy specific criteria as a threshold for federal decisions affecting those uses in Alaska. Furthermore, the congressional record clearly indicates that congress did not intend for the road connected Kenai Peninsula communites to be designated for a subsistence priority.

As an example, our organization finds the irony in WP22-15, diminishing trapping opportunity by the anti-hunting/trapping folks from the 'rural designated" community of Cooper Landing. Trapping is a customary and traditional use activity protected under ANILCA. These actions clearly illustrate why communites such as Cooper Landing should not have been granted a rural designation with C&T determinations as their community characteristics do not reflect or meet the criteria of Title VIII and the intent of congress.

Another example these erroneous proposals is WP22-32. The FSB ruled against a rural determination for the Russian villages in the North Fork/Homer area. An individual that received a subsistence moose permit for three years was told he lived outside the rural community of Ninilchik so his recent request was denied. This action resulted in proposal WP22-32 to expand the Ninilchik rural area to include North Fort Road. How can the FSB justify rewarding illegal behavior?

For these reasons we adamantly oppose proposals WP22-15 through 32.

WP22-15	All furbearers in Unit 7: Establish trap setbacks along trails, road, and campground. Diminishes a subsistence activity in a "rural designated" community.
WP22-16	Adopt a customary and traditional (C&T) finding for Moose Pass residents for moose.
WP22-17	Extend moose season in Unit 7 for Moose Pass residents to Aug. 10 to Sept. 20.
WP22-18	Extend hunting area for Moose Pass to include 15A and 15B. Season Aug. 10 to Sept 20 and Oct. 20 to Nov. 10. Add a registration hunt in these areas with a bag limit of one cow moose/per hunter.
WP22-19	Add 15C to the moose hunting season for Moose Pass residents, season Aug. 10 to Sept. 20. Bag limit increased to spike/FORK-50 inch or 3 brow tines on at least one side. Note: fork antlered bulls are not legal in the general non-rural season.
WP22-21	Allows Moose Pass to harvest caribou in Unit 7 under a registration permit rather than the limited entry draw, season Aug. 10 to Dec. 31. The general season is Aug. 10 to Sept. 20, in a draw hunt, for non-rural residents.
WP22	Establishes a Federal (rural resident) drawing system for Moose Pass residents in Unit 7, season Aug. 10 to Sept. 20 for caribou hunting.
WP22-23	Establishes a federal drawing system for mountain goat in Unit 7 for Moose Pass residents. Season Aug. 10 to Nov. 14. The general (non-rural) season is Aug. 10 to Oct. 15 by limited draw followed by a registration Nov. 1 to 14 in areas where the quota was not reached. The federal hunt will open all areas regardless of reaching the quota.
WP22-24	Establishes the same mountain goat special draw season in Unit 15 for Moose Pass residents.
WP22-25a/25b	Establishes a rural sheep season in Unit 7 for one sheep, no horns or gender restrictions.
WP22-26a/b	Not sure what this proposal asks for, request is to open a sheep season for Moose Pass residents. No season or bag limit shown.
WP22-28	Extends moose season in Unit 7 by five days, from Aug. 10 to Sept. 20 to Aug. 10 to Sept. 25.
WP22-29	Same as 28, extends moose season in Unit 7 to Aug. 10 to Sept. 25.
WP22-30	Extends moose season for rural residents in Unit 15 from Aug. 10 to Sept. 20 to Aug. 10 to Sept. 25.
WP22-31	Extends moose season for rural residents in Unit 15 from Aug. 10 to Sept. 20 to Aug. 10 to Sept. 25.
WP22-32	Request for a positive finding of "rural" for the "North Fork Rural Customary and Traditional Subsistence Use Community". An individual that received a subsistence moose permit for three years was told he lived outside the rural community of Ninilchik so his recent request was denied. This action resulted in proposal WP22-32 to expand the Ninilchik rural are to include North Fort Road. Nothing like rewarding illegal behavior!

The Kenai Chapter of Safari Club International opposes WP22-15 through WP22-32. We urge the FSB to vote NO on these proposals. KPSCI is the representative of the vast majority of the hunters, fisherman and wildlife conservationists residing on the Kenai Peninsula.

Sincerely,

Alaska's Kenai Chapter of Safari Club International

2021 Board of Directors
Mike Crawford
Joe Hardy
Shawn Killian
Bryan Vermette
Jesse Bjorkman
Sam Evanoff
Roy Smith
Ted Spraker
Rick Abbott

[EXTERNAL] Alaska Outdoor Council comments - 2022-2024 Wildlife Proposals

Rod Arno <rodarno@gmail.com>
Mon 7/19/2021 12:23 PM
To: AK Subsistence, FW7 <subsistence@fws.gov>
Cc: Mulligan, Benjamin J (DFG) <ben.mulligan@alaska.gov>

Alaska Outdoor Council
310 K Street, Suite 200
Anchorage, Alaska 99501
July 19, 2021

RE: Public comments for FSB 2022-2024 Wildlife Proposals

The Alaska Outdoor Council (AOC) is a Statewide coalition of individual members and clubs representing 10,000 Alaskans who hunt, trap, fish and recreate on public lands/waters in Alaska. AOC Club Representative have participated in the regulatory process of managing and allocating fish and game in Alaska since before statehood in 1959.

Numerous proposals submitted by Federal Subsistence Regional Advisory Councils, federally recognized subsistence communities, and individuals confirm the fears that many AOC Representatives had at the time of the passage of Alaska National Interest Lands Conservation Act (ANILCA) 1980. Dual management of who can harvest game depending on whether you are on state public and private lands or if you are on federal lands was not the intend of Congress when they passed ANILCA.

AOC opposes WP22-07, WP22-08, WP22-09.
Alaska Department of Fish & Game data should not invoke a complete closure to non-Federally Qualified Subsistence Users under Section 804 of ANILCA. Even the 9th Circuit Court, *Ninilchik Traditional Council v. U.S.*, 227 F.3d 1186 in 2000 understood the priority given in Title VIII of ANILCA was not absolute.

AOC opposes WP22-15.
Congress's findings and declaration in Sec. 801 of ANILCA should leave no room for regulatory action by the Federal Subsistence Board (FSB) regarding anti-trapper claims. Sec. 801(3) of ANILCA should have the FSB concentrating only on "remote federal lands", as was the intent of Congress when they passed 802(2) of ANILCA.

AOC opposes WP22-16 thru 22.
Providing a priority for some individuals or communities to harvest game on federal public lands located on the Kenai Peninsula only exacerbates the conflict between federally qualified hunters and Alaskans living in non-federally qualified areas of the state. Both groups of hunters are similarly situated.

AOC opposes WP22-32.
It would be in Alaskan's best interest if the FSB would reduce the number of Alaskans allowed a priority to harvest game on federal lands just based solely on where they live, not how.

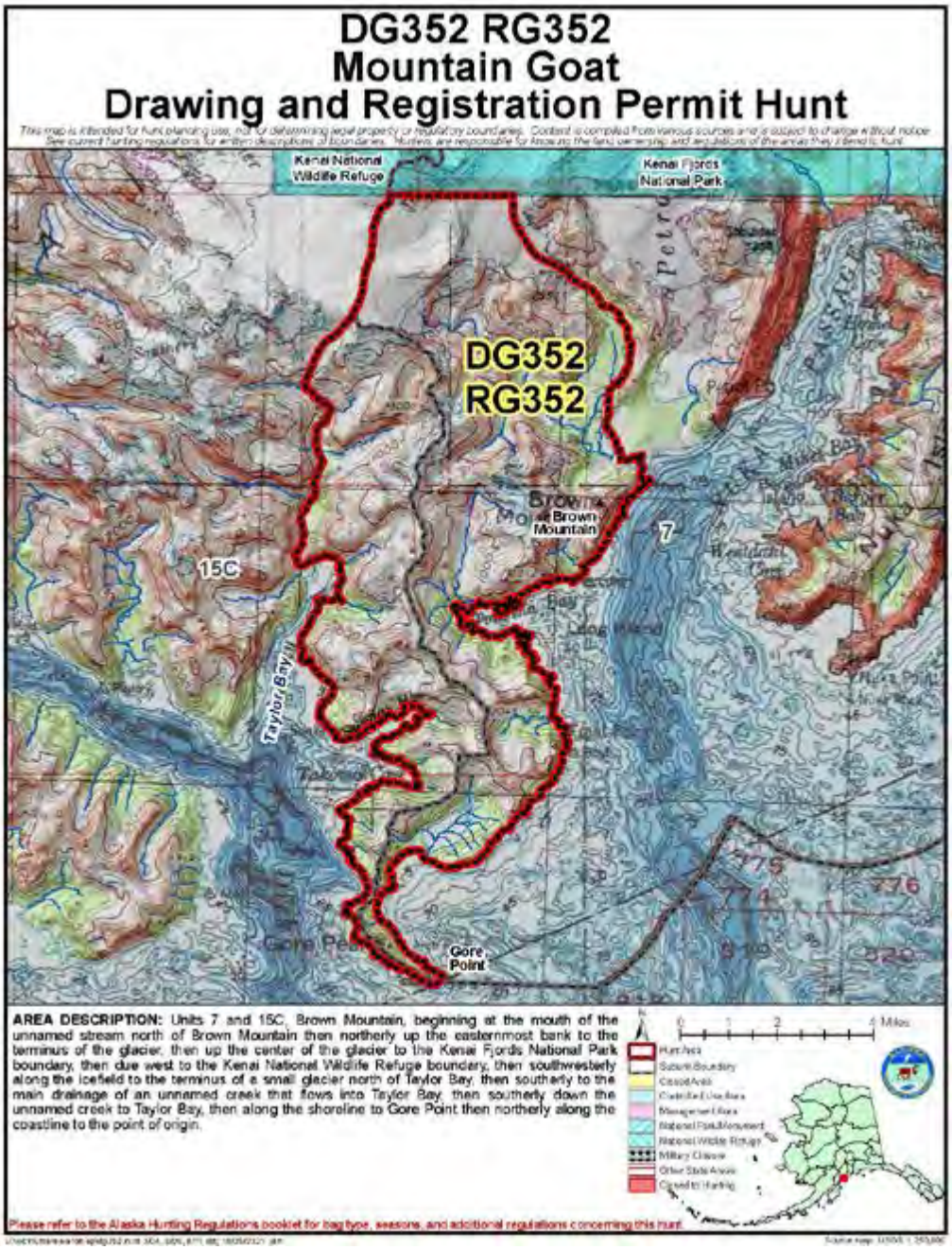
Thanks for the opportunity to provide public comments,

Rod Arno, Public Policy Director
Alaska Outdoor Council

Sent from Rod Arno's iPad.

APPENDIX 1

Map of Brown Mountain Hunt Area for goats. Residents of Nanwalek and Port Graham have a customary and traditional use determination for goats in the portion of this area within Unit 7. Residents of Chenega Bay, Cooper Landing, Hope, Nanwalek, Ninilchik, Port Graham, Seldovia, and Tatitlek have a customary and traditional use determination for goats in the remainder of Unit 7.



Source: https://www.adfg.alaska.gov/static/hunting/maps/huntmaps/pdf/dg352.pdf

WP22-20/25a/27 Executive Summary	
General Description	Proposal WP22-20 requests that the Federal Subsistence Board (Board) recognize the customary and traditional use of moose in Unit 15C by residents of Cooper Landing. *Submitted by: Michael Adams.* Proposal WP22-25a requests that the Board recognize the customary and traditional use of sheep in Unit 7 by residents of Cooper Landing. *Submitted by: Michael Adams.* Proposal WP22-27 requests that the Board recognize the customary and traditional use of sheep in Unit 15 by residents of Cooper Landing. *Submitted by: Michael Adams.*
Proposed Regulation	**Customary and Traditional Use Determination--Moose** *Unit 15C* *Residents of* ***Cooper Landing****, Ninilchik, Nanwalek, Port Graham, and Seldovia* **Customary and Traditional Use Determination--Sheep** *Unit 7* ~~*No Federal subsistence priority*~~ ***Residents of Cooper Landing*** *Unit 15* *Residents of* ***Cooper Landing and*** *Ninilchik*
OSM Conclusion	**Support**
Southcentral Alaska Subsistence Regional Advisory Council Recommendation	**Oppose** WP22-20, **support** WP22-25a, and **support** WP22-27 **with modification** to only establish customary and traditional use of sheep for Cooper Landing in Units 15A and 15B (and not 15C).
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	**Neutral**
Written Public Comments	**2 Oppose**

STAFF ANALYSIS
WP22-20/25A/27

ISSUES

Proposal WP22-20, submitted by Michel Adams of Cooper Landing, requests that the Federal Subsistence Board (Board) recognize the customary and traditional use of moose in Unit 15C by residents of Cooper Landing.

Proposal WP22-25a, also submitted by Michael Adams of Cooper Landing, requests that the Board recognize the customary and traditional use of sheep in Unit 7 by residents of Cooper Landing. A companion proposal, WP22-25b, requests that a harvest and season be established for sheep in Unit 7.

Proposal WP22-27, also submitted by Michael Adams of Cooper Landing, requests that the Board recognize the customary and traditional use of sheep in Unit 15 by residents of Cooper Landing. All three proposals are summarized in **Table 1**.

Table 1. Cooper Landing customary and traditional use proposals considered in this analysis.

Proposal	Species	Area
WP22-20	moose	Unit 15C
WP22-25a	sheep	Unit 7
WP22-27	sheep	Unit 15

DISCUSSION

The proponent states that residents of Cooper Landing have a history of customary and traditional use of resources throughout Units 7 and 15. The proponent indicates that Cooper Landing residents participate in all subsistence harvest opportunities available in the region. The proponent argues that exclusion from the customary and traditional use determination for moose in Unit 15C and sheep in Units 7 and 15 has denied Cooper Landing residents subsistence opportunity to date.

Because there is an existing customary and traditional use determination for moose in Unit 15C and sheep in Unit 15, and a "no Federal subsistence priority" determination for sheep in Unit 7, this analysis will only consider whether the existing determinations should be revised and expanded to include Cooper Landing. Other communities are not considered in this analysis. All three customary and traditional use determination proposals submitted for Cooper Landing this cycle are considered here in order to avoid repeating consideration of the eight factors for determining customary and traditional use across multiple analyses.

Existing Federal Regulation

Customary and Traditional Use Determination—Moose

Units 15A and 15B	*Residents of Cooper Landing, Nanwalek, Ninilchik, Port Graham, and Seldovia*
Unit 15C	*Residents of Ninilchik, Nanwalek, Port Graham, and Seldovia*

Customary and Traditional Use Determination—Sheep

Customary and Traditional Use Determination—Moose	
Unit 7	No Federal subsistence priority
Unit 15	Residents of Ninilchik

Proposed Federal Regulation

Customary and Traditional Use Determination—Moose

Units 15A and 15B	*Residents of Cooper Landing, Nanwalek, Ninilchik, Port Graham, and Seldovia*
Unit 15C	*Residents of* **Cooper Landing**, *Ninilchik, Nanwalek, Port Graham, and Seldovia.*

Customary and Traditional Use Determination—Sheep

Unit 7	~~*No Federal subsistence priority*~~ *Residents of Cooper Landing*
Unit 15	Residents of Cooper Landing and Ninilchik

Extent of Federal Public Lands/Waters

Unit 7 is comprised of approximately 77% Federal public lands, and consists of 52% U.S. Forest Service (USFS), 23% National Park Service (NPS), and 2% U.S. Fish and Wildlife Service (USFWS) managed lands. NPS lands in Unit 7 are within Kenai Fjords National Park and are closed to all hunting (see **Unit 7 Map** in the 2020-2022 Federal Subsistence Management Regulations Book).

Unit 15 is comprised of approximately 47% Federal public lands and consist of 46% USFWS managed lands, 1.1% Bureau of Land Management (BLM) managed lands, 0.4% USFS managed lands, and 0.1% NPS managed lands(see **Unit 15 Map** in the 2020-2022 Federal Subsistence Management Regulations Book). NPS managed lands in Unit 15 are within Kenai Fjords National Park and close to all hunting.

Regulatory History

At the inception of the Federal Subsistence Management Program in Alaska in 1990, the majority of the Kenai Peninsula was classified by the State as the Kenai Peninsula Nonrural Area (now named the Anchorage-Matsu-Kenai Nonsubsistence Area). The State did not allow subsistence uses in nonrural areas. In 1992, the Board adopted customary and traditional use determinations from State regulations. At that time, the State recognized the communities of Nanwalek (English Bay) and Port Graham as having customary and traditional use of moose in an area surrounding these communities in the southwest of Unit 15C, but the road-connected portion of the Kenai Peninsula—including Units 7 and most of Unit 15—was

determined by the State of Alaska to be a nonsubsistence area. The State did not recognize customary and traditional uses of sheep in Unit 7 or 15, and the Board adopted a determination of "no Federal subsistence priority" for this species.

In April 1994 and 1995, the Board discussed customary and traditional use determinations for all large mammals on the Kenai Peninsula, but deferred these proposals because there was no agreed upon timeline and process set in place for making customary and traditional use determinations. After an extensive Federal process involving data gathering, public hearings, and court decisions, on May 3, 1996, the Board made customary and traditional use determinations for moose in all or portions of Unit 15 for residents of Nanwalek (English Bay), Ninilchik, Port Graham and Seldovia. Decisions on the remaining species and communities were deferred until rural determinations on the Kenai Peninsula could be reviewed.

During the 2000s, there were several attempts to recognize customary and traditional use of moose and other big game in Units 7 and 15, but no proposals were approved until the end of the decade. In 2001, the Kenaitze Indian Tribe submitted Proposal WP01-49. The proposal had many components concerning customary and traditional use determinations for caribou and moose in southcentral and southwestern Alaska for residents of Units 7 and 15. The Board deferred the proposal pending the outcome of the Board's review of its rural determinations on the Kenai Peninsula.

The Board then addressed customary and traditional use determinations in Unit 15 in 2003, but deferred decision until the completion of a report by the Institute for Social and Economic Research on rural determination methodology, including a review of rural determinations as required by regulation every 10 years. The Board revised its rural determinations in 2007, but it did not make any new customary and traditional use determinations for the Kenai Peninsula at that time.

Existing customary and traditional use determinations for Cooper Landing

Customary and traditional use determinations have previously been made for residents of Cooper Landing for other wildlife species in Units 7 and 15, including Unit 15C (**Table 2**). In 2008, the Board adopted WP08-22a, recognizing customary and traditional use of moose in Units 15A and 15B (as well as all of Unit 7) by Cooper Landing. In 2014, the Board adopted WP14-08, recognizing Cooper Landing's customary and traditional use of caribou in Unit 7. In 2020, the Board adopted proposal WP20-22a with modification, recognizing customary and traditional use of caribou in Units 15C (as well as 15B) by Cooper Landing Hope, Nanwalek, Ninilchik, Port Graham, and Seldovia. That same year, the Board adopted proposal WP20-18a with modification, recognizing the customary and traditional use of goats in Unit 7 remainder by Cooper Landing, as well as Chenega Bay, Hope, Nanwalek, Ninilchik, Port Graham, Seldovia, and Tatitlek. Unit 7 remainder for goats includes all of Unit 7 outside of that portion within Brown Mountain Hunt Area (see **Appendix 1** in the analysis for WP22-16/17/18/19/21/22/23/24/26a). Finally, in 2020 the Board also adopted WP20-23a with modification, recognizing the customary and traditional use of goats in all of Unit 15 by Cooper Landing, as well as Hope, Nanwalek, Ninilchik, Port Graham, and Seldovia.

Table 2. Existing customary and traditional use determinations for Cooper Landing on the Kenai Peninsula.

Unit 15	Species	Unit 7	Species
Unit 15B and 15C	Caribou	Unit 7	Caribou
Unit 15	Goat	Unit 7, Remainder	Goat

Unit 15	Species	Unit 7	Species
Unit 15A and 15B	Moose	Unit 7	Moose

Previous recognition of Cooper Landing's use of moose on the Kenai Peninsula

As indicated in **Table 2**, residents of Cooper Landing have had their customary and traditional use for moose recognized on most of the Kenai Peninsula, with the exception of Unit 15C, which is the area addressed in this analysis.

The Board has considered a similar proposal once before. In 2014, the Board rejected Proposal WP14-07, which requested a customary and traditional use determination for moose in Unit 15C for Cooper Landing. At that time, the Southcentral Alaska Subsistence Regional Advisory Council (Council) did not support the proposal due to lack of information and testimony from residents of Cooper Landing.

Previous customary and traditional use determinations for sheep on the Kenai Peninsula

No previous customary and traditional use determinations for sheep have been made for Cooper Landing in any unit or subunit; nor has the community been specifically considered for such a determination prior to this proposal.

Ninilchik's customary and traditional use determination for sheep in Unit 15 was made in 2020 (WP20-24a). Prior to this change, there was no Federal subsistence priority for sheep in Unit 15. For this reason, analysis of WP20-24a was limited to the community included in the proposal, Ninilchik, and Cooper Landing was not considered. The current Federal subsistence hunt is managed under a draw permit system with a bag limit of one ¾ curl ram.

Community Characteristics

Cooper Landing is a small, unincorporated community and Census Designated Place (CDP) within Unit 7 and the Kenai Peninsula Borough. The town is located along the Sterling Highway, about 97 road miles from Anchorage and approximately 59 road miles from the City of Kenai. In 2017, the estimated population of the Cooper Landing CDP was 269 (ADLWD 2020).

Dena'ina Athabascans inhabited the northern Kenai Peninsula long before settlers arrived beginning in the 1800s. Dena'ina people spent winters in the area hunting and trapping before moving onto the coast in spring (Holmes 1985). Beginning in 1848, Russian gold prospectors and miners with the Russian-American Company moved into the area. For the historical settlers of Cooper Landing, the availability of wild resources "played an important role in helping residents establish the communit[y]" (Seitz et al. 1994:122). Moose and sheep were among the preferred large game animals hunted on the Kenai Peninsula, which also included caribou and bears (Barry 1973).

Big game guiding, fox farming, and trapping eventually replaced gold mining as the primary economic activities in the area (Painter 1983). Because trophy hunters often left meat behind, the guiding industry provided an important source of local food for Cooper Landing guides, their families, and the wider community. Cooper Landing gradually became more accessible to outsiders as the road system connected it to Seward in 1938, Kenai in 1948, and Anchorage in 1951 (Seitz et al. 1994). The road system

eventually allowed for easy access into the area by non-local tourists, sport fishers, and others (Mead & Hunt & CRC 2014).

Eight Factors for Determining Customary and Traditional Use

A community or area's customary and traditional use is generally exemplified through the eight factors: (1) a long-term, consistent pattern of use, excluding interruptions beyond the control of the community or area; (2) a pattern of use recurring in specific seasons for many years; (3) a pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics; (4) the consistent harvest and use of fish or wildlife as related to past methods and means of taking: near, or reasonably accessible from the community or area; (5) a means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate; (6) a pattern of use which includes the handing down of knowledge of fishing and hunting skills, values, and lore from generation to generation; (7) a pattern of use in which the harvest is shared or distributed within a definable community of persons; and (8) a pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area.

The Board makes customary and traditional use determinations based on a holistic application of these eight factors (50 CFR 100.16(b) and 36 CFR 242.16(b)). In addition, the Board takes into consideration the reports and recommendations of any appropriate Regional Advisory Council regarding customary and traditional use of subsistence resources (50 CFR 100.16(b) and 36 CFR 242.16(b)). The Board makes customary and traditional use determinations for the sole purpose of recognizing the pool of users who generally exhibit some or all of the eight factors. The Board does not use such determinations for resource management or restricting harvest. If a conservation concern exists for a particular population, the Board addresses that concern through the imposition of harvest limits or season restrictions rather than by limiting the customary and traditional use finding.

In 2010, the Secretary of the Interior asked the Board to review, with Regional Advisory Council input, the customary and traditional use determination process and present recommendations for regulatory changes. At its fall 2013 meeting, the Southcentral Council made a recommendation to "change the way such determinations are made by making area-wide customary and traditional use determinations for all species," and supported other Regional Advisory Councils when choosing a process that works best in their regions (SCRAC 2013:107–110). In June 2016, the Board clarified that the eight-factor analysis applied when considering customary and traditional use determinations is intended to protect subsistence use, rather than limit it. The Board stated that the goal of the customary and traditional use determination analysis process is to recognize customary and traditional uses in the most inclusive manner possible.

As noted in the regulatory history section of this analysis, the Board has previously recognized customary and traditional uses of other wildlife (caribou, moose, and goat) by Cooper Landing in all or portions of Units 7 and 15, including within Unit 15C (caribou and goat). Based on these previous determinations, Cooper Landing has already established a recognized pattern of harvest and use of wild resources in Units 7 and 15 consistent with the eight factors. Cooper Landing has had its customary and traditional use of moose recognized on all of the Kenai Peninsula except for Unit 15C (**Table 2**).

Subsistence is practiced by a large portion of the population of Cooper Landing. In a 1991 Alaska Department of Fish and Game (ADF&G) subsistence survey, 94% of 61 surveyed households selected as part of a stratified random sample reported harvesting wildlife, fish, and plant resources (Seitz et al. 1994), and 89% participated in at least one harvesting activity. The harvest of wild resources, measured in useable weight, was 91.5 pounds per capita (Seitz et al. 1994). Salmon comprised 43% of the total wild resources harvested (by useable weight), followed by large mammals (31%), other fish (16%), and wild plants, eggs, and marine invertebrates (10%) (Seitz et al. 1994). For comparison, Hope's harvest of wild resources in useable weight per capita during the same period was 110.7 pounds, and Whittier's was 79.9 pounds (Seitz et al. 1994).

Use of moose by residents of Cooper Landing

Along with other large land mammals, moose hunting has been part of the seasonal subsistence cycle for residents of Cooper Landing, occurring between August and November. Moose were among the most sought after wildlife by the early settlers on the Kenai Peninsula (Barry 1973). During key informant interviews as part of ADF&G's 1991 subsistence survey, long-time residents of Cooper Landing stated that their families utilized moose at least as far back as 1920 (Seitz et al. 1994).

ADF&G's 1991 subsistence survey showed that moose were the most widely used land mammal in Cooper Landing during the study period. Twenty-eight percent of surveyed households hunted moose, and 10% of surveyed households successfully harvested them. Residents harvested an estimated 10 moose total for the community, providing about 4,823 pounds of usable meat. This was an average of 49 pounds per household or 19 pounds per person (Seitz et al. 1994).

Moose hunters on the Kenai Peninsula, including Cooper Landing residents, use a variety of transportation methods. Some households use automobiles and boats for access to the general area of their hunt and proceed by foot. A few households have reported using an aircraft for reconnaissance, followed by hunting on foot (O'Brien 2003, pers. comm.). Planes were used 8 to 11% of the time (ADF&G 1991). Horses were also used during hunting trips in the past (Seitz et al. 1994).

Use of sheep by residents of Cooper Landing

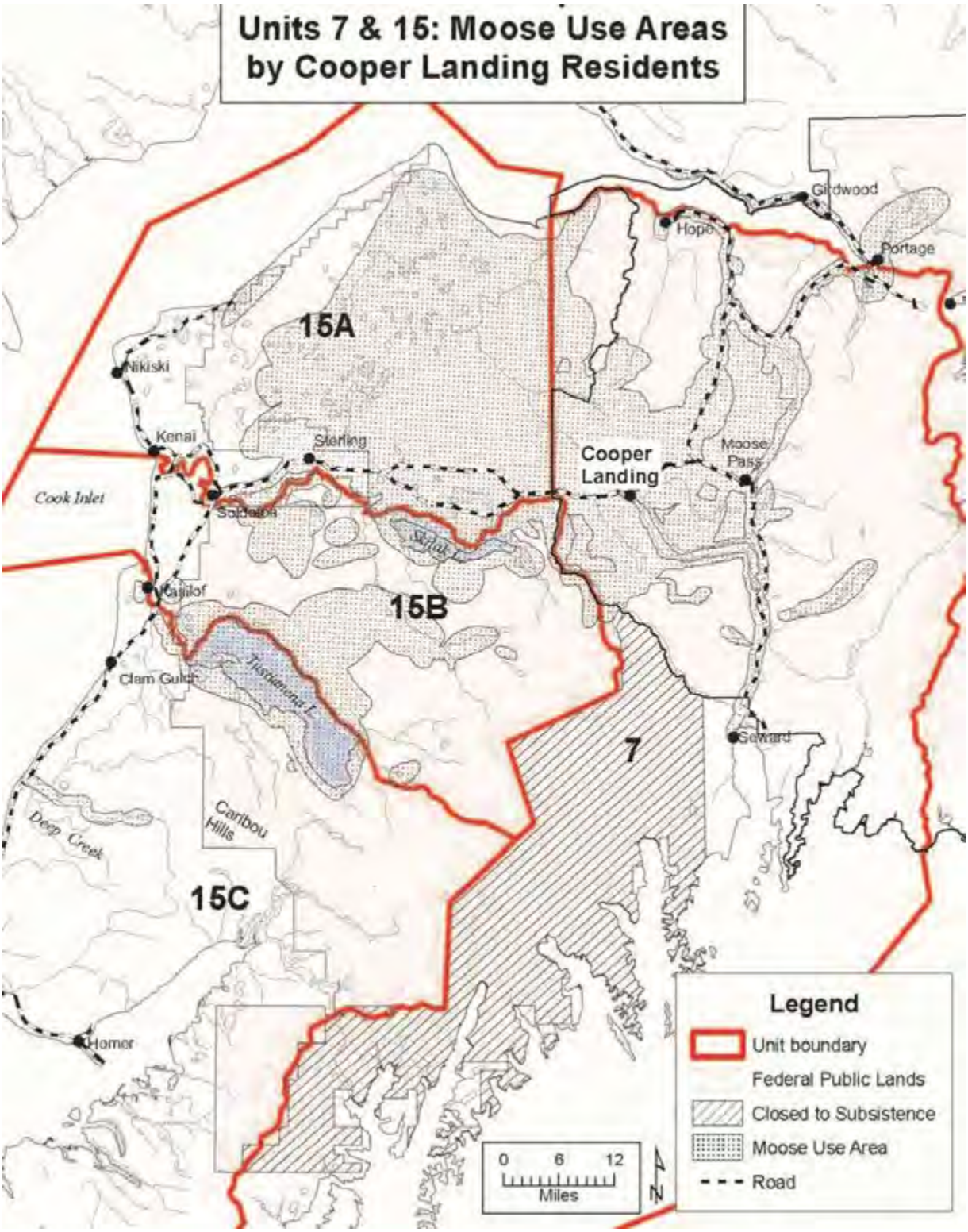
During ADF&G's 1991 subsistence survey study period, no surveyed Cooper Landing households harvested or used sheep. However, 1.2% of surveyed households had used goat (Seitz et al. 1994), which fills a similar niche in subsistence hunting and diet. For details of sheep hunting opportunity in Units 7 and 15 under State regulations, see the section "Participation in state hunts," below.

Moose and sheep use areas

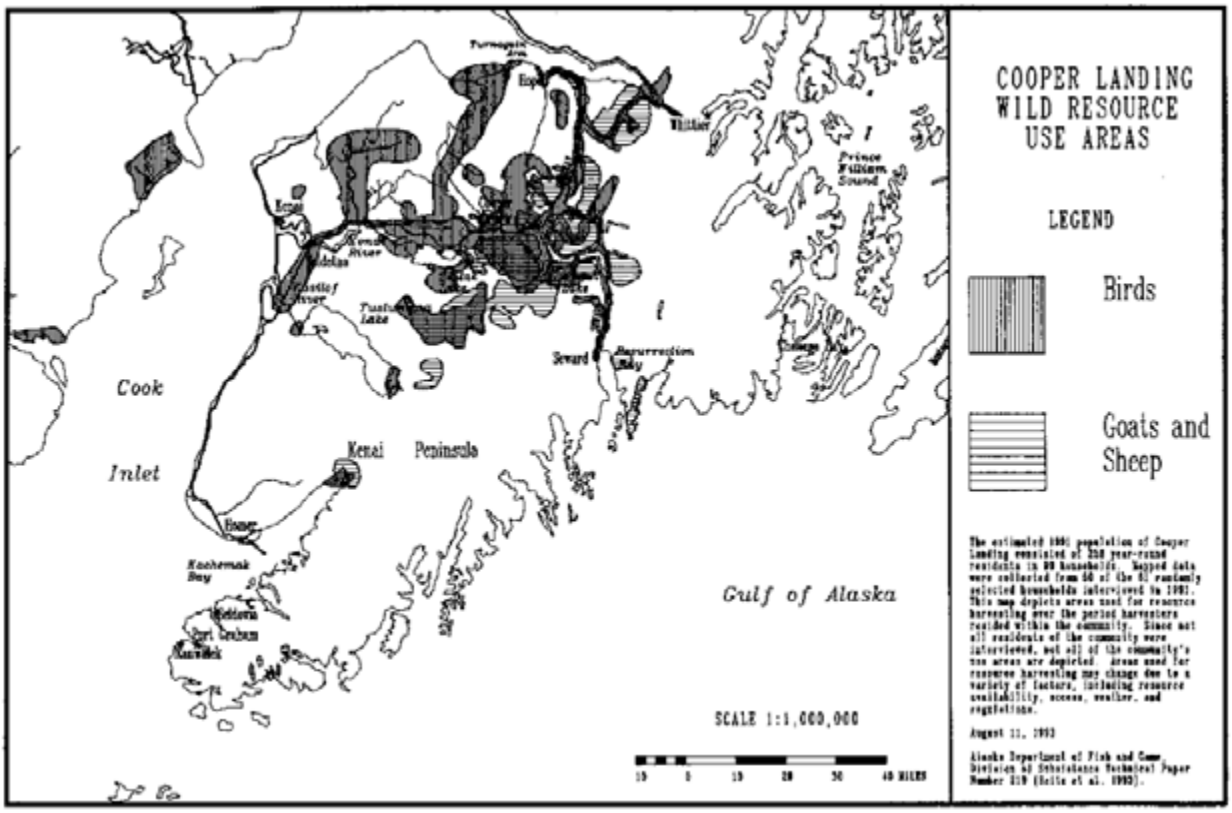
As part of the 1991 subsistence survey, ADF&G mapped the harvest and search areas used for moose and sheep by 50 Cooper Landing households, asking them to document all areas used while living in the community. While Cooper Landing residents harvest resources throughout much of the Kenai Peninsula, they harvest most intensively in areas closest to the community, typical of a subsistence practice characterized by efficiency of effort and cost. A map of Cooper Landing's moose use area from this study includes the northern portion of Unit 15C (the area considered in this analysis), covering the southern and eastern shores of Tustumena Lake (Seitz et al. 1994, **Map 1**).

According to the same study, "goats or sheep were hunted in the mountains around Cooper Landing and the mountains of Turnagain Pass; the mountains east of Tustumena Lake, the head of Kachemak Bay, the southern top of the Kenai Peninsula; and in the mountains east of Resurrection Bay" (Seitz et al. 1994: 42, **Map 2**). This includes portions of Units 15 and 7, the areas being considered for a customary and traditional use determination for sheep in this analysis.

Mapped community use areas should not be considered exhaustive but do provide valuable information on confirmed areas of search and use for wild resources. Maps of Cooper Landing's search areas for other resources, including salmon, other fish, birds, and black bears demonstrate a wide pattern of resource use across the Kenai Peninsula (Seitz et al. 1994).



Map 1. Cooper Landing residents' documented use area for moose, with subunit boundaries shown (Seitz et al. 1994, OSM 2014). Mapped use areas should not be considered exhaustive.



Map 2. Cooper Landing residents' documented use area for goats and sheep (Seitz et al. 1994). Mapped use areas should not be considered exhaustive.

Sharing of resources and transmission of knowledge

Sharing wild foods is a common practice in Cooper Landing. Wild foods were shared with those in need and those who were unable to fish and hunt for themselves (Seitz et al. 1994). ADF&G Division of Subsistence reported that most households in Cooper Landing were involved in giving or receiving wild resources during its study period. About 81% of households surveyed received at least one kind of wild resource from another household. Seventy-two percent of the households gave away wild resources to other people. Cooper Landing residents received an average of three different types of wild resources and gave away an average of two types of wild resources (Seitz et al. 1994).

Moose was given away by about 11% of surveyed households, and 39% of surveyed households reported receiving moose meat (Seitz et al. 1994). No sharing of sheep was documented, but 1% of surveyed households surveyed had given away and received goat meat, which fills a similar niche in local subsistence hunting and diet.

Recent historical context of subsistence hunting by Cooper Landing residents

Since the opening of Cooper Landing to the road system, the seasonal nature of hunting—including timing and access— has been determined by regulations oriented towards outside sport hunters (Seitz et al. 1994). Increased competition from outside hunters—both in hunting lotteries and in the form of physical crowds—was a recurring theme in ADF&G interviews in Cooper Landing (Seitz et al. 1994). Non-local hunters are able to easily access the area through the road system. The resulting competition

limits opportunity for locals, and crowded hunting conditions discourage locals from attempting to use resources that are open to harvest.

Participation in State hunts

The ADF&G reporting system provides information on which communities hunt under State regulations.

Residents of Cooper Landing hunt moose under the State system in Unit 15C. Current resident hunting opportunity for moose in Unit 15C is by harvest ticket with antler restrictions, drawing permits (DM512, DM514, DM516, DM518, and DM549), tier II permit (TM549), and may be announced season (AM550). Due to restrictions and competition, lack of participation should not necessarily be interpreted as lack of interest in hunting moose in Unit 15C.

From 1987 through 2019, State harvest records indicate that there were 12 general season hunts for moose in Unit 15C by residents of Cooper Landing and 1 moose was harvested. Additionally, 4 drawing permits were issued to residents of Cooper Landing. Of these, two hunts occurred, but no moose were harvested by permit (**Table 3**).

Table 3. Moose hunts by residents of Cooper Landing under State general season (harvest tickets) and drawing permits in 15C from 1987 to 2019. (Herreman 2021, pers. comm.). Data rows are not included in the table for years when no harvest tickets or drawing permits were issued.

Year	Harvest Tickets Hunted	Drawing Permits Issued	Drawing Permits Used	Harvest
2019	0	1	1	0
2014	1	0	0	0
2012	0	1	0	0
2009	1	0	0	0
2007	1	0	0	0
2004	1	2	1	0
2003	1	0	0	0
2002	1	0	0	0
2000	1	0	0	0
1997	1	0	0	0
1992	2	0	0	0
1989	1	0	0	0
1987	2	0	0	0
Total	**12**	**4**	**2**	**1**

The State harvest system for sheep in Units 7 and 15 is broken up into drawing permit hunts and a harvest ticket hunt (for one ram with full curl or larger). The drawing hunt areas include Round Mountain (Units 7 and 15A, DS150) and Crescent Lake (Unit 7, DS156). From 1987 to 2019, State harvest records indicate that there were 40 general season hunts and 2 drawing permit hunts for sheep by residents of Cooper Landing in Unit 7, and 4 sheep were harvested (**Table 4**).

Table 4. Sheep hunts by residents of Cooper landing under State general season (harvest tickets) and drawing permits in Unit 7 from 1987 to 2019 (Herreman 2021). Data rows are not included in the table for years when no harvest tickets or drawing permits were issued.

Year	Draw Permits issued	Draw Permits Used	Harvest Tickets issued	Harvest Tickets Used	Harvest
2018	0	0	1	0	0
2017	0	0	1	1	0
2016	0	0	3	2	0
2015	0	0	3	3	2
2014	0	0	1	1	0
2013	0	0	2	2	0
2012	0	0	1	1	0
2011	0	0	2	2	0
2010	1	1	0	0	0
2005	0	0	1	1	0
2004	0	0	0	0	0
2003	1	1	0	0	0
2002	3	0	4	1	0
2001	2	0	2	0	0
2000	0	0	4	4	0
1999	0	0	3	2	0
1998	0	0	1	1	0
1997	0	0	3	3	0
1996	0	0	1	1	0
1995	1	0	1	0	0
1994	0	0	2	2	0
1993	2	0	4	3	0
1992	0	0	4	4	1
1991	0	0	3	0	0
1990	0	0	2	2	0
1989	0	0	3	2	1
1988	0	0	2	1	0
1987	0	0	1	1	0
Total	**10**	**2**	**55**	**40**	**4**

From 1987 through 2019, State harvest records indicate that was 1 general season hunt and 15 drawing permit hunts for sheep by residents of Cooper Landing in Unit 15, and 2 sheep were harvested (**Table 5**).

Table 5. Sheep hunts by residents of Cooper landing under State general season (harvest tickets) and drawing permits in Unit 15 from 1987 to 2019 (Herreman 2021). Data rows are not included in the table for years when no harvest tickets or drawing permits were issued.

Year	Draw Permits issued	Draw Permits Used	Harvest Tickets issued	Harvest Tickets Used	Harvest
2019	0	0	0	0	0
2018	0	0	1	1	0
2017	0	0	1	0	0
2016	0	0	3	1	0
2015	0	0	3	0	0
2014	0	0	1	0	0
2013	0	0	2	0	0
2012	0	0	1	0	0
2011	0	0	2	0	0
2010	1	0	0	0	0
2009	0	0	0	0	0
2008	0	0	0	0	0
2007	0	0	0	0	0
2006	0	0	0	0	0
2005	0	0	1	0	0
2004	0	0	0	0	0
2003	1	0	0	0	0
2002	0	0	4	3	0
2001	0	0	2	2	0
2000	0	0	4	0	0
1999	0	0	3	1	0
1998	0	0	1	0	0
1997	0	0	3	0	0
1996	0	0	1	0	0
1995	1	0	1	1	0
1994	0	0	2	0	0
1993	2	1	4	1	0
1992	0	0	4	0	0
1991	0	0	3	3	2
1990	0	0	2	0	0
1989	0	0	3	1	0
1988	0	0	2	1	0
1987	0	0	1	0	0
Total	5	1	55	15	2

Effects of the Proposal

If this proposal is adopted, residents of Cooper Landing would be added to the customary and traditional use determination for moose in Unit 15C and sheep in Units 7 and 15, allowing them to harvest these species under Federal subsistence regulations. There is currently no Federal subsistence season for sheep in Unit 7, but Cooper Landing would be eligible for such a hunt once established.

Currently, the Federal subsistence hunt for sheep hunt in Unit 15 is for a harvest limit of 1 ram with ¾ curl horn or larger by drawing permit (DS1509). Only one sheep permit is awarded each year for the Federal subsistence hunt in Unit 15. If Cooper Landing is added to the customary and traditional use determination for sheep, this would increase competition for these drawing permits.

If the proposal is rejected, Cooper Landing residents could continue to hunt moose under State regulations in 15C. They could also continue to hunt sheep under State regulations in Units 7 and 15.

OSM CONCLUSION

Support Proposal WP22-20/25a/27.

Justification

WP22-20

The Board has previously recognized customary and traditional use of other wildlife, including caribou and goat, in Unit 15C by residents of Cooper Landing. Based on these previous determinations, Cooper Landing has already established a recognized pattern of harvest and use of wild resources in Unit 15C consistent with the eight factors. Cooper Landing residents' pattern of moose hunting and harvest generally exhibit the characteristics of customary and traditional use in Unit 15C, as shown through comprehensive subsistence surveys and data from residents hunting for moose in Unit 15C under State regulations. Cooper Landing has had its customary and traditional use of moose recognized on all of the Kenai Peninsula except for Unit 15C. Adopting this proposal will expand recognition of customary and traditional use of moose by residents of Copper Landing to the entire Kenai Peninsula, consistent with the Board's Policy of making inclusive determinations.

WP22-25a

The Board has already recognized Cooper Landing's customary and traditional use of other wildlife, including caribou, goat, and moose, in all or portions of Unit 7. Based on these previous determinations, Cooper Landing has already established a recognized pattern of harvest and use of wild resources in Unit 7 consistent with the eight factors. Cooper Landing residents' pattern of sheep hunting and harvest generally exhibit the characteristics of customary and traditional use in Unit 7, as demonstrated through comprehensive subsistence surveys and records of harvest effort in State hunts.

WP22-27

The Board has already recognized customary and traditional uses of other wildlife, including caribou, goat, and moose in all or portions of Unit 15. Based on these previous determinations, Cooper Landing has already established a recognized pattern of harvest and use of wild resources in Unit 15 consistent with the eight factors. Cooper Landing residents' pattern of sheep hunting and harvest generally exhibit

the characteristics of customary and traditional use in Unit 15, as demonstrated through comprehensive subsistence surveys and records of harvest effort in State hunts.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Southcentral Alaska Subsistence Regional Advisory Council

Oppose WP22-20, which requests that the Board recognize the customary and traditional use of moose in Unit 15C by residents of Cooper Landing. There was insufficient evidence to establish Cooper Landing subsistence users had a customary and traditional use of moose in Unit 15C.

Support WP22-25a, which requests that the Board recognize the customary and traditional use of sheep in Unit 7 by residents of Cooper Landing. The proposal provides resources needed by Cooper Landing subsistence users. Evidence showed those residents have been customarily and traditionally using sheep in Unit 7.

Support WP22-27 with modification to only establish customary and traditional use of sheep for Cooper Landing in Units 15A and 15B (and not 15C). WP22-27 requests that the Board recognize the customary and traditional use of sheep in Unit 15 by residents of Cooper Landing. This proposal provides resources needed by Cooper Landing subsistence users. Evidence showed those residents have been customarily and traditionally using sheep in Units 15A and 15B. There was insufficient evidence to establish Cooper Landing subsistence users had a customary and traditional use of sheep in Unit 15C.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposal WP22-20

This proposal would make a customary and traditional (C&T) use determination for moose in Game Management Unit (GMU) 15C for residents of Cooper Landing.

Background

Currently, residents of Ninilchik, Nanwalek, Port Graham, and Seldovia have a C&T use determination for moose in GMU 15C.

Under state regulations, most of the Kenai Peninsula (including most of GMU 15) is classified as a nonsubsistence area (5 AAC 99.015(3)) and therefore, no C&T use determinations can exist under state regulations. However, subsistence hunting opportunities are available for rural residents of the Kenai Peninsula under federal regulation in the Chugach National Forest and Kenai National Wildlife Refuge. The Federal Subsistence Board (FSB) first made positive C&T use determinations for moose in GMU 15 for residents of Nanwalek, Port Graham, Seldovia, and Ninilchik in 1996. Cooper Landing residents received positive customary and traditional use determinations for other portions of GMU 15 in 2008 when the Board adopted WP08-22a, which recognized C&T uses of moose in GMUs 7, 15A, and 15B by residents of Cooper Landing. In GMU 15C, Cooper Landing residents currently have positive C&T

use determinations for other species. The Board adopted proposal WP20-22a in 2000, which recognized C&T uses of caribou in GMUs 15B and 15C by residents of multiple communities, including Cooper Landing, as well as WP20-23a which recognized C&T uses of goats in all of GMU 15 by Cooper Landing residents.

The Subsistence Section only has one year of comprehensive subsistence harvest data for Cooper Landing for the 12-month period of August 1, 1990 – July 31, 1991 (Seitz et al. 1994). The study surveyed 61 households (62% of the total households). Results indicate that 100% of sampled households used wild foods, 94% harvested resources, 81% reported receiving resources from others, and 72% of households reported sharing their harvested resources with others. Cooper Landing residents harvested an average of 92 pounds of wild foods per person and used an average of 8.3 resources per household. For context, the average number of wild resources used in other Kenai Peninsula communities ranged from eight in the North Fork Road area of Anchor Point census-designated place, to 22 in Nanwalek. Like Cooper Landing, residents of Ninilchik, Voznesenka, Hope, and Nikolaevsk harvested about nine types of resources (Fall et al. 2000).

According to the Seitz et al. 1994 study, large land mammals were the second most significant portion of harvest weight for Cooper Landing residents, after salmon, at 31.5% of the total harvest weight (28.8 pounds per person). On an individual resource level, moose contributed the second most to the total annual harvest per person at 18.7 pounds (Seitz et al. 1994: 51). During the study period, 28% of Cooper Landing households attempted to harvest moose, 10% were successful, and 43% used moose. An estimated 10 moose were harvested by the community, resulting in 19 pounds of moose meat per capita. Moose were shared with other households, where 39.3% of households received moose, and 11% of households gave it away (Seitz et al. 1994). Mapping of subsistence search and harvest locations demonstrated a moose hunting preference for areas "located along rivers, roads, and lakes of the central and northern Kenai Peninsula" (Seitz et al. 1994: 42-43). For context, 47% of Ninilchik households attempted to harvest moose, 21% were successful, 57% of households used moose, and an estimated 24 moose were harvested by the community, resulting in 48 pounds of moose meat per capita (Fall et al. 2000).

Residents of Cooper Landing can hunt moose under the State system in mainland GMU 15C with harvest tickets and drawing permits.

Impact on Subsistence Users

Recognizing the C&T use of moose for residents of Cooper Landing would expand the pool of federally qualified users (FQU) in Unit 15C and increase moose hunting opportunity for Cooper Landing residents. This could potentially limit opportunities for current FQUs by increasing competition for moose in GMU 15C. If the proposal is rejected, residents of Cooper Landing could continue to hunt moose under state regulations in 15C, and under state and federal regulations in GMUs 15A and 15B.

Impact on Other Users

If adopted, there are minimal impacts to non-federally qualified users (NFQU) unless the FSB takes further action, such as changing regulations to provide greater federal subsistence opportunities or to address conservation concerns. All residents can also participate in moose hunts under state regulations.

Opportunity Provided by State

State customary and traditional use findings: The Joint Board of Fisheries and Game has declared the majority of the Kenai Peninsula to be a nonsubsistence area (5 AAC 99.015(3)). As such, the Board of Game (BOG) cannot find C&T uses for any game animals in the area.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for C&T uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by ADF&G or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for C&T uses under normal conditions. Hunting regulations can be re-examined if harvests for C&T uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

However, because there can be no C&T finding for game in a nonsubsistence area, there can be no ANS for moose.

Enforcement Issues

There are no foreseeable enforcement issues with this proposal.

Position

ADF&G is **NEUTRAL** when it comes to the eligibility to participate in federal subsistence hunting opportunities. However, ADF&G highly encourages additional subsistence harvest and use research for Kenai Peninsula residents be conducted to provide adequate data when assessing subsistence harvest needs before any C&T use determination is made.

Wildlife Proposal WP22-25a/26a

These proposals would establish a customary and traditional (C&T) use determination for Dall sheep in Game Management Unit (GMU) 7 for residents of Cooper Landing and Moose Pass, respectively.

Background

Currently there is no federal subsistence priority for Dall sheep in GMU 7.

Both Cooper Landing and Moose Pass are located within GMU 7. GMU 7 is within the State of Alaska designated Anchorage-Matsu-Kenai Nonsubsistence Use Area (nonsubsistence area) (5AAC 99.015(3)). Therefore, no C&T use determination for Dall sheep in GMU 7 can exist under state regulation. However, subsistence hunting opportunities are available for federally qualified l users (FQU) of the Kenai Peninsula under federal regulation in the Chugach National Forest and Kenai National Wildlife Refuge. In 1992, the FSB adopted the C&T use determinations from state regulations. At the time of adoption, the Alaska Board of Game (BOG) did not recognize C&T uses of Dall sheep in GMU 7, and the FSB adopted a determination of “no Federal subsistence priority” (72 Fed. Reg. 22961; May 29, 1992).

Since 1992, three federal C&T use determinations for wildlife have been made in GMU 7 for Cooper Landing. In 2008, the FSB adopted Proposal WP08-22a recognizing C&T uses of moose by residents of Cooper Landing in GMU 7. In 2014, the FSB adopted Proposal WP14-08, recognizing the C&T uses of caribou in GMU 7 by Cooper Landing. In 2020, the FSB adopted Proposal WP20-18a, recognizing C&T uses of goats in GMU 7 by Cooper Landing (and other Kenai Peninsula communities). Regarding Moose Pass, in 2021 the FSB adopted RP19-01 which provided Moose Pass with rural status. Therefore, no previous wildlife C&T use determinations have been made for Moose Pass at this time, and Moose Pass residents have not previously been designated as federally qualified to participate in subsistence hunts where specifically designated communities have C&T use determinations. For both Moose Pass and Cooper Landing, no previous C&T use determinations for Dall sheep have been made in any unit or subunit; nor have these communities been specifically considered for such a determination prior to this proposal.

Cooper Landing: The community of Copper Landing is located at Mile 48 of the Sterling Highway on the Kenai Peninsula. In 2020, the estimated population of the Cooper Landing census-designated place was 275 (ADLWD 2021). The Subsistence Section only has one year of comprehensive subsistence harvest data for Cooper Landing, for the 12-month period of August 1, 1990-July 31, 1991. The study surveyed 61 of the 99 households in Cooper Landing to collect information about the harvest and uses of wild fish, game, and plant resources; demography; and aspects of the local cash economy such as employment and income.

Results indicate that, in 1990/1991 all (100%) of Cooper Landing households used wild foods, 94% harvested resources, 81% reported receiving resources from others, and 72% of households reported sharing their harvested resources with others. During the study period, 2% of Cooper Landing households attempted to harvest Dall sheep and were successful, and 4% of households used Dall sheep. An estimated 2 Dall sheep were harvested by the community, resulting in 0.6 pounds of Dall sheep meat per capita. Dall sheep were shared with other households, where 1% of households received Dall sheep, and 1% of households gave it away.

Seitz et al. (1994:213) reported search and harvest areas for Dall sheep and goats together. The 1990/1991 subsistence search and harvest areas for Dall sheep and goats indicate a preference for local area use, with most resources searched for and harvested in the mountains around Cooper Landing and the mountains of Turnagain Pass; the mountains east of Tustumena Lake, the head of Kachemak Bay, the southern area of the Kenai Peninsula; and in the mountains east of Resurrection Bay.

Moose Pass: The community of Moose Pass is located at Mile 29 of the Seward Highway on the Kenai Peninsula. In 2020, the estimated population of the Moose Pass census-designated place was 246 (ADLWD 2021). The Subsistence Section only has one year of comprehensive subsistence harvest data for Moose Pass, for the 12-month period of April 1, 2000-March 31, 2001. The study surveyed 99 of the 148 households in Moose Pass to collect information about the harvest and uses of wild fish, game, and plant resources; demography; and aspects of the local cash economy such as employment and income.

Results indicate that 99% of Moose Pass households used wild foods, 92% harvested resources, 87% reported receiving resources from others, and 60% of households reported sharing their harvested resources with others (Davis et al. 2003). Moose Pass residents harvested an average of 87 pounds of wild foods per person (236 pounds per household) and used an average of 8 resources per household. Large land mammals composed 28% of the total pounds of subsistence foods harvested by Moose Pass

residents. During the study period, 4% of Moose Pass households attempted to harvest Dall sheep but none were successful. However, 5% of households received and 5% used Dall sheep. Of the 5% that received Dall sheep, 2% reported giving away some Dall sheep. No map data were provided for Dall sheep search areas (Davis et al. 2003).

Impact on Subsistence Users

Recognizing the C&T use of Dall sheep for residents of Cooper Landing and Moose Pass will, combined with WP22-25b/26b, establish a federal subsistence hunt for Dall sheep in GMU 7 on top of the existing state hunt and limit the pool of FQUs in Unit GMU 7 from all FQUs statewide to only rural residents of Cooper Landing and Moose Pass.

Impact on Other Users

The impact to NFQUs will occur if the FSB takes further action, such as changing regulations to provide greater federal subsistence harvest.

Opportunity Provided by State

State customary and traditional use findings: The Joint Board of Fisheries and Game has declared the majority of the Kenai Peninsula to be a nonsubsistence area (5 AAC 99.015(3)). As such, the (BOG) cannot find C&T uses for any game animals in the area.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by Alaska Department of Fish & Game or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

However, because there can be no C&T finding for game in a nonsubsistence area, there is no ANS for Dall Sheep in GMU 7.

Enforcement Issues

There are no anticipated enforcement issues with this proposal.

Position

ADF&G is **NEUTRAL** on eligibility to participate in subsistence hunting opportunities. However, ADF&G highly encourages additional subsistence harvest and use research for Kenai Peninsula residents be conducted to provide adequate data when assessing subsistence harvest needs before any C&T use determinations are made.

CITATIONS

ADLWD. 2021. Alaska population overview, 2020 estimates. https://live.laborstats.alaska.gov/pop/index.cfm Retrieved September 24, 2021.

Davis, B., J.A. Fall, G. Jennings. 2003. Wild Resource Harvests and Uses by Residents f Seward and Moose Pass, Alaska 2000. Alaska Department of Fish and Game Division of Subsistence, Technical Paper No. 271, Anchorage.

Seitz, J., L. Tomrdle, and J. A. Fall. 1994. The Use of Fish and Wildlife in the Upper Kenai Peninsula Communities of Hope, Whittier, and Cooper Landing, 1990. Alaska Department of Fish and Game Division of Subsistence, Technical Paper No. 219, Anchorage.

Wildlife Proposal WP22-27

This proposal would make a customary and traditional (C&T) use determination for Dall sheep in Game Management Unit (GMU) 15 for residents of Cooper Landing.

Background

Currently, only residents of Ninilchik have a C&T use determination for sheep in GMU 15.

Under state regulations, most of the Kenai Peninsula (including most of GMU 15) is classified as a nonsubsistence area (5 AAC 99.015(3)) and therefore, no C&T use determinations can exist under state regulation. However, subsistence hunting opportunities are available for rural residents of the Kenai Peninsula under federal regulation in the Chugach National Forest and Kenai National Wildlife Refuge.

In 1992 when the Federal Subsistence Board (FSB) adopted the state's C&T use determinations, the state did not have a positive C&T use finding for sheep in GMU 15. Since then, there have been additional C&T determinations by the FSB in GMU 15 including the addition of goats in 2000 (WP20-23a) for Cooper Landing, Hope, Nanwalek, Ninilchik, Port Graham, and Seldovia residents; caribou (WP20-22a) in GMUs 15B and 15C by Cooper Landing, Hope, Nanwalek, Ninilchik, Port Graham, and Seldovia residents; and moose (WP08-22a) in GMUs 15A and 15B (in addition to GMU 7) for Cooper Landing residents.

The Subsistence Section only has one year of household harvest data for Dall sheep by Cooper Landing residents, dating back to study year 1990. In that year, 2.4% of residents attempted to and harvested sheep, and 3.7% of residents used sheep. The estimated harvest of 2 sheep provided 6.1% of pounds used per capita (Seitz et al. 1994). The harvest use areas identified by this study found that residents hunted sheep in mountainous terrain around Cooper Landing, Turnagain Pass, the east end of Tustumena Lake, the head of Kachemak Bay, the southern tip of the Kenai Peninsula and the east end of Resurrection Bay.

Residents of Cooper Landing hunt sheep under the State system in GMU15 under a drawing permit or harvest ticket system.

Impact on Subsistence Users

Recognizing *the* C&T use of sheep for residents of Cooper Pass would expand the pool of FQUs in GMU 15 increasing the competition and decreasing the opportunity to harvest sheep.

Impact on Other Users

If adopted, there will be impacts to non-federally qualified users (NFQU) if the FSB takes further action to provide greater federal subsistence opportunities which will diminish opportunities under state regulations.

Opportunity Provided by State

State customary and traditional use findings: The Joint Board of Fisheries and Game has declared the majority of the Kenai Peninsula to be a nonsubsistence area (5 AAC 99.015(3)). As such, the Board of Game (BOG) cannot find C&T uses for any game animals in the area.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by the Alaska Department of Fish & Game or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

However, because there can be no C&T finding for game in a nonsubsistence area, there is no ANS for sheep for GMU 15.

Enforcement Issues

There are no foreseeable enforcement issues with this proposal.

Position

ADF&G is **NEUTRAL** on eligibility to participate in subsistence hunting opportunities. However, ADF&G highly encourages additional subsistence harvest and use research for Kenai Peninsula residents be conducted to provide adequate data when assessing subsistence harvest needs before any C&T use determinations are made.

WRITTEN PUBLIC COMMENTS

Alaska Kenai Chapter Safari Club International
P.O. Box 2988
Soldotna, AK 99669
kenaisci@gmail.com

July 18, 2021

RE: Public Comments Processing, Office of Subsistence Management
(Attn: Theo Matuskowitz) subsistence@fws.gov
Oppose proposals WP22-15 through 32.

The Alaska Kenai Chapter of Safari Club International (KPSCI) is the largest conservation group on the Kenai Peninsula. Our chapter was founded in 1989 on three primary principles. Wildlife Conservation, Education and Humanitarian Services, and Advocacy for Hunting and Hunters Rights.

KPSCI represents hunters from across the Kenai Peninsula, including rural and non-rural communites. Our annual fundraiser is attended by 400-500 hunters, fisherman and wildlife conservationists who have a long history of customary and traditional use of harvesting fish and wildlife in Alaska. The KPSCI board and membership, consists of local hunters who participated from the beginning in opposition to the establishment of the Kenai Peninsula rural designations and customary and traditional use determinations. The chapter has a long history of not only opposing these erroneous determinations but engaged with our national chapter to pursue legal actions against them. The actions of the FSB has turned our community into "have and have nots" in regards to fish and wildlife harvest. Our organization does support a subsistence priority in rural parts of Alaska where congress had intended for the priority to apply, but not on the road connected Kenai where the characteristics of the communities have little to no difference.

Congress deliberately crafted ANILCA provisions to minimize impacts on public uses of public lands in conservation system units by Alaska residents for access and traditional activities necessarily related to harvests of fish and wildlife resources. Along with minimizing those impacts, Congress included numerous unique provisions in ANILCA to assure meaningful public involvement and to satisfy specific criteria as a threshold for federal decisions affecting those uses in Alaska. Furthermore, the congressional record clearly indicates that congress did not intend for the road connected Kenai Peninsula communites to be designated for a subsistence priority.

As an example, our organization finds the irony in WP22-15, diminishing trapping opportunity by the anti-hunting/trapping folks from the 'rural designated" community of Cooper Landing. Trapping is a customary and traditional use activity protected under ANILCA. These actions clearly illustrate why communites such as Cooper Landing should not have been granted a rural designation with C&T determinations as their community characteristics do not reflect or meet the criteria of Title VIII and the intent of congress.

Another example these erroneous proposals is WP22-32. The FSB ruled against a rural determination for the Russian villages in the North Fork/Homer area. An individual that received a subsistence moose permit for three years was told he lived outside the rural community of Ninilchik so his recent request was denied. This action resulted in proposal WP22-32 to expand the Ninilchik rural area to include North Fort Road. How can the FSB justify rewarding illegal behavior?

For these reasons we adamantly oppose proposals WP22-15 through 32.

WP22-15	All furbearers in Unit 7: Establish trap setbacks along trails, road, and campground. Diminishes a subsistence activity in a "rural designated" community.
WP22-16	Adopt a customary and traditional (C&T) finding for Moose Pass residents for moose.
WP22-17	Extend moose season in Unit 7 for Moose Pass residents to Aug. 10 to Sept. 20.
WP22-18	Extend hunting area for Moose Pass to include 15A and 15B. Season Aug. 10 to Sept 20 and Oct. 20 to Nov. 10. Add a registration hunt in these areas with a bag limit of one cow moose/per hunter.
WP22-19	Add 15C to the moose hunting season for Moose Pass residents, season Aug. 10 to Sept. 20. Bag limit increased to spike/FORK-50 inch or 3 brow tines on at least one side. Note: fork antlered bulls are not legal in the general non-rural season.
WP22-21	Allows Moose Pass to harvest caribou in Unit 7 under a registration permit rather than the limited entry draw, season Aug. 10 to Dec. 31. The general season is Aug. 10 to Sept. 20, in a draw hunt, for non-rural residents.
WP22	Establishes a Federal (rural resident) drawing system for Moose Pass residents in Unit 7, season Aug. 10 to Sept. 20 for caribou hunting.
WP22-23	Establishes a federal drawing system for mountain goat in Unit 7 for Moose Pass residents. Season Aug. 10 to Nov. 14. The general (non-rural) season is Aug. 10 to Oct. 15 by limited draw followed by a registration Nov. 1 to 14 in areas where the quota was not reached. The federal hunt will open all areas regardless of reaching the quota.
WP22-24	Establishes the same mountain goat special draw season in Unit 15 for Moose Pass residents.
WP22-25a/25b	Establishes a rural sheep season in Unit 7 for one sheep, no horns or gender restrictions.
WP22-26a/b	Not sure what this proposal asks for, request is to open a sheep season for Moose Pass residents. No season or bag limit shown.
WP22-28	Extends moose season in Unit 7 by five days, from Aug. 10 to Sept. 20 to Aug. 10 to Sept. 25.
WP22-29	Same as 28, extends moose season in Unit 7 to Aug. 10 to Sept. 25.
WP22-30	Extends moose season for rural residents in Unit 15 from Aug. 10 to Sept. 20 to Aug. 10 to Sept. 25.
WP22-31	Extends moose season for rural residents in Unit 15 from Aug. 10 to Sept. 20 to Aug. 10 to Sept. 25.
WP22-32	Request for a positive finding of "rural" for the "North Fork Rural Customary and Traditional Subsistence Use Community". An individual that received a subsistence moose permit for three years was told he lived outside the rural community of Ninilchik so his recent request was denied. This action resulted in proposal WP22-32 to expand the Ninilchik rural are to include North Fort Road. Nothing like rewarding illegal behavior!

The Kenai Chapter of Safari Club International opposes WP22-15 through WP22-32. We urge the FSB to vote NO on these proposals. KPSCI is the representative of the vast majority of the hunters, fisherman and wildlife conservationists residing on the Kenai Peninsula.

Sincerely,

Alaska's Kenai Chapter of Safari Club International

2021 Board of Directors
Mike Crawford
Joe Hardy
Shawn Killian
Bryan Vermette
Jesse Bjorkman
Sam Evanoff
Roy Smith
Ted Spraker
Rick Abbott

[EXTERNAL] Alaska Outdoor Council comments - 2022-2024 Wildlife Proposals

Rod Arno <rodarno@gmail.com>

Mon 7/19/2021 12:23 PM

To: AK Subsistence, FW7 <subsistence@fws.gov>
Cc: Mulligan, Benjamin J (DFG) <ben.mulligan@alaska.gov>

Alaska Outdoor Council
310 K Street, Suite 200
Anchorage, Alaska 99501
July 19, 2021

RE: Public comments for FSB 2022-2024 Wildlife Proposals

The Alaska Outdoor Council (AOC) is a Statewide coalition of individual members and clubs representing 10,000 Alaskans who hunt, trap, fish and recreate on public lands/waters in Alaska. AOC Club Representative have participated in the regulatory process of managing and allocating fish and game in Alaska since before statehood in 1959.

Numerous proposals submitted by Federal Subsistence Regional Advisory Councils, federally recognized subsistence communities, and individuals confirm the fears that many AOC Representatives had at the time of the passage of Alaska National Interest Lands Conservation Act (ANILCA) 1980. Dual management of who can harvest game depending on whether you are on state public and private lands or if you are on federal lands was not the intend of Congress when they passed ANILCA.

AOC opposes WP22-07, WP22-08, WP22-09.
Alaska Department of Fish & Game data should not invoke a complete closure to non-Federally Qualified Subsistence Users under Section 804 of ANILCA. Even the 9th Circuit Court, *Ninilchik Traditional Council v. U.S.*, 227 F.3d 1186 in 2000 understood the priority given in Title VIII of ANILCA was not absolute.

AOC opposes WP22-15.
Congress's findings and declaration in Sec. 801 of ANILCA should leave no room for regulatory action by the Federal Subsistence Board (FSB) regarding anti-trapper claims. Sec. 801(3) of ANILCA should have the FSB concentrating only on "remote federal lands", as was the intent of Congress when they passed 802(2) of ANILCA.

AOC opposes WP22-16 thru 22.
Providing a priority for some individuals or communities to harvest game on federal public lands located on the Kenai Peninsula only exacerbates the conflict between federally qualified hunters and Alaskans living in non-federally qualified areas of the state. Both groups of hunters are similarly situated.

AOC opposes WP22-32.
It would be in Alaskan's best interest if the FSB would reduce the number of Alaskans allowed a priority to harvest game on federal lands just based solely on where they live, not how.

Thanks for the opportunity to provide public comments,

Rod Arno, Public Policy Director
Alaska Outdoor Council

Sent from Rod Arno's iPad.

WP22–32 Executive Summary	
General Description	Proposal WP22-32 requests the Federal Subsistence Board to recognize customary and traditional uses by rural residents of the North Fork Road area and Nikolaevsk for black bears, brown bears, caribou, mountain goats, moose, and Dall sheep in Unit 15. *Submitted by: Cork Graham*
Proposed Regulation	See page 187
OSM Conclusion	**Support**
Southcentral Alaska Subsistence Regional Advisory Council Recommendation	**Oppose**
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	**Neutral**
Written Public Comments	**2 Oppose**

STAFF ANALYSIS
WP22-32

ISSUES

Proposal WP22-32, submitted by Cork Graham, requests the Federal Subsistence Board (Board) recognize customary and traditional uses by rural residents of the North Fork Road area and Nikolaevsk for black bears, brown bears, caribou, mountain goats, moose, and Dall sheep in Unit 15.

Discussion

Written and visual descriptions of rural residents in the proposal differ. The proponent was asked, and he clarified that he wishes to be inclusive and seeks to include rural residents of the Nikolaevsk (nick oh LIE yefsk) Census Designated Place (CDP) and rural residents of the Anchor Point CDP who reside in the Anchor Point CDP outside the Homer Nonrural Area (Graham 2021, pers. comm.; see **Figure 1**). Thus, this North Fork Road area begins where the North Fork Road intersects with Comic Circle, about two miles east of Anchor Point. To the south, this North Fork Road area begins at the Anchor River Bridge (where the North Fork Road intersects with the Anchor River). The North Fork Road intersects the Homer Nonrural Area at these two locations (see **Figure 1**).

The proponent states his intent is to afford wildlife subsistence harvest in the Kenai National Wildlife Refuge. He describes the rural lifestyle of many residents of his North Fork rural community to include traditional homesteading, off-grid living, growing food, and raising livestock. The food security of many residents relies on their capacities to hunt moose, bear, grouse, waterfowl, and other wildlife, and to fish both fresh and saltwater fishes. When hunting and fishing, residents follow Alaska Department of Fish and Game (ADF&G) regulations. He describes the importance of Federal recognition to increase harvest opportunities such as those given nearby Ninilchik, Cooper Landing, and Hope and Copper Center and Glennallen. Recognition of North Fork rural community members' customary and traditional uses of local resources will help improve food security of these rural Alaskans. Mr. Graham includes testimonials written by three other residents of this North Fork rural community describing their reliance on wild resources.

The Board has not previously recognized customary and traditional uses of wildlife by rural residents of the North Fork Road area or Nikolaevsk.

North Fork Road area and Nikolaevsk residents' customary and traditional uses of wildlife in Unit 15 are described below. The proponent is requesting to be added to the existing list of communities that already have customary and traditional use determinations in Unit 15 for black bears, brown bears, caribou, goats, moose, and sheep. Therefore, this analysis focuses on only the customary and traditional uses of the proposed areas, North Fork Road area and Nikolaevsk, for those species.

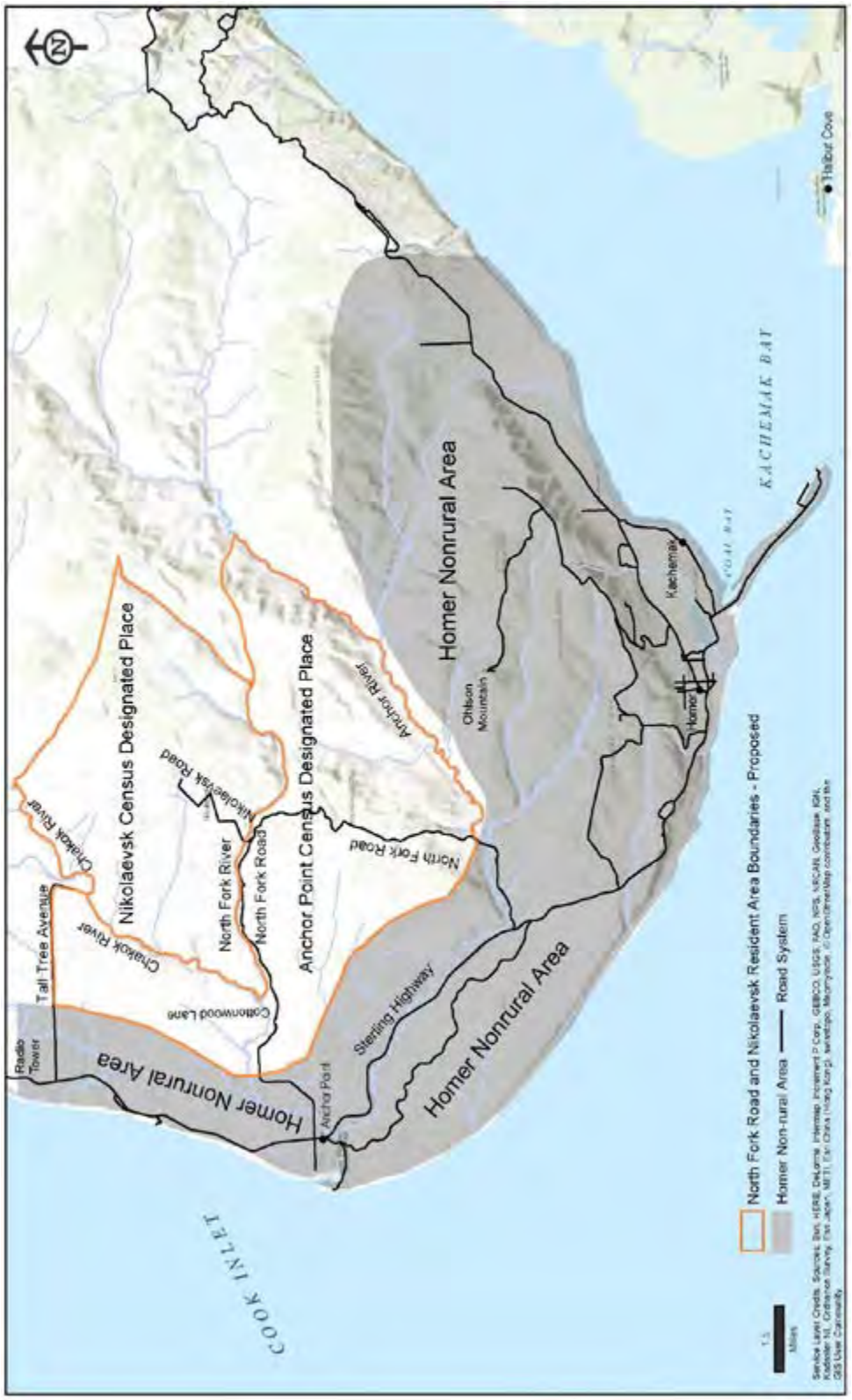

Figure 1. Map showing the North Fork Road and Nikolaevsk resident area boundaries—Proposed (Source: OSM 2021a, U.S. Census Bureau 2021).

Existing Federal Regulation

Customary and Traditional Use Determination—Black Bear

Unit 15A and 15B	*Rural residents of Ninilchik*
Unit 15C	*Rural residents of Nanwalek, Ninilchik, and Port Graham*

Customary and Traditional Use Determination—Brown Bear

Unit 15	*Rural residents of Ninilchik*

Customary and Traditional Use Determination—Caribou

Unit 15A	*All rural residents*
Unit 15B and 15C	*Rural residents of Cooper Landing, Hope, Nanwalek, Ninilchik, Port Graham, and Seldovia*

Customary and Traditional Use Determination—Goat

Unit 15	*Rural residents of Cooper Landing, Nanwalek, Ninilchik, Port Graham, and Seldovia*

Customary and Traditional Use Determination—Moose

Units 15A and 15B	*Rural residents of Cooper Landing, Nanwalek, Ninilchik, Port Graham, and Seldovia*
Unit 15C	*Rural residents of Nanwalek, Ninilchik, Port Graham, and Seldovia*

Customary and Traditional Use Determination—Sheep

Unit 15	*Residents of Ninilchik*

Proposed Federal Regulation

Customary and Traditional Use Determination—Black Bear

Unit 15A and 15B	*Rural residents of Ninilchik,* **North Fork Road, and Nikolaevsk**
Unit 15C	*Rural residents of Nanwalek, Ninilchik, Port Graham,* **North Fork Road, and Nikolaevsk**

Customary and Traditional Use Determination—Brown Bear

Unit 15	*Rural residents of Ninilchik,* **North Fork Road, and Nikolaevsk**

Customary and Traditional Use Determination—Caribou

Unit 15A	*All rural residents*
Unit 15B and 15C	*Rural residents of Cooper Landing, Hope, Nanwalek, Ninilchik, Port Graham, Seldovia,* **North Fork Road, and Nikolaevsk**

Customary and Traditional Use Determination—Goat

Unit 15	*Rural residents of Cooper Landing, Nanwalek, Ninilchik, Port Graham, Seldovia,* **North Fork Road, and Nikolaevsk**

Customary and Traditional Use Determination—Moose

Units 15A and 15B	*Rural residents of Cooper Landing, Nanwalek, Ninilchik, Port Graham, Seldovia,* **North Fork Road, and Nikolaevsk**
Unit 15C	*Rural residents of Nanwalek, Ninilchik, Port Graham, Seldovia,* **North Fork Road, and Nikolaevsk**

Customary and Traditional Use Determination—Sheep

Unit 15	*Residents of Ninilchik,* **North Fork Road, and Nikolaevsk Relevant Federal Regulation**

36 CFR _____.5 Eligibility for subsistence use.

. . .

(c) Where customary and traditional use determinations for a fish stock or wildlife population within a specific area have not yet been made by the Board (e.g., "no determination"), all Alaskans who are residents of rural areas or communities may harvest for subsistence from that stock or population under the regulations in this part.

Extent of Federal Public Lands

Unit 15A is comprised of approximately 58% Federal public lands and consists of 99% U.S. Fish and Wildlife Service managed lands and 1% U.S. Forest Service managed lands.

Unit 15B is comprised of approximately 76% Federal public lands and consists of 93% U.S. Fish and Wildlife Service managed lands, 6% Bureau of Land Management managed lands, 1% U.S. Forest Service managed lands.

Unit 15C is comprised of approximately 28% Federal public lands and consists of 99% U.S. Fish and Wildlife Service managed lands and 1% National Park Service managed lands (see **Unit 15 Map**).

Regulatory History

At the inception of the Federal Subsistence Management Program in Alaska in 1990, the majority of the Kenai Peninsula was in the Kenai Peninsula nonrural area established by the State (subsequently, the Anchorage-Matsu-Kenai Nonsubsistence Area (5AAC 99.015(3)). The exception was the southern-most portion around the communities of Port Graham, Nanwalek (English Bay), and Seldovia in Unit 15C. The State did not allow subsistence uses in nonrural areas. In 1992, at the conclusion of its rural/nonrural determination process, the Federal Subsistence Management Program deemed that large portions of the Kenai Peninsula were rural. The status of a number of Kenai Peninsula communities changed from

nonrural to rural, and these communities were eligible to fish, hunt, and trap under Federal subsistence regulations (56 Fed. Reg. 2, 238 [January 3, 1991]).

In 1992, the Board adopted customary and traditional use determinations existing in State regulations for the communities of Nanwalek, Port Graham, and Seldovia to hunt, fish, and trap in the southern portion of Unit 15C (57 Fed. Reg. 104, 22959 [May 29, 1992]). In the remainder of Unit 15, for some species the Board adopted a "No Federal subsistence priority." The Board intended to minimize disruption to Alaska's and the State's continuing fish and game management in view of the uncertainty over the resumption of State management of subsistence (55 Fed. Reg. 126; 27115, 27118 [June 29, 1990]). In contrast, for all other species the Board did not adopt customary and traditional use determinations. The absence of a determination was not a "negative" determination but instead allowed all rural residents of Alaska to harvest during Federal seasons (see 36 CFR _____.5 *Eligibility for subsistence use* at Relevant Federal Regulations, above) (57 Fed. Reg. 104, 22953 [May 29, 1992]).

In 1992, comprehensive assessments of customary and traditional uses of all species were begun in regard to the Kenai Peninsula and Upper Tanana areas (57 Fed. Reg. 104, 22947–22948 [May 29, 1992]). In 1995, the Board then revised its process for making customary and traditional use determinations, following recommendations of Regional Advisory Council chairs. The Board would "entertain proposals to revise the customary and traditional use determinations at the same time as it accepts proposals for changes to the seasons and harvest limits" (60 Fed. Reg. 153, 40460 [August 9, 1995]).

After an extensive Federal process involving data gathering, public hearings, and court decisions, on May 3, 1996, the Board made customary and traditional use determinations for moose in all or portions of Unit 15 for rural residents of Nanwalek, Ninilchik, Port Graham, and Seldovia. Decisions on remaining species and communities were deferred in 2001 until rural determinations on the Kenai Peninsula could be reviewed (67 Fed. Reg. 88, 30561 [May 7, 2002]).

See regulatory history of customary and traditional use determinations for black bears, brown bears, caribou, mountain goats, moose, and Dall sheep in **Appendix 1**.

Background

Customary and traditional patterns of uses of wildlife by residents of the North Fork Road area and Nikolaevsk have been affected by local regulations. In 1978, the State recognized most of Unit 15 as a nonrural area in which subsistence regulations could not be promulgated. Wildlife has been managed primarily for sport hunts through drawings, quotas, and limited permits. Each of these systems reduces the number of hunters who are able to harvest, and applications for draw permits have high participation rates making one difficult to obtain.

Community Characteristics

Although some mining and homesteading took place on the Kenai Peninsula, growth and change remained slow until after the State completed the Sterling Highway in 1951. The highway directly linked the major communities of the Peninsula to Anchorage and the rest of the state's road system. This made it easier for people to settle in the Peninsula, and it facilitated economic development, particularly through the increase of tourism. Discovery of oil and gas in Cook Inlet in 1957 resulted in rapid population growth, diversification, and expansion of the local economy (Fall et al. 2000).

North Fork Road Area

In 1998, ADF&G Division of Subsistence identified 166 households with an estimated population of 467 people in the North Fork Road rural area (Fall et al. 2000, see **Figure 1**). Later population estimates combine the North Fork rural area with the Homer Nonrural Area, and therefore later accurate population estimates of the North Fork Road rural area are not available.

The North Fork Road traverses the North Fork Anchor River. There are no commercial services in the North Fork Road area. Area residents use services such as stores, schools, and postal facilities in Anchor Point, Nikolaevsk, or Homer (ADCCED 2021 and Fall et al. 2000). The proponent described people living along Cottonwood Lane and the upper reaches of the Chakok River north of Cottonwood Lane, and people living in the Epperson's Knob and Hidden Hills areas, some living on homesteads not road connected. He explained that it is common for people in this area to live off-the-grid, grow their own produce, raise livestock, and harvest moose, bear, grouse, waterfowl, and fresh and saltwater fishes.

Nikolaevsk

In 1998, ADF&G Division of Subsistence identified 50 households and an estimated population of 235 people at Nikolaevsk (see **Figure 1**). In 2000, the population of Nikolaevsk was estimated at 294 people, 318 in 2010, and 294 in 2020, according to the U.S. Census. Notably, mean household size was 4.7 people in 1998 (ADOL 2021 and Fall et al. 2000).

The first Old Believer community in Alaska was founded at Nikolaevsk in 1968 (Moore 1983:120 and Basargin 1984 *in* Fall et al. 2000). Old Believers are members of Russian Orthodoxy who immigrated from Russian and strive to be as self-sufficient as possible (Dolitsky and Kuz'mina 1986:227 *in* Fall et al. 2000). Old Believers later founded communities of Nahdka and Kluchevaya, located approximately a mile up the road from Nikolaevsk and also situated in the Nikolaevsk CDP. They have their own small church building and maintain separate community governing bodies.

Most people in Nikolaevsk live on the Nikolaevsk Road, which splits-off from the North Fork Road approximately nine miles east of Anchor Point. There is a school at Nikolaevsk that services the three Old Believer communities and others in the North Fork Road area. School covers K-12. There are 12 licensed businesses including a fabric shop, veterinary services, and general store (ADCCED 2021).

Nikolaevsk residents produce and harvest much of their own food. Household members garden, fish, raise cattle, and hunt. It is common for households to also specialize in traditional skills such as boat building and garment making. Families often sell and trade their goods with others in the community. Many participate in commercial fisheries (ADCCED 2021; Dolitsky and Kuz'mina 1986:227 *in* Fall et al. 2000).

Eight Factors for Determining Customary and Traditional Use

Customary and traditional uses in a community or area is generally exemplified through the eight factors: (1) a long-term, consistent pattern of use, excluding interruptions beyond the control of the community or area; (2) a pattern of use recurring in specific seasons for many years; (3) a pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics; (4) the consistent harvest and use of fish or wildlife as related to past methods and means of taking: near, or reasonably accessible from the community or area; (5) a means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate; (6) a pattern of use which includes the handing down of knowledge of fishing and

hunting skills, values, and lore from generation to generation; (7) a pattern of use in which the harvest is shared or distributed within a definable community of persons; and (8) a pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area.

The Board makes customary and traditional use determinations based on a holistic application of these eight factors (50 CFR 100.16(b) and 36 CFR 242.16(b)). In addition, the Board takes into consideration the reports and recommendations of any appropriate Regional Advisory Council regarding customary and traditional use of subsistence resources (50 CFR 100.16(b) and 36 CFR 242.16(b)). The Board makes customary and traditional use determinations for the sole purpose of recognizing the pool of users who generally exhibit the eight factors. The Board does not use such determinations for resource management or restricting harvest. If a conservation concern exists for a particular population, the Board addresses that concern through the imposition of harvest limits or season restrictions rather than by limiting the customary and traditional use finding.

Harvest and Use of Black Bear, Brown Bear, Caribou, Goat, Moose, and Sheep

North Fork Road Area

In a single year of harvest information, 1998, North Fork Road area households harvested an estimated 3 black bears, 29 caribou, and 14 moose, which accounted for 26 pounds per person (**Table 1**). These resources made up 26% of the total subsistence harvest (ADF&G 2021a and Fall et al. 2000). In the 1998 study, North Fork Road area households reported harvesting black bears in Unit 15B, caribou in Unit 15B and areas outside the Kenai Peninsula area, and moose in areas outside the Kenai Peninsula area.

Table 1. North Fork Road Area in 1998: The estimated harvest, in numbers of animals, of black bear, brown bear, caribou, goat, moose, and sheep, based on household harvest surveys (CI 95%, lower harvest estimate is the lower bound of the estimate or the reported harvest, whichever is larger) (blank cell=0, ADF&G 2021a).

Resource	Estimated harvest	Lower estimate	Higher estimated	Pounds per person
Black Bear	3	1	7	0.4
Brown Bear				
Caribou	29	10	53	9.2
Goat				
Moose	14	5	24	16.6
Sheep				

In 1998, North Fork area households (58 of 166 households were interviewed, 35%) reported if they used, attempted to harvest, or harvested black bears, brown bears, caribou, goats, moose, or sheep (**Table 2**). They also reported sharing these resources.

Table 2. North Fork Road area 1998: The percentage of interviewed households that reported using, attempting to harvest, harvesting, receiving, or giving black bears, brown bears, caribou, goats, moose, or sheep, based on household harvest surveys (blank cell=0, ADF&G 2021a).

Resource	Percentage of households using	Percentage of households attempting to harvest	Percentage of householdshar-vesting	Percentage of households receiving	Percentage of households giving
Black bear	5%	3%	2%	3%	2%
Brown bear					
Caribou	19%	9%	7%	12%	7%
Goat					
Moose	50%	38%	9%	43%	9%
Sheep					

A search of the ADF&G harvest reporting database does not reveal harvests by this area because the area does not have a post office and reports are combined with nearby communities. Thus, information is not readily available that would reveal if harvests have occurred, how many resources have been harvested, and where harvests may have occurred.

Nikolaevsk

In a single year of harvest information, 1998, Nikolaevsk households harvested an estimated 14 caribou and 4 moose, which accounted for 18 pounds per person (**Table 3**). These resources made up 13% of the total subsistence harvest (ADF&G 2021a, Fall et al. 2000). In the 1998 study, Nikolaevsk households reported harvesting caribou in Unit 7 and outside the Kenai Peninsula area and reported harvesting moose in Units 15A, 15B, and 15C.

Table 3. Nikolaevsk in 1998: The estimated harvest, in numbers of animals, of black bears, brown bears, caribou, goats, moose, and sheep, based on household harvest surveys (CI 95%, lower harvest estimate is the lower bound of the estimate or the reported harvest, whichever is larger) (blank cell=0, ADF&G 2021a).

Resource	Estimated harvest	Lower estimate	Higher estimated	Pounds per person
Black Bear				
Brown Bear				
Caribou	14	5	22	8.6
Goat				
Moose	4	1	7	9.3
Sheep				

In 1998, Nikolaevsk households (37 of 50 households were interviewed, 74%) reported if they used, attempted to harvest, or harvested black bears, brown bears, caribou, goats, moose, or sheep (Table 4). They also reported if they shared these resources.

Table 4. Nikolaevsk in 1998: The percentage of interviewed households that reported using, attempting to harvest, harvesting, receiving, or giving black bears, brown bears, caribou, goats, moose, or sheep, based on household harvest surveys (blank cell=0, ADF&G 2021a).

Resource	Percentage of householdsusing	Percentage of households attempting to harvest	Percentage of households harvesting	Percentage of households receiving	Percentage of households giving
Black bear	3%			3%	
Brown bear					
Caribou	24%	11%	8%	16%	11%
Goat					
Moose	35%	35%	5%	30%	3%
Sheep					

A search of the ADF&G fur sealing database reveals that between 1993 and 2010, Nikolaevsk reported harvesting 6 black bears in Unit 15C, one black bear outside the Kenai Peninsula area, and one brown bear outside the Kenai Peninsula area. Fur sealing records after 2010 are not readily available (OSM 2021b).

A search of the ADF&G harvest report database reveals from 1986 to 2019, cumulative, Nikolaevsk residents reported harvesting 3 goats and 45 moose, all from Unit 5C. Moose hunting occurred in Units 15A, 15B, 15C (**Table 5**).

Table 5. Nikolaevsk 1986 through 2019 cumulative: the number of hunters and the reported harvest of goats, moose, and sheep in Units 15A, 15B, or 15C, based on ADF&G harvest reporting database (blank cell=0, ADF&G 2021b and OSM 2021b).

Resource	Unit 15A hunters	Unit 15A harvest	Unit 15B hunters	Unit 15B harvest	Unit 15C hunters	Unit 15C harvest
Goat					5	3
Moose	4		2		256	45
Sheep					1	

Sharing of Wild Resources

Wild resources harvested for subsistence were widely shared in the North Fork Road area and Nikolaevsk in 1998 with 62% and 73% of interviewed households, respectively, reporting sharing their harvests of wild resources with other households (**Table 6**).The percentage of interviewed households that reported using, attempting to harvest, harvesting, receiving, or giving at North Fork Road area and Nikolaevsk in 1998, based on household surveys (ADF&G 2021a).

Community	Study year	Percentage of households using	Percentage of households attempting to harvest	Percentage of households harvesting	Percentage of households receiving	Percentage of households giving
North Fork Rd	1998	98%	86%	86%	62%	93%
Nikolaevsk	1998	100%	89%	89%	73%	78%

Diversity of Wild Resource Harvests

North Fork Road area and Nikolaevsk residents depend on a diversity of resources, harvesting an average of 8 and 9 different kinds of resources, respectively, in 1998, similar to other road-connected communities on the Kenai Peninsula (9 different kinds in Fritz Creek and 8.5 in Ninilchik) (**Table 7**).

Table 6. The estimated harvest of wild resources for subsistence, in pounds edible weight per person, by rural residents of the North Fork Road area and Nikolaevsk in 1998, based on household surveys (ADF&G 2021a).

Community	Study year	Salmon	Non-salmon fishes	Land mammals	Marine mammals	Birds and eggs	Marine invertebrates	Plants and berries	Total pounds per person
North Fork Road Area	1998	30	27	31	0	1	5	3	98
Nikolaevsk	1998	67	33	22	0	0	4	7	133

Effects of Proposal

If the Board adopts this proposal, rural residents of the North Fork Road area and Nikolaevsk will be eligible to harvest black bears, brown bears, caribou, goats, moose, and sheep during Federal seasons in Unit 15. These wildlife resources and nonsubsistence uses will not be affected.

If the Board does not adopt this proposal, rural residents of the North Fork Road area and Nikolaevsk will continue to be eligible during State seasons only to harvest black bears, brown bears, caribou, goats, moose, and sheep in Unit 15. These wildlife resources and nonsubsistence uses will not be affected.

OSM CONCLUSION

Support Proposal WP22-32

Justification

Customary and traditional patterns of use of wildlife by residents of the North Fork Road area and Nikolaevsk have been affected by local regulations. In 1978, the State recognized most of Unit 15 as a nonrural area in which subsistence regulations could not be promulgated. Wildlife has been managed primarily for sport hunting through drawings, quotas, and limited permits. Each of these systems, particularly draw permits, reduces the number of hunters.

Limited information exists describing subsistence uses by rural residents of the North Fork Road area. Both communities have demonstrated subsistence uses of wildlife in Unit 15. These uses have been primarily in Unit 15C where both communities and most resources are situated. Customary and traditional use determinations are broad and inclusive and for the reasons stated above, the Board should recognize customary and traditional uses of rural residents of the North Fork Road area and Nikolaevsk in Units 15A, 15B, and 15C, as requested.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATION

Southcentral Alaska Subsistence Regional Advisory Council

Oppose WP22-32. The Council did not want to expand access to subsistence resources through a customary and traditional use determination to a whole community until more data on household use, a map with more detailed geographic boundary lines for the area, and a possible ANILCA Section 804 analysis are presented for its consideration (WP22-32a/b/c/d/e/f were deliberated together).

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposal WP22-32

This proposal requests a customary and traditional (C&T) use determination for black bears, brown bears, caribou, mountain goats, moose, and Dall sheep in Game Management Unit (GMU) 15 for residents of the North Fork Road area and Nikolaevsk.

Background

The proposal proponent states the intent of the proposal is to provide wildlife subsistence harvest opportunity for residents residing in rural areas of the Kenai Peninsula. The North Fork Road area and Nikolaevsk are located GMU 15. GMU 15 consists of that portion of the Kenai Peninsula and adjacent islands draining into the Gulf of Alaska, Cook Inlet, and Turnagain Arm from Gore Point to the point where longitude line 150° 00' W. crosses the coastline of Chickaloon Bay in Turnagain Arm, including Kalgin Island, and including that area lying west of longitude line 150° 00' W. to the mouth of the Russian River, thence southerly along the Chugach National Forest boundary to the upper end of Upper Russian Lake; and including the drainages into Upper Russian Lake west of the Chugach National Forest boundary, and all seaward waters and lands within three miles of these coastlines. Three subunits exist in GMU 15; GMU 15A, GMU 15B, and GMU 15C. GMU 15A consists of that portion of GMU 15 north of the north bank of the Kenai River and the north shore of Skilak Lake. GMU 15B consists of that portion of GMU 15 south of the north bank of the Kenai River and the north shore of Skilak Lake, and north of the north bank of the Kasilof River, the north shore of Tustumena Lake, Glacier Creek, and Tustumena Glacier, and Kalgin Island. GMU 15 C consists of the remainder of GMU 15.

While the state and federal boards have different processes for determining eligibility for subsistence priority, an overview of the Alaska Board of Game (BOG) regulatory actions and the Alaska Department of Fish & Game (ADF&G) wildlife regulations may be informative for the Federal Subsistence Board (FSB) in considering this proposal. The majority of GMU 15 is classified as the Anchorage-Matsu-Kenai Nonsubsistence Use Area (nonsubsistence area) under state regulations (5AAC 99.015(a)(3) (Figure 1). Therefore, ADF&G subsistence wildlife hunting opportunities are only available to areas outside of the nonsubsistence area (see Table 3). The majority of GMU 15 is classified as a nonsubsistence area.

Wildlife hunting opportunities managed by ADF&G are provided through harvest ticket, registration, and draw hunts.

Figure 1. GMUs and Anchorage-Matsu-Kenai Nonsubsistence Use Area

Under federal regulations, FQUs have subsistence hunting opportunities on Chugach National Forest and Kenai National Wildlife Refuge lands as well as on state public lands. The FSB has not previously recognized C&T uses of wildlife by rural residents of the North Fork Road area and Nikolaevsk. Additionally, the FSB has not previously adopted a C&T use determination for caribou in GMU 15A. According to the Code of Federal Regulations (CFR), the Homer nonrural area includes the Anchor Point census-designated place, a portion of which includes the North Fork Road area. Therefore, for the purpose of this proposal, the Office of Subsistence Management (OSM) defined "residents of the North Fork Road Area" as residents of the Nikolaevsk census-designated place, minus residents of the Homer Nonrural Area.

Addressing this proposal requires a review of C&T uses of wild resources by residents in GMU 15. Below, Table 1 provides the current federal C&T use determinations, and Table 2 presents the federal C&T use determinations if WP22-32 were to be adopted.

Table 1. Existing Federal Regulations

Resource	Area	Federal C&T determination
Black bear	Unit 15A and 15B	Rural residents of Ninilchik

Resource	Area	Federal C&T determination
Black bear	Unit 15C	Rural residents of Nanwalek, Ninilchik, and Port Graham
Brown bear	Unit 15	Rural residents of Ninilchik
Caribou	Unit 15A	All rural residents
Caribou	Unit 15B and 15C	Rural residents of Cooper Landing, Hope, Nanwalek, Ninilchik, Port Graham, and Seldovia
Mountain goat	Unit 15	Rural residents of Cooper Landing, Nanwalek, Ninilchik, Port Graham, and Seldovia
Moose	Unit 15A and 15B	Rural residents of Cooper Landing, Nanwalek, Ninilchik, Port Graham, and Seldovia
Moose	Unit 15C	Rural residents of Nanwalek, Ninilchik, Port Graham, and Seldovia
Dall sheep	Unit 15	Rural residents of Ninilchik

Table 2. WP 22-32 Proposed Federal Regulations

Resource	Area	Federal C&T determination
Black bear	Unit 15A and 15B	Rural residents of Ninilchik, North Fork Road, and Nikolaevsk
Black bear	Unit 15C	Rural residents of Nanwalek, Ninilchik, and Port Graham, North Fork Road, and Nikolaevsk
Brown bear	Unit 15	Rural residents of Ninilchik, North Fork Road, and Nikolaevsk
Caribou	Unit 15A	All rural residents North Fork Road, and Nikolaevsk
Caribou	Unit 15B and 15C	Rural residents of Cooper Landing, Hope, Nanwalek, Ninilchik, Port Graham, Seldovia, North Fork Road, and Nikolaevsk
Mountain goat	Unit 15	Rural residents of Cooper Landing, Nanwalek, Ninilchik, Port Graham, Seldovia, North Fork Road, and Nikolaevsk
Moose	Unit 15A and 15B	Rural residents of Cooper Landing, Nanwalek, Ninilchik, Port Graham, Seldovia, North Fork Road, and Nikolaevsk
Moose	Unit 15C	Rural residents of Nanwalek, Ninilchik, Port Graham, Seldovia, North Fork Road, and Nikolaevsk
Dall sheep	Unit 15	Rural residents of Ninilchik, North Fork Road, and Nikolaevsk

Impact on Subsistence Users

Recognizing the C&T use of black bears, brown bears, mountain goats, moose, and Dall sheep in GMU 15 for rural residents of the North Fork Road area and Nikolaevsk would expand the pool of FQUs in GMU 15. This will decrease opportunities under federal regulations for current FQUs. In addition, if adopted, determining a positive C&T for caribou in GMU 15A for rural residents of the North Fork Road area and Nikolaevsk would limit federal hunting opportunities for all rural residents to only rural residents of North Fork Road area and Nikolaevsk.

Impact on Other Users

The potential impact to NFQUs will occur if the FSB takes further action, such as changing federal regulations to provide greater federal subsistence harvest.

Opportunity Provided by State

State customary and traditional use findings: The Joint Board of Fisheries and Game has declared the majority of the Kenai Peninsula, including the North Fork Road and Nikolaevsk, to be a nonsubsistence area (5 AAC 99.015(3)). As such, the BOG cannot find C&T uses for any game animals in the area.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by ADF&G or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

The North Fork Area and Nikolaevsk are both in the state nonsubsistence area, so no ANS can be established.

Enforcement Issues

There are no foreseeable enforcement issues with this proposal.

Position

ADF&G is **NEUTRAL** on eligibility to participate in subsistence hunting opportunities. However, ADF&G highly encourages additional subsistence harvest and use research be conducted to provide adequate data when assessing subsistence harvest needs before making any C&T use determinations.

WRITTEN PUBLIC COMMENTS

Alaska Kenai Chapter Safari Club International
P.O. Box 2988
Soldotna, AK 99669
kenaisci@gmail.com

RECEIVED
JUL 19 2021
BY: CA

July 18, 2021

RE: Public Comments Processing, Office of Subsistence Management
(Attn: Theo Matuskowitz) subsistence@fws.gov
Oppose proposals WP22-15 through 32.

The Alaska Kenai Chapter of Safari Club International (KPSCI) is the largest conservation group on the Kenai Peninsula. Our chapter was founded in 1989 on three primary principles: Wildlife Conservation, Education and Humanitarian Services, and Advocacy for Hunting and Hunters Rights.

KPSCI represents hunters from across the Kenai Peninsula, including rural and non-rural communites. Our annual fundraiser is attended by 400-500 hunters, fisherman and wildlife conservationists who have a long history of customary and traditional use of harvesting fish and wildlife in Alaska. The KPSCI board and membership, consists of local hunters who participated from the beginning in opposition to the establishment of the Kenai Peninsula rural designations and customary and traditional use determinations. The chapter has a long history of not only opposing these erroneous determinations but engaged with our national chapter to pursue legal actions against them. The actions of the FSB has turned our community into "have and have nots" in regards to fish and wildlife harvest. Our organization does support a subsistence priority in rural parts of Alaska where congress had intended for the priority to apply, but not on the road connected Kenai where the characteristics of the communities have little to no difference.

Congress deliberately crafted ANILCA provisions to minimize impacts on public uses of public lands in conservation system units by Alaska residents for access and traditional activities necessarily related to harvests of fish and wildlife resources. Along with minimizing those impacts, Congress included numerous unique provisions in ANILCA to assure meaningful public involvement and to satisfy specific criteria as a threshold for federal decisions affecting those uses in Alaska. Furthermore, the congressional record clearly indicates that congress did not intend for the road connected Kenai Peninsula communites to be designated for a subsistence priority.

As an example, our organization finds the irony in WP22-15, diminishing trapping opportunity by the anti-hunting/trapping folks from the 'rural designated" community of Cooper Landing. Trapping is a customary and traditional use activity protected under ANILCA. These actions clearly illustrate why communites such as Cooper Landing should not have been granted a rural designation with C&T determinations as their community characteristics do not reflect or meet the criteria of Title VIII and the intent of congress.

Another example these erroneous proposals is WP22-32. The FSB ruled against a rural determination for the Russian villages in the North Fork/Homer area. An individual that received a subsistence moose permit for three years was told he lived outside the rural community of Ninilchik so his recent request was denied. This action resulted in proposal WP22-32 to expand the Ninilchik rural area to include North Fort Road. How can the FSB justify rewarding illegal behavior?

For these reasons we adamantly oppose proposals WP22-15 through 32.

WP22-15	All furbearers in Unit 7: Establish trap setbacks along trails, road, and campground. Diminishes a subsistence activity in a "rural designated" community.
WP22-16	Adopt a customary and traditional (C&T) finding for Moose Pass residents for moose.
WP22-17	Extend moose season in Unit 7 for Moose Pass residents to Aug. 10 to Sept. 20.
WP22-18	Extend hunting area for Moose Pass to include 15A and 15B. Season Aug. 10 to Sept 20 and Oct. 20 to Nov. 10. Add a registration hunt in these areas with a bag limit of one cow moose/per hunter.
WP22-19	Add 15C to the moose hunting season for Moose Pass residents, season Aug. 10 to Sept. 20. Bag limit increased to spike/FORK-50 inch or 3 brow tines on at least one side. Note: fork antlered bulls are not legal in the general non-rural season.
WP22-21	Allows Moose Pass to harvest caribou in Unit 7 under a registration permit rather than the limited entry draw, season Aug. 10 to Dec. 31. The general season is Aug. 10 to Sept. 20, in a draw hunt, for non-rural residents.
WP22	Establishes a Federal (rural resident) drawing system for Moose Pass residents in Unit 7, season Aug. 10 to Sept. 20 for caribou hunting.
WP22-23	Establishes a federal drawing system for mountain goat in Unit 7 for Moose Pass residents. Season Aug. 10 to Nov. 14. The general (non-rural) season is Aug. 10 to Oct. 15 by limited draw followed by a registration Nov. 1 to 14 in areas where the quota was not reached. The federal hunt will open all areas regardless of reaching the quota.
WP22-24	Establishes the same mountain goat special draw season in Unit 15 for Moose Pass residents.
WP22-25a/25b	Establishes a rural sheep season in Unit 7 for one sheep, no horns or gender restrictions.
WP22-26a/b	Not sure what this proposal asks for, request is to open a sheep season for Moose Pass residents. No season or bag limit shown.
WP22-28	Extends moose season in Unit 7 by five days, from Aug. 10 to Sept. 20 to Aug. 10 to Sept. 25.
WP22-29	Same as 28, extends moose season in Unit 7 to Aug. 10 to Sept. 25.
WP22-30	Extends moose season for rural residents in Unit 15 from Aug. 10 to Sept. 20 to Aug. 10 to Sept. 25.
WP22-31	Extends moose season for rural residents in Unit 15 from Aug. 10 to Sept. 20 to Aug. 10 to Sept. 25.
WP22-32	Request for a positive finding of "rural" for the "North Fork Rural Customary and Traditional Subsistence Use Community". An individual that received a subsistence moose permit for three years was told he lived outside the rural community of Ninilchik so his recent request was denied. This action resulted in proposal WP22-32 to expand the Ninilchik rural are to include North Fort Road. Nothing like rewarding illegal behavior!

The Kenai Chapter of Safari Club International opposes WP22-15 through WP22-32. We urge the FSB to vote NO on these proposals. KPSCI is the representative of the vast majority of the hunters, fisherman and wildlife conservationists residing on the Kenai Peninsula.

Sincerely,

Alaska's Kenai Chapter of Safari Club International

2021 Board of Directors
Mike Crawford
Joe Hardy
Shawn Killian
Bryan Vermette
Jesse Bjorkman
Sam Evanoff
Roy Smith
Ted Spraker
Rick Abbott

[EXTERNAL] Alaska Outdoor Council comments - 2022-2024 Wildlife Proposals

Rod Arno <rodarno@gmail.com>

Mon 7/19/2021 12:23 PM

To: AK Subsistence, FW7 <subsistence@fws.gov>
Cc: Mulligan, Benjamin J (DFG) <ben.mulligan@alaska.gov>

Alaska Outdoor Council
310 K Street, Suite 200
Anchorage, Alaska 99501
July 19, 2021

RE: Public comments for FSB 2022-2024 Wildlife Proposals

The Alaska Outdoor Council (AOC) is a Statewide coalition of individual members and clubs representing 10,000 Alaskans who hunt, trap, fish and recreate on public lands/waters in Alaska. AOC Club Representative have participated in the regulatory process of managing and allocating fish and game in Alaska since before statehood in 1959.

Numerous proposals submitted by Federal Subsistence Regional Advisory Councils, federally recognized subsistence communities, and individuals confirm the fears that many AOC Representatives had at the time of the passage of Alaska National Interest Lands Conservation Act (ANILCA) 1980. Dual management of who can harvest game depending on whether you are on state public and private lands or if you are on federal lands was not the intend of Congress when they passed ANILCA.

AOC opposes WP22-07, WP22-08, WP22-09.
Alaska Department of Fish & Game data should not invoke a complete closure to non-Federally Qualified Subsistence Users under Section 804 of ANILCA. Even the 9th Circuit Court, *Ninilchik Traditional Council* v. *U.S.*, 227 F.3d 1186 in 2000 understood the priority given in Title VIII of ANILCA was not absolute.

AOC opposes WP22-15.
Congress's findings and declaration in Sec. 801 of ANILCA should leave no room for regulatory action by the Federal Subsistence Board (FSB) regarding anti-trapper claims. Sec. 801(3) of ANILCA should have the FSB concentrating only on "remote federal lands", as was the intent of Congress when they passed 802(2) of ANILCA.

AOC opposes WP22-16 thru 22.
Providing a priority for some individuals or communities to harvest game on federal public lands located on the Kenai Peninsula only exacerbates the conflict between federally qualified hunters and Alaskans living in non-federally qualified areas of the state. Both groups of hunters are similarly situated.

AOC opposes WP22-32.
It would be in Alaskan's best interest if the FSB would reduce the number of Alaskans allowed a priority to harvest game on federal lands just based solely on where they live, not how.

Thanks for the oppoctunity to provide public comments,

Rod Arno, Public Policy Director
Alaska Outdoor Council

Sent from Rod Arno's iPad.

APPENDIX 1

REGULATORY HISTORY

Black Bears

In 1992, all rural residents became eligible to hunt black bears during Federal seasons in Unit 15 (57 Fed. Reg. 104, 22959 [May 29, 1992]).

In 1996, the Board adopted the Southcentral Alaska Subsistence Regional Advisory Council's (the Southcentral Council's) recommendation to support Proposal WP96-22 regarding black bears. The Board recognized customary and traditional uses of black bears by Nanwalek and Port Graham in Unit 15C and "No Federal subsistence priority" for black bears in Units 15A and 15B (61 Fed. Reg. 147, 39704 [July 30, 1996]).

In 2007, the Board adopted the Southcentral Council's recommendation to support Proposal WP07-16a and established a customary and traditional use determination for rural residents of Ninilchik for Units 15A and 15B black bears and added rural residents of Ninilchik to the customary and traditional use determination for Unit 15C black bears (82 Fed. Reg. 122. 35734 [June 24, 2008]).

In 2007, the Board rejected Request for Reconsideration RFR07-02, submitted by the State, requesting the Board to reconsider its action on Proposal WP07-16a (72 Fed. Reg. 247 [December 27, 2007]).

Brown Bears

In 1992, the Board adopted "No Federal subsistence priority" for Unit 15 brown bears (57 Fed. Reg. 104, 22959 [May 29, 1992]).

In 2007, the Board adopted Proposal WP07-17a with modification and established a customary and traditional use determination for rural residents of Ninilchik for Unit 15C brown bears. The Southcentral Council recommended the Board support the proposal as written and include Units 15A and 15B[1] brown bears in the determination, also (73 Fed. Reg. 122. 35734 [June 24, 2008]).

In 2007, the Board rejected Request for Reconsideration RFR07-03, submitted by the State, requesting the Board to reconsider its action on Proposal WP07-17a, specifically, to rescind its recognition of subsistence uses of Unit 15C brown bears by rural residents of Ninilchik (73 Fed. Reg. 122, 35734 [June 24, 2008]).

In 2012, the Board adopted the Southcentral Council's recommendation to support Proposal WP12-22a, and established a customary and traditional use determination for rural residents of Ninilchik for Units 15A and 15B brown bears (77 Fed. Reg. 114, 35490 [June 13, 2012]).

1 The Federal Subsistence Board book indicates that the Council recommended the Board recognize customary and traditional uses of brown bear in Unit 15A only and is in error (OSM 2007). The Council adopted a motion supporting "17A" referring to the proposal WP07-17a. This was erroneously interpreted as Unit 15A in the Council recommendation (SCRAC 2007:547).

Caribou

In 1992, all rural residents became eligible to hunt caribou during Federal seasons in Unit 15 (57 Fed. Reg. 104, 22959 [May 29, 1992]).

In 2020, the Board adopted the Southcentral Council's recommendation to support Proposal WP20-22a with modification and established a customary and traditional use determination for rural residents of Cooper Landing, Hope, Nanwalek, Ninilchik, Port Graham, and Seldovia for caribou in Units 15B and 15C. In Unit 15A, all rural residents of Alaska remained eligible to hunt caribou during a Federal season (85 Fed. Reg. 226, 74803 [November 23, 2020]).

Goats

In 1992, the State recognized customary and traditional uses of goats by rural residents Port Graham and English Bay in Unit 15C the Port Dick and English Bay hunt areas and for Seldovia in Unit 15C Seldovia hunt area. All rural residents became eligible to hunt goats during Federal seasons in Units 15A and 15B (57 Fed. Reg. 104, 22959 [May 29, 1992]).

In 1996, the Board rejected the part of Proposal WP96-22, submitted by the Kenai Peninsula Outdoor Coalition, requesting the Board adopt "No Federal subsistence priority" for mountain goats in the Unit 15C Seldovia hunt area (61 Fed. Reg. 147, 39704 [July 30, 1996]).

In 2020, the Board adopted the Southcentral Council's recommendation to support Proposal WP20-23a with modification and established a customary and traditional use determination for rural residents of Cooper Landing, Hope, Nanwalek, Ninilchik, Port Graham, and Seldovia for Unit 15 goats (85 Fed. Reg. 226, 74803 [November 23, 2020])

Moose

In 1992, the Board adopted "No Federal subsistence priority" for Unit 15A and 15B moose. For Unit 15C, the Board adopted the existing State customary and traditional use determination for English Bay and Port Graham in Unit 15C however "No Federal subsistence priority" in Port Dick and English Bay hunt areas (57 Fed. Reg. 104, 22959 [May 29, 1992]).

In 1995, the Southcentral Council, after public meetings held from February 28 to March 2, reviewed and submitted to the Board recommendations for customary and traditional use determinations for Units 7 and 15. The Board adopted and issued a proposed rule announcing its action. After a public comment period, the Council held a public meeting on July 12, 1995, where it reevaluated and revised its recommendations to the Board. The Council recommended the Board adopt customary and traditional use determinations for rural residents of Ninilchik, Seldovia, Nanwalek, and Port Graham for Unit 15 moose. At its July 14, 1995, public meeting, the Board adopted the Council's recommendation regarding Units 15B and 15C. It deferred on Unit 15A "because use of the subunit by them is extremely low" (60 Fed. Reg. 153, 40461–2 [August 9, 1995])

In 1996, the Board did not follow the Southcentral Council's recommendation and instead rejected Proposal WP96-23, which was a request to establish a customary and traditional use determination for Unit 15A moose by rural residents of Ninilchik, Nanwalek, Port Graham, and Seldovia (61 Fed. Reg. 147, 39704 [July 30, 1996]).

In 1996, the District Court of Alaska remanded the case *Ninilchik v. United States* (Case No. A95-293) back to the Board for it to reconsider its decision regarding customary and traditional uses of Unit 15A moose in light of the court's ruling overturning the Board's decision to close Unit 15A to subsistence hunting. Subsequently, the Board recognized customary and traditional uses by residents of Ninilchik, Nanwalek, Port Graham, and Seldovia for Unit 15A moose through Proposal M96-01 (62 Fed. Reg. 103, 29022 [May 29, 1997]).

In 1996, the Board rejected Request for Reconsideration RFR96-05, submitted by the State, requesting the Board to rescind its recognition of customary and traditional uses of Unit 15A and 15B moose by rural residents of Nanwalek, Ninilchik, Port Graham and Seldovia (62 Fed. Reg. 103, 29022 [May 29, 1997]).

In 1996, the Board rejected Request for Reconsideration RFR96-01, submitted by the Kenai Peninsula Outdoor Coalition, a request to rescind recognition of customary and traditional uses of Unit 15A moose by rural residents of Ninilchik, Nanwalek, Port Graham, and Seldovia (62 Fed. Reg. 103, 29022 [May 29, 1997]).

In 1997, the Board rejected Request for Reconsideration RFR97-18, submitted by the Safari Club International, requesting the Board to rescind its recognition of customary and traditional uses of Unit 15A moose by rural residents of Ninilchik, Nanwalek, Port Graham, and Seldovia (63 Fed. Reg. 124, 35338 [June 29, 1998]).

In 1997, the Board rejected Request for Reconsideration RFR97-10, submitted by the State, requesting the Board to rescind its recognition of customary and traditional uses of Unit 15Aand 15B moose by rural residents of Ninilchik, Nanwalek, Port Graham, and Seldovia (63 Fed. Reg. 124, 35338 [June 29, 1998]).

In 2008, the Board adopted the Southcentral Council's recommendation to support Proposal WP08-22a, and added Cooper Landing to the customary and traditional use determinations for Units 15A and 15B moose (73 Fed. Reg. 122, 35734 [June 24, 2008]).

In 2008, the Board followed the Southcentral Council's recommendation and rejected Proposal WP08-24, a request for recognition of customary and traditional uses by rural residents of Kachemak-Selo, Razdolna, and Voznesenka areas for Unit 15B and 15C moose. The Council said insufficient information was available to evaluate these communities' customary and traditional uses of moose (73 Fed. Reg. 122, 35728 [June 24, 2008]).

In 2014, the Board followed the Southcentral Council's recommendation and rejected Proposal WP14-07, a request for recognition of customary and traditional uses of rural residents of Copper Landing for Unit 15C moose. The Council said information was lacking, and proponents from the community had not taken the opportunity to for oral and written testimony at the meeting to provide additional information to support adding Cooper Landing to the customary and traditional use determination for moose (OSM 2014a, 2014b).

Dall Sheep

In 1992, the Board adopted "No Federal subsistence priority" for Unit 15 Dall sheep (57 Fed. Reg. 104, 22959 [May 29, 1992]).

In 2020, the Board adopted the Southcentral Council's recommendation to support Proposal WP20-22a and established a customary and traditional use determination for rural residents of Ninilchik for Unit 15 sheep (85 Fed. Reg. 226, 74803 [November 23, 2020]).

WP22–33 Executive Summary	
General Description	Proposal WP22-33 requests eliminating the sealing requirement for black bear in Units 11 and 12. *Submitted by: Wrangell-St. Elias National Park Subsistence Resource Commission (WRST SRC)*
Proposed Regulation	**§__.26** *(j) Sealing of bear skins and skulls*. (1) Sealing requirements for bear apply to brown bears taken in all Units, except as specified in this paragraph (j), and black bears of all color phases taken in Units 1-7, ~~*11*~~***13****-17, and 20.*
OSM Conclusion	**Support** Proposal WP22-33.
Southcentral Alaska Subsistence Regional Advisory Council Recommendation	**Support**
Western Interior Alaska Subsistence Regional Advisory Council Recommendation	**Support**
Eastern Interior Alaska Subsistence Regional Advisory Council Recommendation	**Support**
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	**Support**
Written Public Comments	**None**

STAFF ANALYSIS
WP22-33

ISSUES

Proposal WP22-33, submitted by the Wrangell-St. Elias National Park Subsistence Resource Commission (WRST SRC), requests eliminating the sealing requirement for black bear in Units 11 and 12.

DISCUSSION

The proponent states that people living in remote locations need to drive to an Alaska Department of Fish and Game (ADF&G) office to have bears sealed. For one SRC member, this is roughly 260 miles or more round-trip. The extra salvage necessary to seal subsistence black bears in Units 11 and 12 is an undue hardship for subsistence hunters who are mainly interested in the meat.

The proponent further states that Federal regulations are currently more stringent than State regulations, which only require harvest tickets, but not sealing. The proponent states that harvest ticket reports provide sufficient harvest information to monitor and protect black bear populations without sealing, and there is not currently a conservation concern for black bear. One SRC member noted that numerous sightings from fall flights indicate Unit 11 has a robust black bear population, while another member has personally harvested two bears in one year out of a small valley and within a couple days, new bears had moved into the area.

The proponent additionally requests that harvest ticket and sealing requirements be included in the unit specific regulations, instead of with the general provisions in the front of the regulations booklet, stating this would be clearer and easier for subsistence users to understand as the current layout of the Federal Subsistence Management Regulations booklet is confusing.

The proponent's request that bear sealing and permit/harvest ticket requirements be more clearly presented in the public regulatory booklet is outside the scope of a regulatory proposal. However, the suggestion has been forwarded to the appropriate reviewer.

Existing Federal Regulation

§__.26

(j) Sealing of bear skins and skulls. (1) Sealing requirements for bear apply to brown bears taken in all Units, except as specified in this paragraph (j), and black bears of all color phases taken in Units 1-7, 11-17, and 20.

Proposed Federal Regulation

§__.26

(j) Sealing of bear skins and skulls. (1) **Sealing requirements for bear apply to brown bears taken in all Units, except as specified in this paragraph (j), and black bears of all color phases taken in Units** *1-7, ~~11~~**13**-17, and 20.*

Existing State Regulation

5 AAC 92.165. Sealing of bear skins and skulls

(a) Sealing is required for hides and skulls of brown bear taken in any unit in the state, hides and skulls of black and brown bear taken in any unit in the state before the hide or skull is sold, hides and skulls of black bear of any color variation taken from January 1 through May 31, and skulls of black bear of any color variation taken from June 1 through December 31 in Units 1 - 7, 14(A), 14(C), 15 - 17, and 20(B). The seal must remain on the skin until the tanning process has commenced. A person may not possess or transport the untanned skin or skull of a bear taken in a unit where sealing is required, or export from the state the untanned skin or skull of a bear taken anywhere in the state, unless the skin or the skull, or both as required in this section have been sealed by a department representative within 30 days after the taking, or a lesser time if requested by the department

Extent of Federal Public Lands/Waters

Unit 11 is comprised of 87% Federal public lands and consist of 84% National Park Service (NPS) managed lands, 3% U.S. Fish and Wildlife Service (USFWS), and 0.1% Bureau of Land Management (BLM) managed land.

Unit 12 is comprised of 60% Federal public lands and consist of 48% NPS managed lands, 11% USFWS managed lands, and 1% BLM managed lands.

Customary and Traditional Use Determinations

Rural residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Units 11 and 12 have a customary and traditional use determination for black bear in Unit 11 north of Sanford River.

Rural residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Nabesna Road (mileposts 25-46), Slana, Tazlina, Tok Cutoff Road (mileposts 79-110), Tonsina, and Unit 11 have a customary and traditional use determination for black bear in Unit 11 remainder.

The Federal Subsistence Board has not made a customary and traditional use determination for black bear in Unit 12. Therefore, all rural residents of Alaska may harvest this species in this unit.

Special requirements of NPS lands: Under the guidelines of ANILCA, NPS regulations identify Federally qualified subsistence users in National Parks and Monuments by: 1) identifying residents zone communities which include a significant concentration of people who have customarily and traditionally use subsistence resources on park lands/ and 2) identifying and issuing subsistence use permits to individuals residing outside of the resident zone communities who have a personal or family history of subsistence use.

Regulatory History

During the Russian Period in Alaska (1799 – 1867), the Russian American Company exported black bear skins to St. Petersburg and Asia (Bockstoce 2009). The sale of black bear skins was generally allowed until 1971 when the State banned the practice of selling black bear skins and implemented mandatory sealing requirements (State of Alaska 1971). Currently, however, black bear hides and skulls may be sold after sealing, but black bear trophies may not be sold (5 AAC 92.200). The State has allowed the sale of handicraft items made from black bear skins since 1998 (5 AAC 92.200), and the Federal Program adopted similar regulations in 2004 (CFR §242.25 (j)).

Since 2008, all Alaska resident hunters must obtain a State harvest ticket and report their hunting efforts. Both units continue to require reporting of any harvest of a black bear. If parts of the black bear are to be sold, sealing is required.

In 2010, the State re-classified black bears as furbearing animals as well as game animals (5AAC 92.9900(a)(32)). Consequently, during State hunts, black bears could be taken with a trap, if trapping regulations were adopted. They have not been adopted.

The Alaska Board of Game (BOG) removed the requirement for getting a bear hide or skull sealed for Unit 11 in regulatory year (RY) 2011/12 and for Unit 12 in RY 2010/11 because the requirement for both harvest tickets and sealing was determined to be redundant (ADF&G BOG 2010, 2011).

Sealing requirements for black bear in Units 11 and 12 have not changed under Federal regulations since the inception of the program in 1990 adopting then current state regulations. Under existing federal regulations, the salvage of the hide and edible meat is required. When sealing is required, hunters must additionally remove the skull from the field.

Biological Background

Unit 11 has not had population surveys conducted. Through field observations and harvest data it is believed that black bear populations are abundant within areas of suitable habitat. NPS biologists estimated there to be 100-200 black bears/1,000 km^2 around the McCarthy area in 2001 (Robbins 2014). Unit 12 has not had population surveys conducted. Through limited radiotelemetry data, the Unit 12 population was estimated to be 700-1,000 bears in 2012 (Wells 2014).

Harvest History

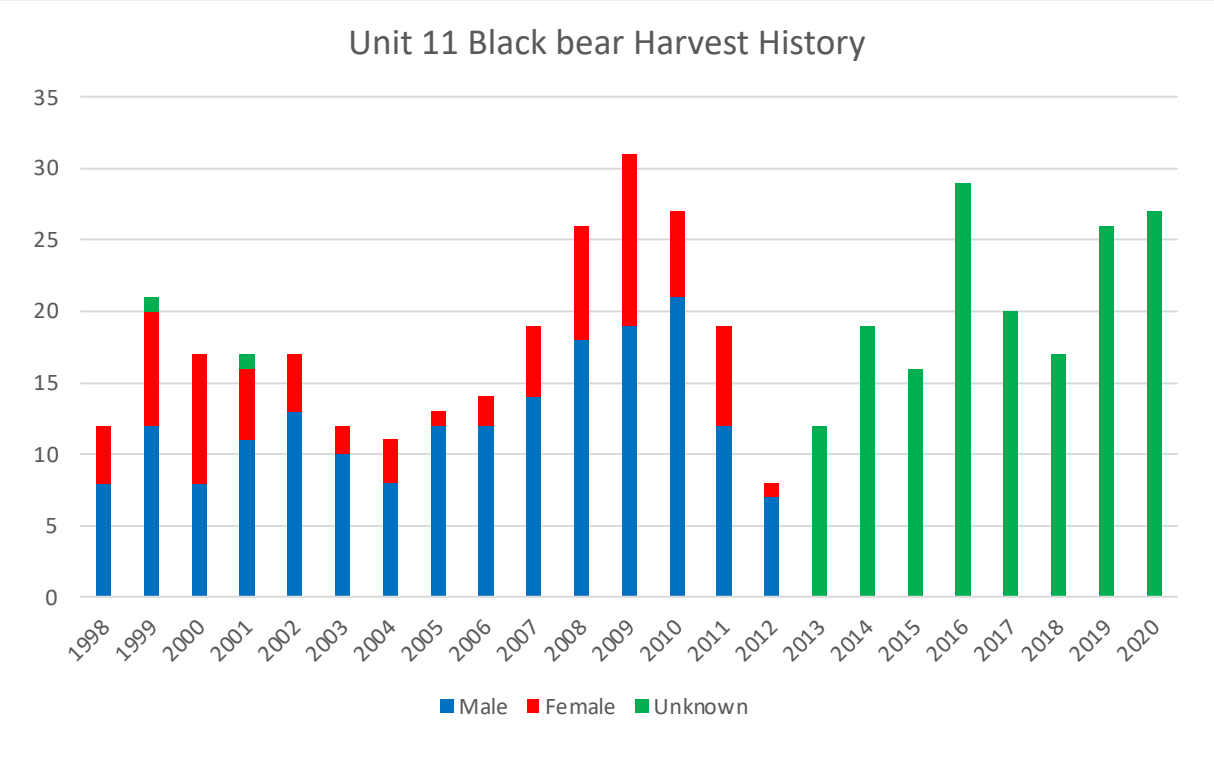
As much of Unit 11 is National Park and Preserve lands, harvest pressure is primarily limited to Federally qualified subsistence users (Robbins 2014). The number of black bears reported harvested fluctuated each year from 8 – 31 bears annually between 1998 and 2020 (**Figure 1**) (Hatcher 2021, pers. Comm.; Robbins 2011, 2014; Tobey 2005, 2008).

Within Unit 12, there is National Park/Preserve and USFWS lands with historically low human use of black bears, despite liberal hunting regulations (Wells 2014). The reported number of bears harvested fluctuated each year from 23- 68 bears annually between 1995 and 2020 (**Figure 2**) (Wells 2014, 2021).

Circumstantial evidence indicates that berry abundance may affect bear harvest. During years of low berry production, bears are believed to travel more and/or may be more likely attracted to human wildlife

kills or food. These behaviors increase the vulnerability of the bears to hunters (Wells 2014). Years with a late spring can delay the emergence of vegetation, which can alter the distribution of the bears, and a hunter's success (Robbins 2014). Local residents primarily harvest bears in the spring, as they are an important meat source.

Figure 1. Number of black bears harvested from Unit 11 between 1998 and 2012 (Hatcher 2021, pers. Comm.; Robbins 2011, 2014; Tobey 2005, 2008).



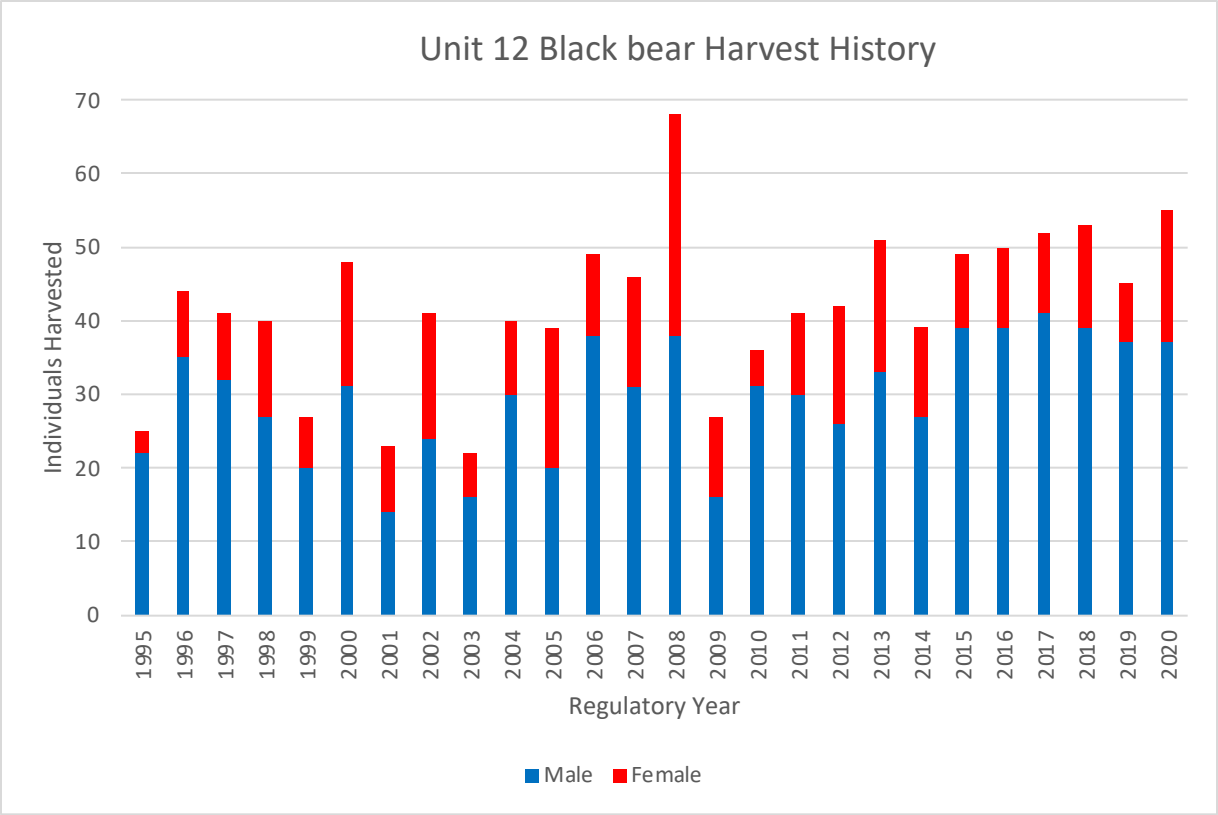


Figure 2. Number of black bears harvested from Unit 12 between 1995 and 2020 (Wells 2014, 2021).

Effects of the Proposal

The proposal, if adopted, would remove the requirement for Federally qualified subsistence users to have the skull and/or skin of a black bear sealed in Units 11 and 12. This proposal would simplify the process of harvesting black bears for Federally qualified subsistence user by removing this unnecessary requirement. Subsistence users would no longer be required to remove the head/skull from the field for sealing and they would no longer need to make special trips to an ADF&G office just to seal bears.

The State removed this requirement over 10 years ago, resulting in Federal regulations being more restrictive, which is contrary to the rural subsistence priority mandated by ANILCA. While Federally qualified subsistence users can hunt under State regulations in parts of these units, they cannot in WRST National Park where only Federal subsistence regulation apply. Therefore, any bear currently harvested within the national park must be sealed. If this proposal is adopted, the State and Federal regulations for sealing would align with each other, reducing regulatory complexity and user confusion.

While current biological data for black bears in these units are lacking, there are no current conservation concerns regarding black bears in Unit 11 or Unit 12 as evidenced through extremely liberal harvest limits and seasons under both State and Federal regulations as well as anecdotal observations from local users.

OSM CONCLUSION

Support Proposal WP22-33.

Justification

The sealing requirement causes unnecessary hardship for Federally qualified subsistence users when they harvest a black bear within Unit 11 or Unit 12 and there are no conservation concerns. This proposal would reduce regulatory complexity and user confusion by aligning the State and Federal regulations for both Unit 11 and Unit 12.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Southcentral Alaska Subsistence Regional Advisory Council

Support WP22-33. This proposal aligns Federal and State regulations and reduces regulatory complexity and user confusion. Eliminating unnecessary Federal sealing requirements would make harvesting black bear easier for subsistence users.

Western Interior Alaska Subsistence Regional Advisory Council

Support WP22-33. The biological parameters of the black bear population in Units 11 and 12 are adequate to support harvest with the current regulatory process.

Eastern Interior Alaska Subsistence Regional Advisory Council

Support WP22-33. Supporting the proposal is consistent with principles of conservation and the sealing requirement is an unnecessary hardship for subsistence users.

INTERAGENCY STAFFE COMMITTEE COMMENT

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposal WP22-33

This proposal would eliminate the sealing requirement for black bear in Game Management Units (GMU) 11 and 12 under federal subsistence hunting regulations.

Background

Many areas of the state do not require that black bears be sealed after harvest because certain populations do not need additional information to be managed sustainably. In the justification for this proposal the proponent notes the difficulty in traveling to an Alaska Department of Fish & Game (ADF&G) office to get their black bear sealed. However, it should be noted that there are many black bear sealers around Alaska that are not located at ADF&G offices.

Impact on Subsistence Users

This would remove the requirement to have to present the black bear for sealing at an ADF&G office or approved sealing location.

Impact on Other Users

If adopted there would be no impact on other users as there is currently no state requirement to seal black bears in GMUs 11 and 12.

Opportunity Provided by the State

State customary and traditional use findings: The Alaska Board of Game (BOG) has made positive customary and traditional use findings for black bears in GMUs 11&12.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by ADF&G or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

The ANS for black bears in GMU 11 is 20–50 animals combined with GMU 13. The ANS for black bears in GMU 12 is 40–60 animals. There is no closed season and the bag limit for both GMUs are 3 bears.

Conservation Issues

There are no conservation concerns for black bear in GMUs 11&12 and no issues are created by this proposal.

Enforcement Issues

The removal of the requirement to seal black bears will alleviate the disparity between state and federal regulations for black bears in GMUs 11 & 12.

Position

ADF&G **SUPPORTS** this proposal as it aligns federal and state sealing requirements for black bears. The information acquired during the sealing process has been deemed not critical by the BOG for management of black bears in GMUs 11 & 12. A harvest ticket will still be required which does capture some basic harvest information. However, in order to sell a bear hide or skull, the hide and skull must be sealed before sale under state regulation.

WP22–34 Executive Summary	
General Description	Proposal WP22-34 requests to change the salvage requirement to a "bone in" for sheep taken in Units 11 and 12. *Submitted by: Seth Wilson*
Proposed Regulation	**§__.26(h) Removing harvest from the field.** ***(5) You must leave all edible meat on the bones of the front quarters, hind quarters and ribs of sheep harvested in Units 11 and 12 until you remove the meat from the field or process it for human consumption.***
OSM Conclusion	**Oppose**
Southcentral Alaska Subsistence Regional Advisory Council Recommendation	**Oppose**
Eastern Interior Alaska Subsistence Regional Advisory Council Recommendation	**Oppose**
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	**Neutral**
Written Public Comments	**None**

STAFF ANALYSIS
WP22-34

Issues

Wildlife Proposal WP22-34, submitted by Seth Wilson of Gakona, requests to change the salvage requirement to a "bone in" for sheep taken in Units 11 and 12.

DISCUSSION

The proponent states there should be a meat-on-bone salvage requirement for the two front quarters, two rear quarters and ribs for all sheep taken in Units 11 and 12. The proponent states that deboning the meat in the field may lead to waste of meat that is left on the bone. Keeping the meat on the bone also allows for better meat handling, ensuring that all edible meat is cool and dry until it is out of the field.

Existing Federal Regulation

None

Proposed Federal Regulation

§__.26(h) Removing harvest from the field.

(5) You must leave all edible meat on the bones of the front quarters, hind quarters and ribs of sheep harvested in Units 11 and 12 until you remove the meat from the field or process it for human consumption.

Relevant Federal Regulations

§__.25(a) Definitions

Edible meat means the breast meat of ptarmigan and grouse and those parts of caribou, deer, elk, mountain goat, moose, musk oxen, and Dall sheep that are typically used for human consumption, which are: The meat of the ribs, neck, brisket, front quarters as far as the distal (bottom) joint of the radius-ulna (knee), hindquarters as far as the distal joint (bottom) of the tibia-fibula (hock) and that portion of the animal between the front and hindquarters; however, edible meat of species listed in this definition does not include: Meat of the head, meat that has been damaged and made inedible by the method of taking, bones, sinew, and incidental meat reasonably lost as a result of boning or close trimming of the bones, or viscera. For black bear, brown and grizzly bear, "edible meat" means the meat of the front quarter and hindquarters and meat along the backbone (backstrap).

Salvage means to transport the edible meat, skull, or hide, as required by regulation, of a regulated fish, wildlife, or shellfish to the location where the edible meat will be consumed by humans or processed for human consumption in a manner that saves or prevents the edible meat from waste, and preserves the skull or hide for human use.

§__.25(j) Utilization of fish, wildlife, or shellfish.

(3) You must salvage the edible meat of ungulates, bear, grouse, and ptarmigan.

(5) Failure to salvage the edible meat may not be a violation if such failure is caused by circumstances beyond the control of a person, including theft of the harvested fish, wildlife, or shellfish, unanticipated weather conditions, or unavoidable loss to another animal.

§__.26(h) Removing harvest from the field.

(1) You must leave all edible meat on the bones of the front quarters and hind quarters of caribou and moose harvested in Units 9, 17, 18, and 19B prior to October 1 until you remove the meat from the field or process it for human consumption.

(2) You must leave all edible meat on the bones of the front quarters, hind quarters, and ribs of moose harvested in Unit 21 prior to October 1 until you remove the meat from the field or process it for human consumption.

(3) You must leave all edible meat on the bones of the front quarters, hind quarters, and ribs of caribou and moose harvested in Unit 24 prior to October 1 until you remove the meat from the field or process it for human consumption. Meat of the front quarters, hind quarters, or ribs from a harvested moose or caribou may be processed for human consumption and consumed in the field; however, meat may not be removed from the bones for purposes of transport out of the field.

(4) You must leave all edible meat on the bones of the front quarters, hind quarters, and ribs of caribou and moose harvested in Unit 25 until you remove the meat from the field or process it for human consumption.

Existing State Regulation

None

Relevant State Regulations

5 AAC 92.220. Salvage of game meat, furs, and hides

(d) A person taking game not listed in (a) of this section shall salvage for human consumption all edible meat, as defined in 5 AAC 92.990. In addition,

(1) for moose and caribou taken before October 1 in Unit 9(B), Unit 17, Unit 18, those portions of Unit 19(A) within the Holitna/Hoholitna Controlled Use Area, and Unit 19(B), the edible meat of the front quarters and hindquarters must remain naturally attached to the bone until the meat is transported from the field or is processed for human consumption;

(2) for caribou taken before October 1 in Unit 21(A), the edible meat of the front quarters and hindquarters must remain naturally attached to the bone until the meat has been transported from the field or is processed for human consumption;

(3) for moose taken before October 1 in Units 13, 19, 21, 23, 24, and 25, for caribou taken before October 1 in Units 13, 19, 21(A), 21(E), 23, 24, and 25(A), and for bison taken before October 1 in Units 19, 21(A), and 21(E), the edible meat of the front quarters,

hindquarters, and ribs must remain naturally attached to the bone until the meat has been transported from the field or is processed for human consumption;

(4) repealed 7/1/2009;

(5) repealed 7/1/2009.

(6) for moose and caribou taken under a community subsistence harvest permit in the area described in 5 AAC 92.074(d), the edible meat of the front quarters, hindquarters, ribs, brisket, neck and back bone must remain naturally attached to the bone until the meat has been transported from the field or is processed for human consumption.

5 AAC 92.990. Definitions

(a) In addition to the definitions in AS 16.05.940, in 5 AAC 84 - 5 AAC 92, unless the context requires otherwise,

(26) "edible meat" means, in the case of a big game animal, except a bear, the meat of the ribs, neck, brisket, front quarters, hindquarters, and the meat along the backbone between the front and hindquarters; in the case of a bear, the meat of the front quarters and hindquarters and meat along the backbone (backstrap); in the case of small game birds, except for cranes, geese, and swan, the meat of the breast; in the case of cranes, geese, and swan, the meat of the breast, back, the meat of the femur and tibia-fibula (legs and thighs), and the meat of the wings, excluding the metacarpals; however, "edible meat" of big game or small game birds does not include meat of the head, meat that has been damaged and made inedible by the method of taking, bones, sinew, incidental meat reasonably lost as a result of boning or a close trimming of the bones, or viscera;

Extent of Federal Public Lands/Waters

Unit 11 is comprised of 86.9% Federal public lands and consist of 83.6% National Park Service (NPS) and 3.3% U.S. Forest Service (USFS) managed lands.

Unit 12 is comprised of 59.7% Federal public lands and consist of 48.0% NPS, 10.8% U.S. Fish and Wildlife Service (USFWS) and 0.9% Bureau of Land Management (BLM) managed lands.

Customary and Traditional Use Determinations

Rural residents of Unit 12, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Glennallen, Gulkana, Healy Lake, Kenny Lake, Mentasta Lake, Slana, McCarthy/South Wrangell/South Park, Tazlina, Tonsina, residents along the Nabesna Road - Mileposts 0-46 (Nabesna Road), and residents along the McCarthy Road - Mileposts 0-62 (McCarthy Road) have a customary and traditional use determination for sheep in Unit 11, north of the Sanford River.

Rural residents of Chisana, Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, McCarthy/South Wrangell/South Park, Tazlina, Tonsina, residents along the Tok Cutoff – Mileposts 79-110 (Mentasta Pass), residents along the Nabesna Road – Milepost 0-46

(Nabesna Road), and residents along the McCarthy Road – Milepost 0-62 (McCarthy Road) have a customary and traditional use determination for sheep in Unit 11, remainder.

Residents of Unit 12, Chistochina, Dot Lake, Healy Lake, and Mentasta Lake have a customary and traditional use determination for sheep in Unit 12.

Under the guidelines of Alaska National Interest Lands Conservation Act (ANILCA), National Park Service regulations identify qualified local rural subsistence users in National Parks and National Monuments by: (1) identifying Resident Zone Communities that include a significant concentration of people who have customarily and traditionally used subsistence resources on park lands; and (2) identifying and issuing subsistence use (13.440) permits to individuals residing outside of the Resident Zone Communities who have a personal or family history of subsistence use within the park or monument.

Regulatory History

There is currently no "bone in" requirement for sheep hunters in either Federal or State regulation. Although such regulations exist for moose and caribou in both Federal and State hunt's as well as for bison in State hunts, there has never been any Federal Subsistence Board (Board) action for bone in requirements for sheep. Proposals WP12-63 in Unit 25 and WP03-29 in Unit 18 implemented this requirement for moose and caribou to avoid meat spoilage while the animal is transported from the field.

Current Events

The proponent of this proposal submitted the same language to the Alaska Board of Game (BOG) for Unit 11 as Proposal 67 for consideration during their January 2022 meeting (ADF&G 2021).

Effects of the Proposal

If this proposal is adopted, subsistence users harvesting sheep in Units 11 and 12 under Federal regulations would be required to leave the edible meat of the front quarters, hind quarters and ribs on the bones until the meat was removed from the field or was processed for human consumption. If the BOG does not adopt proposal 67, which is only for Unit 11, and the Board does adopt this proposal, for Units 11 and 12, Federal regulations regarding salvage would be more restrictive than State regulations. Federally qualified subsistence users would still be able to harvest and pack out sheep under State regulations, except within Wrangell-St. Elias National Park, which is only open to subsistence hunting under Federal regulations.

This restriction would burden sheep hunters who would have to pack out extra weight when hunting on foot, potentially resulting in multiple trips. However, this regulation may ensure more meat would be salvaged for subsistence uses.

If this proposal is not adopted, no effects on subsistence uses, other uses, or wildlife populations are anticipated.

OSM Conclusion

Oppose Proposal WP22-34.

Justification

The proposed regulation would place an undue burden upon subsistence hunters, most of whom travel by foot many miles to harvest a Dall sheep. Unless the Federal Subsistence Regional Advisory Councils have reason to support this proposal, there is not enough evidence to justify placing this restriction on Federally qualified subsistence users. The proposed regulation would apply to only Federally qualified subsistence users harvesting sheep on Federal public lands under Federal regulations, and it would not affect non-Federally qualified users. Federal subsistence wildlife regulations would become more restrictive than State regulations concerning a hunters' responsibility to remove sheep meat from the field.

LITERATURE CITED

Alaska Department of Fish and Game (ADF&G) 2021. Board of Game 2021/2022 Proposal Book. https://www.adfg.alaska.gov/index.cfm?adfg=gameboard.proposalbook, accessed June 10, 2021. Boards Support Section. Juneau, AK.

SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Southcentral Alaska Subsistence Regional Advisory Council

Oppose WP22-34. Adopting this proposal would be more restrictive than State regulations and salvaging meat on bone would be an unnecessary hardship on subsistence hunters, especially on those for whom it is increasingly difficult to pack out the extra weight. The Council understood that this proposal sought to address the potential problem of wanton wasted meat; however, the Council recognized traditional ecological knowledge about tribal and family traditions and ethical salvage of all sheep meat they can. If this wanton waste concern is a sport hunter issue, it should be addressed in State regulations, not Federal subsistence regulations.

Eastern Interior Alaska Subsistence Regional Advisory Council

Oppose WP22-34. The Council opposes this proposal as passage of a meat on bone requirement for sheep hunting would place an undue burden upon subsistence hunters requiring heavier packs or more trips to pack their harvest out. This would be especially more difficult on elders. They feel this is more of a hunter education issue and not to be dealt with by a regulation, which would make Federal regulations more restrictive than State regulations. If this wanton waste concern is a sport hunter issue, it should be addressed in State regulations, not Federal subsistence regulations.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposal WP22-34

This proposal would require all edible meat remain on the bones of the front quarters, hind quarters, and ribs of Dall sheep in Game Management Units (GMU) 11&12 until you remove the meat from the field or process it for human consumption.

Background

On-bone salvage requirements are standard for moose and caribou in many parts of Alaska but have not been adopted for alpine species such as Dall sheep.

Federal hunting pressure in GMU 11 has increased in recent years. The most recent 5-year average for federal hunters hunting in GMU 11 (73) is more than 20% higher than the previous 5-year average (60). If an extra 6–8lbs of bones results in pairs of hunters harvesting 1 ram per hunting trip rather than 2 rams per hunting trip, this salvage requirement could potentially slow harvest as hunting pressure increases, thereby protecting the resource to allow for this continued subsistence opportunity for federally qualified hunters in GMU 11.

Federal subsistence sheep harvest is low in GMU 12. Except for the GMU 12 federal elder hunt, the GMU 12 federal subsistence sheep hunting regulations match the season dates and bag limit under state regulations. During RY16-RY20, an average of 5.6 hunters participated annually in the GMU 12 federal subsistence elder hunt and harvested an average of 0.6 rams per year.

There is also an Alaska Board of Game (BOG) proposal, 67, for the 2021-22 regulatory cycle which seeks the same regulatory change in GMU 11 only (GMU 12 proposals are not on the call). If the BOG does not adopt Proposal 67, and the Federal Subsistence Board (FSB) adopts this proposal, for GMUs 11 and 12, federal regulations would be more restrictive than state regulations.

Impact on Subsistence Users

Requiring all edible meat of the front quarters, hind quarters, and ribs to remain on the bone until removed from the field will place an extra burden on federally qualified users (FQU) in the field due to the increased pack weight (approximately 10% increase above the weight of the meat; head excluded) but could facilitate better meat handling and care leading to less meat wasted in this subsistence hunt.

Impact on Other Users

If adopted there will be no impact to other users.

Opportunity Provided by the State

State customary and traditional use findings: The BOG has made a positive customary and traditional use determination for Dall sheep in GMU 11. There is no customary and traditional use finding for Dall sheep outside of the Tok Management Area in GMU 12.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The board does this by reviewing extensive harvest data from all Alaskans, collected either by the Alaska Department of Fish & Game (ADF&G) or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

The ANS for Dall sheep in GMU 11 is 60–75 sheep. The state seasons and bag limits for Units 11&12 outside the Tok Management Area are one full-curl ram Aug. 1–5 for youth hunters and Aug. 10-Sept.20 for residents and one full -curl ram every 4 years with the same season dates for nonresidents.

Conservation Issues

This proposal does not create any conservation issues but does seek to prevent the wanton waste of meat left in the field under this subsistence hunt.

Enforcement Issues

This proposal would remove law enforcement challenges in building a wanton waste case through an enforceable regulation. Currently regulations are difficult to enforce and build a case.

Position

ADF&G is **NEUTRAL** on the proposal but does encourage hunters to take every measure to ensure optimal salvage of the meat they harvest.

WP22-37 Executive Summary	
General Description	Proposal WP22-37 requests that the Federal Subsistence Board recognize the customary and traditional use of ptarmigan in Unit 9D by residents of Cold Bay, King Cove, Sand Point, Belkofski, Sanak, Pauloff Harbor, Unga, and Nelson Lagoon. *Submitted by: Della Trumble.*
Proposed Regulation	**Customary and Traditional Use Determination--Ptarmigan** *Unit 9D* ~~*All rural residents*~~ ***Residents of Cold Bay, King Cove, Sand Point, Belkofski, Sanak, Pauloff Harbor, Unga, and Nelson Lagoon.***
OSM Conclusion	**Support** Proposal WP22-37 **with modification** to recognize the customary and traditional use of ptarmigan by residents of Unit 9D. The modified language should read: **Customary and Traditional Use Determination— Ptarmigan** *Unit 9D-* ~~*All rural residents*~~ ***Residents Unit 9D***
Kodiak/Aleutians Subsistence Regional Advisory Council Recommendation	**Support as modified by OSM**
Bristol Bay Subsistence Regional Advisory Council Recommendation	**Support as modified by OSM**
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	**Neutral**
Written Public Comments	**None**

STAFF ANALYSIS
WP22-37

ISSUES

Wildlife Proposal WP22-37, submitted by Della Trumble of King Cove, requests a change to the customary and traditional use determination for ptarmigan in Unit 9D from all rural residents to residents of Cold Bay, King Cove, Sand Point, Belkofski, Sanak, Pauloff Harbor, Unga, and Nelson Lagoon.

DISCUSSION

In the proposal the proponent shares:

The Ptarmigan population has been declining in Unit 9D. Federal and State biologists currently do not have population estimates. The status of the ptarmigan population are currently based on hunter reports and observations. Ptarmigan are an important resource for the residents of Unit 9D. Establishing a regional Customary and Traditional Use Determination for ptarmigan will allow managers to restrict harvest when the ptarmigan population has reached a level of conservation concern. Restrictions could close the season for nonresidents and allow for subsistence harvest by residents that have a Customary and Traditional Use Determination for ptarmigan.

Through proposal WP22-37, the proponent requests the evaluation of the uses of ptarmigan by rural residents of Cold Bay, King Cove, Sand Point, Belkofski, Sanak, Pauloff Harbor, Unga, and Nelson Lagoon. There has not been any Federal determinations made for customary and traditional uses of ptarmigan in Unit 9D.

Existing Federal Regulation

Customary and Traditional Use Determination—Ptarmigan	
Unit 9D	*All rural residents.*

Proposed Federal Regulation

Customary and Traditional Use Determination— Ptarmigan	
Unit 9D	~~*All rural residents.*~~ ***Residents of Cold Bay, King Cove, Sand Point, Belkofski, Sanak, Pauloff Harbor, Unga, and Nelson Lagoon.***

Extent of Federal Public Lands

Unit 9D is comprised of approximately 45% of Federal public lands and consists of just under 100% U.S. Fish and Wildlife Service managed lands with a small portion of Bureau of Land Management managed lands (see **Unit Map**).

Regulatory History

In 1990, the Federal Subsistence Board (Board) assumed subsistence management responsibilities on Federal public lands and adopted existing State customary and traditional use determinations. The State did not recognize customary and traditional uses of ptarmigan in Unit 9D, and no proposals to change customary and traditional uses of ptarmigan in Unit 9D have been submitted since the inception of the program. Therefore, all rural residents are eligible to hunt ptarmigan during Federal seasons (57 FR 22961; May 29, 1992).

In February of 2018 the BOG adopted Proposal 134 to shorten the season for ptarmigan and reduce the daily harvest and possession limits in Unit 9. This proposal was adopted due to observed declines in ptarmigan populations in Unit 9 since 2014, and ongoing public concern pertaining to the decline in the region. A year later, the Board passed proposal WP20-31 that likewise reduced the bag limit and season of ptarmigan, matching those of BOG. The current season for ptarmigan in Unit 9 is August 10-the last day of February; the bag limit is 10 ptarmigan a day and 20 in possession.

Background: Harvest History

There is limited information on harvest history of ptarmigan in Unit 9D. Data on harvesting ptarmigan comes from a bird-health study in which harvesters voluntarily send the Alaska Department of Fish and Game (ADF&G) wings, tails, and heads of all species of grouse and ptarmigan (Merizon and Carroll 2021, 2019, 2017). In regulatory year 2014/15, 27 total wings from willow and rock ptarmigan wings were collected from users in Unit 9 (Merizon and Carroll 2017). Eleven wings were collected in Unit 9 during regulatory year 2017/17 (Merizon and Carroll 2019), and less were collected in 2018/19 (Merizon and Carroll 2021). No inferences on ptarmigan harvesting or production can be made from the data (Merizon and Carroll 2019, 2020, 2021).

Community Characteristics

The proposal seeks to change the customary and traditional use determination for ptarmigan in Unit 9D from all rural residents to residents of Cold Bay, King Cove, Sand Point, Belkofski, Sanak, Pauloff Harbor, Unga, and Nelson Lagoon. All communities, current and historic, are located within Unit 9D. Belkofski, Sanak, Pauloff Harbor, and Unga are no longer occupied historic settlements and will not be further considered in the analysis. The communities of Cold Bay, King Cove, Nelson Lagoon, and Sand Point are currently occupied year-round by residents.

Unit 9D Area History

The archeological record indicates that there have been human populations in the western end of the Alaska Peninsula for at least 9,000 (Reedy, in print 2021). Two Alaska indigenous groups, Unangan and Alutiiq, are known to have historically inhabited and hunted in Unit 9D. Euro western explorers, missionaries, and entrepreneurs started residing in the region by the 1700s. Russian traders and explorers travelled to the Aleutian Islands and up the Alaska coast in the mid-eighteenth century (McCartney 1984; Clark 1984). Russia claimed sovereignty over Alaska for 126-years, providing opportunities for Russian and other European explorers to settle and search for commercial resources including sea-otter pelts (McCartney 1984, Partnow 2001, Morseth 2003). Intermarriages between indigenous people, Russians, and others of European heritage took place as both Russian and Europeans settled into indigenous

territories (Partnow 2001). The influx of immigrants from Europe and the United States to the Alaska Peninsula increased after Russia sold Alaska to the United States in 1867 (Morseth 2003).

Cold Bay

Cold Bay is situated on the farthest western extent of the Alaskan Peninsula, approximately 634 miles southwest of Anchorage. It is the site of the former World War II air base of Fort Randall and the current headquarters of the Izembek National Wildlife Refuge. In 2020, the US Census estimated the Cold Bay population to be 76, down 22 persons from the last census in 2010. Despite its small population size, it has one of the largest runways in the state and serves as regional a transportation hub.

King Cove

King Cove is located across the bay from the community of Cold Bay and travel between the two is limited to boat or plane. King Cove was founded to support commercial fishing and canning operations. Early settlers to the community included Unangan, Scandinavian, and others of European heritage. The community is still one of the largest in the region, with a population of 900 residents (US Census 2020). The economy remains dependent on commercial fisheries and seafood processors.

Nelson Lagoon

Nelson Lagoon is the smallest community in Unit 9D and the only one located on the north side of the Alaska Peninsula. Nelson Lagoon was a seasonal fish camp, and then the location of a salmon saltery between 1906 and 1923. Nelson Lagoon became a permanent community with the opening of a school in 1965. The area supports a commercial fishery with most operations based out of the seasonally occupied Port Moller, which is across the lagoon. In 2020, the U.S. Census estimated the Nelson Lagoon population to be 32, down 18 persons from the last census in 2010.

Sand Point

Sand Point is the eastern most community within Unit 9D on the south side of the Alaska Peninsula. The community has a similar history to King Cove and Nelson Lagoon. Founded in 1898 by Scandinavian fishers as a base for commercial cod fishing and trade, Sand Point was settled by local Unangan people and others of European heritage. Sand Point continues to be a thriving commercial fishing community. In 2020, the US Census estimated the Sand Point population to be 880, down 96 persons from the 2010 census.

Eight Factors for Determining Customary and Traditional Use

A community or area's customary and traditional use is generally exemplified through the eight factors: (1) a long-term, consistent pattern of use, excluding interruptions beyond the control of the community or area; (2) a pattern of use recurring in specific seasons for many years; (3) a pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics; (4) the consistent harvest and use of fish or wildlife as related to past methods and means of taking: near, or reasonably accessible from the community or area; (5) a means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate; (6) a pattern of use that includes handing down knowledge of fishing and hunting skills, values, and lore from generation to generation; (7) a pattern of use in which the harvest is shared or distributed within a definable community of persons; and (8) a pattern of use that relates to reliance upon

a wide diversity of fish and wildlife resources of the area and provides substantial cultural, economic, social, and nutritional elements to the community or area.

The Board makes customary and traditional use determinations based on a holistic application of these eight factors (50 CFR 100.16(b) and 36 CFR 242.16(b)). The Board uses the eight factors to consider the pool of users who exhibits customary and traditional use. It is not necessary for to exhibit all eight factors to be recognized for customary and traditional use. In addition, the Board takes into consideration the reports and recommendations of any appropriate Regional Advisory Council regarding customary and traditional use of subsistence resources (50 CFR 100.16(b) and 36 CFR 242.16(b)). The Board does not use customary and traditional use determinations for resource management or restricting harvest. If a conservation concern exists for a particular population, the Board addresses that concern through proposals for imposition of harvest limits or season restrictions.

If a proposal is received requesting a customary and traditional use determination where none has been made previously for the resource, as is the case for ptarmigan in Unit 9D, the analyst evaluates use by rural residents who may, within reason, harvest the resource within the geographic boundaries defined by the proponent in the request. Records on harvesting data is limited (see Harvesting History section above). Community mapping suggests that residents harvest ptarmigan locally (Reedy 2021). This analysis therefore evaluates use of ptarmigan in Unit 9D by residents of permanent communities within that subunit: Cold Bay, King Cove, Sand Point, and Nelson Lagoon.

In 2010, the Secretary of the Interior asked the Board to review, with Regional Advisory Council input, the customary and traditional use determination process and present recommendations for regulatory changes. At its fall 2013 meeting, the Southcentral Alaska Subsistence Regional Advisory Council made a recommendation to "change the way such determinations are made by making area-wide customary and traditional use determinations for all species," and supported other Regional Advisory Councils when choosing a process that works best in their regions (SCSRAC 2013:107–110). In June 2016, the Board clarified that the eight-factor analysis applied when considering customary and traditional use determinations is intended to protect subsistence use rather than limit it. The Board stated that the goal of the customary and traditional use determination analysis process is to recognize customary and traditional uses in the most inclusive manner possible.

Cold Bay

The Board has recognized Cold Bay's customary and traditional uses of brown bear in Units 9D and 10 (Unimak Island) and caribou, moose, and wolf in Unit 9D.

Many residents of Cold Bay harvest wild food resources. In a 2016 ADF&G (2021a) comprehensive subsistence harvesting study, 23 out of an estimated 32 households were surveyed in Cold Bay, covering 45 out of an estimated 63 residents. All households surveyed reported that they used subsistence resources. An average of 232 lbs. of wild resources were harvested per person surveyed. Approximately 72% (168 lbs. per person) of the harvest was fish, most of which was salmon (64% of the total harvest). Large land mammals made up 13% of the harvest at 30 lbs. per person. Birds and eggs made up about 7% of the harvest at 17 lbs. per person. In addition to household consumption, most households also participate in resource sharing and other forms of redistribution. Twenty-two households (96% of the survey sample) reported receiving resources shared by others, and 20 households (87%) reported sharing resources with others.

Birds and eggs play a role in residents' customs and practices, including resource redistribution. For all birds and eggs, including those of ptarmigan, 15 of the 23 households surveyed (65% of the sample) reported using birds and eggs, and 10 households (43% of the sample) reported attempted harvest of birds and eggs (ADF&G 2021a). For resource sharing and redistribution, 11 households (48% of the sample) reported receiving birds and eggs from others, and 6 households (26% of the sample) reported sharing their harvest of birds and eggs.

One of the birds harvested by residents of Cold Bay is ptarmigan. Of those households surveyed, 6 households (26% of the sample) reported using ptarmigan, 7 households (30% of the sample) reported attempting to harvest ptarmigan, 4 households (17% of the sample) reported receiving ptarmigan, and 3 households (13% of the sample) reported sharing their harvest of ptarmigan with others (ADF&G 2021a). Those surveyed reported to have harvested a total of 20.79 lbs., which is an average of 0.90 lbs. per household and 0.46 lbs. per capita. It is estimated that the total harvest of ptarmigan for the community is 28.92 lbs. The amount of ptarmigan harvested accounts for less than 1% of the total amount of resources harvested.

Residents of Cold Bay harvest ptarmigan locally. The harvesting locations of 6 households were mapped in Reedy's 2021 subsistence survey. The exact locations of ptarmigan harvesting were not disclosed. Regardless, the maps demonstrate that Cold Bay residents harvest birds and eggs locally, within 30 miles of the community (Reedy 2021: 94).

King Cove

The Board recognized King Cove's customary and traditional uses of brown bear, caribou, moose, and wolf in Unit 9D.

Like Cold Bay, most residents of King Cove also harvest wild foods. In 2016, ADF&G (2021b) surveyed 91 out of an estimated 172 occupied residences in King Cove, accounting for 279 of the estimated 527 residents, using for a report on harvesting and use of subsistence resources. Of those 91 households, 88 households (96.7% of the sample) reported that they used and harvested wild resources. Additionally,81 households (89% of the sample) reported receiving resources shared by others, and approximately 74% of the surveyed households reported sharing resources with others. The per person harvest for the study year was 297 lbs. 77% of the harvest was fish (228 lbs per person), with salmon alone being 65% of the total reported harvest (191 lbs. per person). Large land mammals made up 6% of the harvest (17 lbs. per person).

For all birds and eggs, including those of ptarmigan, 55 households (60% of the sample) reported using birds and eggs. 40 households (44% of the sample) reported attempted harvest of birds and eggs, 35 households (38% of sample) reported that they harvested them (ADF&G 2021b). Survey participants reported harvesting 4,790 total eggs and birds, and it is estimated that the whole community harvested 9,053 of them. The amount of eggs and birds harvested accounts for 3% of the total amount of resources that participants reported harvesting, which is an average of 7 lbs. per person. In terms of resources sharing, 30 households (33% of the sample) reported receiving birds and eggs from others, and 17 households (19% of samples) reported giving them.

Residents harvested and shared ptarmigan. Ptarmigan was used by 21 of the households surveyed (23% of the sample, ADF&G 2021b). 18 households (20% of sample) reported attempting to harvest ptarmigan. Surveyed households reported a total of 194 ptarmigan, and it is estimated that all community

members harvested a total of 367 ptarmigan. By total mass, surveyed participants harvested an average of 0.5 lbs. of ptarmigan per person, which is less 0.2% of the total amount of resources harvest. Six of the households surveyed (7% of the sample) reported that they received ptarmigan from others, and two households (2% of the sample) reported giving them.

Much like the residents of Cold Bay, residents of King Cove harvest ptarmigan locally. Forty-four households reported their harvesting locations on the recent subsistence survey conducted by Reedy (2021: 94). All locations were within 30 miles of the community. Likewise, Reedy (2021:70) reported that "ptarmigan were hard to find and many people believed them to be overhunted. Many households said they did not go hunting because the population is depressed."

Nelson Lagoon

The Board has recognized Nelson Lagoon's customary and traditional uses of brown bear, caribou, moose, and wolf in Unit 9D.

Wild resources have been important to residents of Nelson Lagoon residents. In a 2009 comprehensive household subsistence survey, Reedy-Maschner and Maschner (2012) interviewed 22 out of an estimated 24 occupied households. Survey participants reported harvesting a total of 13,613 lbs of food, which averages 261 lbs. per person. It is estimated that the whole community harvests 14,851 lbs of wild foods. The composition of the reported community harvest was 10,694 lbs. of salmon (72% of total harvest), 1,460 lbs. of plants (10% of total harvest), 954 lbs. of land mammals (6% of total harvest), 882 lbs. of non-salmon fish (6% of total harvest), 680 lbs. of birds and eggs (5% of total harvest), and 181 lbs. of shellfish (1% of total harvest). Resource sharing, or redistribution, has been important to Nelson Lagoon residents. Based on the interviews with participants in 2009, it is estimated that 2,889 pounds (or 18% of all wild food consumed) were received from others (Reedy-Maschner and Maschner, 2012). In a 1987 ADF&G (2021b) comprehensive household subsistence survey, all 13 households surveyed out of an estimated 18 total households claimed they both gave wild resources to others and received.

Ptarmigan has been an important resource in Nelson Lagoon than in the other three communities. The 1987 ADF&G (2021c) subsistence household survey reports that 12 of the 13 surveyed household claimed they used ptarmigan. This was the same number of people who reported using any birds and eggs. Despite its small size, ptarmigan has been one of the most harvested resources by residents: ptarmigan was the ninth ranked species harvested by total weight in 1987, and the 10th ranked species in 2009 (Reedy-Maschner and Maschner, 2012). In 1987, 11 households reported that they attempted to harvest ptarmigan (85% of the sample), and all harvesters were successful. Participants reported harvesting a total of 378 ptarmigan, which was an average of 4 lbs per person and the most harvested of all birds. It is estimated that the whole community, consisting of an estimated 18 occupied households, harvested a total of 523 ptarmigan (ADF&G 2021c). The 2009 estimate for total community total harvest was 165 lbs., with an average of 3 lbs. per person. (Reedy-Maschner and Maschner, 2012). Redistribution of ptarmigan also demonstrates its importance to Nelson Lagoon residents. In 1987, 6 households (46% of the sample) claimed that they gave ptarmigan to others and the same amount reported that they received it (ADF&G 2021c).

Sand Point

The Board has recognized Sand Point's customary and traditional uses of brown bear, caribou, moose, and wolf in Unit 9D.

Wild resources are also important to households in Sand Point. One-hundred-and-one households out of an estimated 248 occupied residences participated in ADF&G's 2016 comprehensive household survey, covering 269 out of the 509 estimated residents (ADF&G 2021c). Ninety-seven of those participating households (96% of the households) used and harvested wild resources; 95 households (94% of the sample) reported receiving resources shared by others; and 78 households (77% of the sample) reported sharing resources with others. Households reported harvesting a total of 86,488 lbs. of wild food, or an average of 324 lbs. per person. It is estimated that the whole community harvested 164,996 lbs. of wild resources in total. Of the total harvest reported, 78% was fish (251 lbs. per person), most of which was salmon (68% of the total reported harvest, which is an average of 221 lbs. per person). Large land mammals made up 14% of the total reported harvest at an average of 46 lbs. per person.

For birds and eggs, 45 households (44% of the sample) reported using ptarmigan; 36 households (36% of the sample) said they attempted to harvest birds and eggs; 3 households (3% of the sample) claimed they received birds and eggs from others; and 2 households (2 % of the sample) reported giving them to others. When asked about the harvest of birds in general, residents of Sand Point said they used to harvest birds more frequently, but now it is a "whole lotta work" to hunt and pluck them and that the "best gift is an already plucked bird" (Reedy 2021: 43).

Ptarmigan were used by 10 participating households (9% of the sample). Eleven households (11% of the sample) reported attempting to harvest ptarmigan; 2 reported receiving ptarmigan; and 1 reported sharing their harvest of ptarmigan with others (ADF&G 2021b). The total reported harvest of ptarmigan was 52.36 lbs., which is an average of 0.2 lbs. per person. It is estimated that the total harvest of ptarmigan by all Sand Point residents was 99 lbs. In terms of resource sharing, 11 households (11% of the sample) said that they gave ptarmigan to others and 8 households (8% of the sample) claimed they received them. In a 2020 survey, residents said there were hardly any ptarmigan in the years preceding the survey and no harvest and use locations were noted on the maps provided (Reedy 2001). Residents harvested the majority of ptarmigan on Popof Island (where Sand Point is located) and on nearby Unga Island (Reedy 2021). Residents traveled further to harvest terrestrial mammals and saltwater fish than birds and eggs (Reedy 2021).

Effects of the Proposal

If this proposal is adopted, only the residents of Cold Bay, King Cove, Nelson Lagoon, and Sand Point would have customary and traditional use for ptarmigan in Unit 9D. Currently all rural residents may harvest ptarmigan in Unit 9D. Recognizing the customary and traditional use of ptarmigan by the communities of Unit 9D will restrict Federal harvest opportunities for other rural residents. However, most hunters prefer to pursue opportunities for the harvest of resources close to home, so this is not seen as a hardship.

OSM CONCLUSION

Support Proposal WP22-37 **with modification** to recognize the customary and traditional use of ptarmigan by residents of Unit 9D.

The modified regulation should read:

Customary and Traditional Use Determination— Ptarmigan	
Unit 9D	~~All rural residents.~~ **Residents of Unit 9D**

Justification

The Board has already recognized the customary and traditional uses for terrestrial animals and fishes in Unit 9D by the communities of Cold Bay, King Cove, Nelson Lagoon, and Sand Point. Based on these previous determinations, the communities of Unit 9D have already established a recognized pattern of harvest and use of wild resources in their area consistent with the eight factors. In addition, each community has demonstrated use of ptarmigan as well as demonstrated patterns of harvesting resources close to home. Finally, recognizing customary and traditional use for all residents of Unit 9D, rather than just those with permanent settlements in this analysis, will account for changes in settlement patterns within the unit.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Kodiak Aleutians Subsistence Regional Advisory Council

Support WP22-37 **as modified by OSM.** The Council believes recognizing customary and tradition use is important. The Council stated that the communities of Unit 9D have demonstrated customary and traditional use of ptarmigan through harvests reports and stories about those living in the area using ptarmigan for sustenance for thousands of years.

Bristol Bay Subsistence Regional Advisory Council

Support WP22-37 **as modified by OSM.** The Council shared anecdotes from the past of residents of Sand Point, King Cove, Nelson Lagoon, and other communities in Unit 9D harvesting local ptarmigan. The Council determined that these communities should be recognized for their customary and traditional use of Unit 9D ptarmigan.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposal WP22-37
This proposal would change the customary and traditional (C&T) use determination for ptarmigan in Game Management Unit (GMU) 9D from all rural residents to residents of Cold Bay, King Cove, Sand Point, Belkofski, Sanak, Pauloff Harbor, Unga, and Nelson Lagoon.

Background

While the state and federal boards have different processes for determining eligibility for subsistence priority, an overview of the Alaska Board of Game (BOG) regulatory actions may be informative for the Federal Subsistence Board (FSB) in considering this proposal. In 1990, the FSB assumed subsistence management responsibilities on federal public lands and adopted existing state C&T use determinations. At the time, the state did not recognize C&T uses of ptarmigan in GMU 9D. Therefore, all rural residents were deemed eligible to hunt ptarmigan in GMU 9D during open federal seasons. However, in 2018 the BOG made a positive C&T use determination for ptarmigan in GMU 9 (5 AAC 99.025(12)(c)). At the same 2018 meeting, BOG shortened the season for ptarmigan in GMU 9D and set the new season dates as August 10–last day of February. Following the BOG meeting actions, at the 2018 FSB meeting, a proposal was adopted to revise the season and harvest/possession limits for ptarmigan in GMU 9 to August 10–last day of February (36CFR § 242.26 (n)(9)).

Proposal WP22-37 seeks to change the C&T use determination for ptarmigan in GMU 9D from all rural residents to residents of Cold Bay, King Cove, Sand Point, Belkofski, Sanak, Pauloff Harbor, Unga, and Nelson Lagoon, which are located within GMU 9D on the Alaska Peninsula. The author of WP22-37 cites, "The ptarmigan population has been declining in GMU 9D" and "Rural residents rely on ptarmigan as a subsistence resource."

Upland game birds such as ptarmigan have been a valued source of food and raw materials (such as feathers) in the Alaska Peninsula region of Alaska from the prehistoric period to the present (VanStone and Townsend 1970). Ptarmigan are available year-round, but are especially important in winter and

early spring, when other sources of food may be scarce or nonexistent. Like some other important subsistence resources, ptarmigan populations fluctuate, which may be attributable to changes in environmental conditions and prior year offspring survival rates[1]. Fluctuations in resource availability can result in low harvests at times and fluctuating harvest trends over time. Population assessment is based primarily on observations during surveys which supplements the limited reports received by hunters. Ptarmigan populations in these areas have shown increasing number over the last few years. When large land mammal populations are low, ptarmigan can be an important supplemental source of meat. Ptarmigan continue to be an important commonly harvested subsistence resource in the north and south sides of the Alaska Peninsula (Morris 1987:79). Subsistence Section studies show that it is not uncommon for 30% to 60% of the households Alaska Peninsula communities to be involved in the harvesting of ptarmigan (CSIS).

The Subsistence Section has limited comprehensive subsistence harvest data for the communities listed in Proposal WP22-37. The communities of Belkofski, Sanak, Pauloff Harbor, and Unga are no longer occupied and are considered historic settlements. The communities of Cold Bay, King Cove, Nelson Lagoon, and Sand Point are currently occupied with year-round residents.

The most recent comprehensive subsistence survey conducted by the Subsistence Section, for Cold Bay occurred for the 2016 study year (CSIS 2021). The total wild resource harvest by Cold Bay residents was 14,536 lb or 232 lb per capita in 2016. The composition of the harvest is represented by salmon (64% of the total harvest weight), followed by large land mammals (13%), non-salmon fish (9%), birds and eggs (7%), vegetation (6%), marine invertebrates (7%), and marine mammals (<1%). In 2016, 65% of the surveyed households reported using birds and eggs, 44% reported attempted harvest of birds and eggs, 48% reported receiving birds and eggs, and 26% reported sharing their harvest of birds and eggs with others. The total ptarmigan harvest by Cold Bay residents was 26 lb or 0.05 lb per capita in 2016. Ptarmigan was used by 26% of the households, 30% reported attempting to harvest ptarmigan, 17% successfully harvested ptarmigan, 13% reported receiving ptarmigan, and 9% reported sharing their harvest of ptarmigan with others. Map data collected during the 2016 study year, indicate all ptarmigan harvested by the Cold Bay households during the study year occurred within a 10-mile radius of Cold Bay.

For King Cove, study year 2016 is the most recent comprehensive subsistence survey conducted the Subsistence Section. In 2016, the total wild resource harvest by King Cove residents was 158,128 lb or 300 lb per capita. The composition of the harvest is represented by salmon (65% of the total harvest weight), followed by non-salmon fish (12%), vegetation (8%), marine invertebrates (7%), large land mammals (5%), birds and eggs (3%), small land mammals (<1%), and marine mammals (<1%). During the study year, 60% of the households reported using birds and eggs, 44% reported attempted harvest of birds and eggs, 39% successfully harvested of birds and eggs, 33% received birds and eggs, and 19% shared birds and eggs with other households. The total ptarmigan harvest by King Cove residents was 282 lb or 0.05 lb per capita in 2016. Ptarmigan was used by 23% of the households, 21% reported attempting to harvest ptarmigan, 17% successfully harvested ptarmigan, 7% reported receiving ptarmigan, and 2% reported sharing with others. No map data specific to ptarmigan were provided by King Cove residents in 2016.

Nelson Lagoon has not been surveyed in recent years by the Subsistence Section. The last comprehensive

1 "Ptarmigan are notorious for their here-today, gone-tomorrow populations, pulsing between superabundance and virtual absence in just a few years. The causes of the rapid population changes remain a mystery. Many people think that ptarmigan numbers fluctuate rhythmically, with peaks once every nine or 10 years. Although there is good evidence for these cycles in Iceland, cycles are more legend than proven fact in Alaska. As with many other grouse, the population depends very heavily on each year's production of chicks, since this year's chicks will be next year's breeding stock. Under these conditions, one or two years of poor reproduction, a cold wet spring, or high winter losses can cause drastic declines in abundance. Conversely, one or two good years might result in more ptarmigan than you could swing a shotgun at." (http://www.adfg.alaska.gov/index.cfm?adfg=willowptarmigan.main)

subsistence survey conducted by the Subsistence Section for Nelson Lagoon occurred for the 1987 study yearn (CSIS 2021). The total wild resource harvest by Nelson Lagoon residents was 16,876 lb or 254 lb per capita. The composition of the harvest is represented by large land mammals (52% of the total harvest weight), followed by salmon (34%), marine invertebrates (6%), birds and eggs (5%), non-salmon fish (1%), vegetation (1%), marine mammals (<1%), and small land mammals (<1%). During the study year, 92% of the households reported using birds and eggs, 85% reported attempted and successfully harvest of birds and eggs, 46% received birds and eggs, and 77% shared birds and eggs with other households. The total ptarmigan harvest by Nelson Lagoon residents was 262 lb, or approximately 4 lb per capita in 1987. Ptarmigan was used by 92% of the households, 85% reported attempting to harvest ptarmigan, all household that attempted to hunt ptarmigan were successful, 46% reported receiving ptarmigan, and 46% reported sharing their harvest of ptarmigan with others. No map data specific to ptarmigan are available for this study year.

The most recent comprehensive subsistence survey conducted by the Subsistence Section for Sand Point occurred for the 2016 study year. The total wild resource harvest by Sand Point residents was 166,603 lb or 328 lb per capita in 2016. The composition of the harvest is represented by salmon (67% of the total harvest weight), followed by large land mammals (14%), non-salmon fish (9%), vegetation (6%), marine invertebrates (2%), marine mammals (1%), birds and eggs (<1%), and small land mammals (<1%). In 2016, less than one-half (45%) of the surveyed households reported using birds and eggs, 36% reported attempted harvest of birds and eggs, 30% successfully harvested of birds and eggs, 28% reported receiving birds and eggs, and 16% reported sharing their harvest of birds and eggs with others. The total ptarmigan harvest by Sand Point residents was 99 lb or 0.02 lb per capita in 2016. Ptarmigan was used by 9% of the households, 11% reported attempting to harvest ptarmigan, 8% successfully harvested ptarmigan, 2% reported receiving ptarmigan, and 1% reported sharing their harvest of ptarmigan with others. Map data collected during the 2016 study year indicate all ptarmigan harvested by Sand Point households during the study year occurred close to their community (all harvest locations occurred on Popof Island).

Impact on Subsistence Users

Ptarmigan populations in GMU 9D are not regulated by hunting except for possibly being displaced from human communities. Currently all rural residents may harvest ptarmigan in GMU 9D; if this proposal is adopted, only the residents of Cold Bay, King Cove, Sand Point, Belkofski, Sanak, Pauloff Harbor, Unga, and Nelson Lagoon would have a C&T use finding for ptarmigan in GMU 9D. Recognizing the C&T use of ptarmigan by the communities of GMU 9D will restrict federal harvest opportunities for rural residents residing outside the area.

Impact on Other Users

This proposal does not affect non-federally qualified users (NFQU).

Opportunity Provided by State

ADF&G provides hunting and fishing opportunity under state regulations. The season

and bag limit for GMU 9 is: 10 per day, 20 in possession from August 10 – last day of February

(5 AAC 85.065).

State customary and traditional use findings: In 2018 The BOG made a positive C&T use findings for ptarmigan in GMU 9 (5 AAC 99.025(12)(c)).

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the

amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The board does this by reviewing extensive harvest data from all Alaskans, collected either by ADF&G or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for C&T uses under normal conditions. Hunting regulations can be re-examined if harvests for C&T uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few. No ANS for ptarmigan in GMU 9 has been established by the board.

Enforcement Issues

There are no foreseeable enforcements issues with this proposal.

Position

ADF&G is **NEUTRAL** on this proposal. However, ADF&G highly encourages additional subsistence harvest and use research for ptarmigan in GMU 9D be conducted to provide adequate data when assessing subsistence harvest needs before making a C&T use determination.

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WP22-38a Executive Summary	
General Description	Proposal WP22-38a requests that the Federal Subsistence Board recognize the customary and traditional use of caribou in Unit 10 Unimak Island for residents of Cold Bay and Nelson Lagoon. *Submitted by: Kodiak/Aleutians Subsistence Regional Advisory Council.*
Proposed Regulation	**Customary and Traditional Use Determination--Caribou** *Unit 10 Unimak Island* — *Residents of Akutan, **Cold Bay**, False Pass, King Cove, **Nelson Lagoon**, and Sand Point*
OSM Conclusion	**Support**
Kodiak/Aleutians Subsistence Regional Advisory Council Recommendation	**Support**
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	**Neutral**
Written Public Comments	**None**

STAFF ANALYSIS
WP22-38A

ISSUES

Wildlife Proposal WP22-38a, submitted by the Kodiak/Aleutians Subsistence Regional Advisory Council (Council), requests a customary and traditional use determination for caribou in Unit 10 Unimak Island for residents of Cold Bay and Nelson Lagoon.

DISCUSSION

During their winter 2021 meeting on March 10, the Council discussed their growing concern for the Unimak Caribou Herd. Regional wildlife biologists informed the Council that the herd has reached its population threshold on Unimak Island. The attending Federal and State wildlife biologists agreed that more harvest is needed to maintain a healthy population. The current hunt on Unimak Island is open to the taking of caribou by residents of False Pass only. The Council requests to add Cold Bay and Nelson Lagoon to the existing customary and traditional use determination for caribou in Unit 10 Unimak Island. Rescinding the closure is addressed in related proposal, WP22-38b.

Note: Wildlife Proposal WP22-38b, also submitted by the Council, requests closure of Federal public lands in Unit 10, Unimak Island only, to caribou hunting, except by Federally qualified subsistence users unless the caribou population estimate exceeds a population threshold.

Existing Federal Regulation

Customary and Traditional Use Determination—Caribou	
Unit 10 Unimak Island	*Residents of Akutan, False Pass, King Cove, and Sand Point.*

Proposed Federal Regulation

Customary and Traditional Use Determination—Caribou	
Unit 10 Unimak Island	*Residents of Akutan,* **Cold Bay***, False Pass, King Cove,* **Nelson Lagoon***, and Sand Point.*

Extent of Federal Public Lands

Federal public lands comprise approximately 90% of Unit 10 (Unimak Island) and consist of 100% U.S. Fish and Wildlife Service (USFWS) managed lands (**Map 1**). Unimak Island is located within the Alaska Maritime National Wildlife Refuge and is managed by Izembek National Wildlife Refuge (Izembek NWR).

Regulatory History

In 1990, the Federal Subsistence Board (Board) assumed subsistence management responsibilities on Federal public lands and adopted existing State customary and traditional use determinations. At that time, False Pass was the only community with a customary and traditional use determination for caribou in the Unimak Island portion of Unit 10 (57 Fed. Reg. 22959; May 29, 1992).

In 1998, the Council requested customary and traditional use determination for caribou in the Unimak Island portion of Unit 10 for residents of Cold Bay, King Cove, Sand Point, and Nelson Lagoon. The Board followed the Council's recommendation to adopt this proposal, Proposal P98-44, with modification to only add residents of King Cove and Sand Point to the customary and traditional use determination for Unimak Island caribou (OSM 2021). Justification for the modification stated that neither Cold Bay nor Nelson Lagoon demonstrate a long-term use of the Unimak Island caribou. Most residents of both communities did not harvest on Unimak Island because they preferred land-based access to caribou on the western Alaskan Peninsula. Residents of King Cove and Sand Point, on the other hand, commonly used boats to access herds on Unimak Island (OSM 2021). At the time, the Board considered Proposal P98-44, directions for making customary and traditional use determinations stated that communities must exhibit each of the eight factors of customary and traditional use. The directions read:

> *A community or area must generally exhibit the following eight factors, which exemplify customary and traditional use (FR 50 CFR Part 100 B.16[b]). The Federal Subsistence Board will make customary and traditional use determinations based on an application of these eight factors, as described in FR 50 CFR Part 100 B.16[b]. In addition, the Federal Subsistence Board will take into consideration the reports and recommendations of any appropriate regional council regarding customary and traditional use of subsistence resources (FR 50 CFR Part 100 B.16[c], OSM 2021).*

In 2000, the Board considered Proposal P00-28, submitted by the Council, requesting residents of Akutan be added to the customary and traditional use determination for caribou in Units 9D and 10 (Unimak Island). The Board adopted Proposal P00-28 based on information that demonstrated residents of Akutan traveled to Unimak Island to hunt caribou (65 Fed. Reg. 40735; June 30, 2000).

In 2010, the Secretary of the Interior asked the Board to review, with Regional Advisory Council input, the customary and traditional use determination process and present recommendations for regulatory changes. At its fall 2013 meeting, the Southcentral Alaska Subsistence Regional Advisory Council made a recommendation to "change the way such determinations are made by making area-wide customary and traditional use determinations for all species," and supported other Regional Advisory Councils when choosing a process that works best in their regions (SCSRAC 2013:107–110). In June 2016, the Board clarified that the eight-factor analysis applied when considering customary and traditional use determinations is intended to protect subsistence use rather than limit it. The Board stated that the goal of the customary and traditional use determination analysis process is to recognize customary and traditional uses in the most inclusive manner possible.

Community Characteristics *(The information from this section is repeated from WP22-37)*

The archeological record indicates that there have been human populations in the western end of the Alaska Peninsula for at least 9,000 years (Reedy, in print 2021). Two Alaska indigenous groups, Unangan

and Alutiiq, are known to have historically inhabited and hunted in Unit 9D. Euro western explorers, missionaries, and entrepreneurs started residing in the region by the 1700s. Russian traders and explorers travelled to the Aleutian Islands and up the Alaska coast in the mid-eighteenth century (McCartney 1984; Clark 1984). Russia claimed sovereignty over Alaska for 126-years, providing opportunities for Russian and other European explorers to settle and search for commercial resources including sea-otter pelts (McCartney 1984, Partnow 2001, Morseth 2003). Intermarriages between indigenous people, Russians, and others of European heritage took place as both Russian and Europeans settled into indigenous territories (Partnow 2001). The influx of immigrants from Europe and the United States to the Alaska Peninsula increased after Russia sold Alaska to the United States in 1867 (Morseth 2003).

Cold Bay

Cold Bay is situated on the farthest western extent of the Alaskan Peninsula, approximately 634 miles southwest of Anchorage. It is the site of the former World War II air base of Fort Randall and the current headquarters of the Izembek National Wildlife Refuge. In 2020, the US Census estimated the Cold Bay population to be 76, down 22 persons from the last census in 2010. Despite its small population size, it has one of the largest runways in the state and serves as regional a transportation hub.

Nelson Lagoon

Nelson Lagoon is the smallest community in Unit 9D and the only one located on the north side of the Alaska Peninsula. Nelson Lagoon was a seasonal fish camp, and then the location of a salmon saltery between 1906 and 1923. Nelson Lagoon became a permanent community with the opening of a school in 1965. The area supports a commercial fishery with most operations based out of the seasonally occupied Port Moller, which is across the lagoon. In 2020, the U.S. Census estimated the Nelson Lagoon population to be 32, down 18 persons from the last census in 2010.

Eight Factors for Determining Customary and Traditional Use

A community or area's customary and traditional use is generally exemplified through the eight factors: (1) a long-term, consistent pattern of use, excluding interruptions beyond the control of the community or area; (2) a pattern of use recurring in specific seasons for many years; (3) a pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics; (4) the consistent harvest and use of fish or wildlife as related to past methods and means of taking: near, or reasonably accessible from the community or area; (5) a means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate; (6) a pattern of use that includes handing down knowledge of fishing and hunting skills, values, and lore from generation to generation; (7) a pattern of use in which the harvest is shared or distributed within a definable community of persons; and (8) a pattern of use that relates to reliance upon a wide diversity of fish and wildlife resources of the area and provides substantial cultural, economic, social, and nutritional elements to the community or area.

The Board makes customary and traditional use determinations based on a holistic application of these eight factors (50 CFR 100.16(b) and 36 CFR 242.16(b)). In addition, the Board takes into consideration the reports and recommendations of any appropriate Regional Advisory Council regarding customary and traditional use of subsistence resources (50 CFR 100.16(b) and 36 CFR 242.16(b)). The Board makes customary and traditional use determinations for the sole purpose of recognizing the pool of users who

generally exhibit some or all the eight factors. The Board does not use such determinations for resource management or restricting harvest. If a conservation concern exists for a particular population, the Board addresses that concern through the imposition of harvest limits or season restrictions rather than by limiting the customary and traditional use finding.

Cold Bay

The Board has recognized Cold Bay's customary and traditional uses of brown bear in Units 9D and 10 (Unimak Island) and caribou, moose, and wolf in Unit 9D.

Many residents of Cold Bay harvest wild food resources (the following paragraph is repeated from WP22-27; new information on resource harvesting is in the next paragraphs). In a 2016 ADF&G (2021a) comprehensive subsistence harvesting study, 23 out of an estimated 32 households were surveyed in Cold Bay, covering 45 out of an estimated 63 residents. All households surveyed reported that they used subsistence resources. An average of 232 lbs. of wild resources were harvested per person surveyed. Approximately 72% (168 lbs. per person) of the harvest was fish, most of which was salmon (64% of the total harvest). Large land mammals made up 13% of the harvest at 30 lbs. per person. Birds and eggs made up about 7% of the harvest at 17 lbs. per person. In addition to household consumption, most households also participate in resource sharing and other forms of redistribution. Twenty-two households (96% of the survey sample) reported receiving resources shared by others, and 20 households (87%) reported sharing resources with others.

Unimak Island caribou was closed to hunting during the 2016 survey year, but residents were able to harvest caribou elsewhere. Eleven of the surveyed households (48% of the sample) reported using caribou, seven households (30% of the sample) reported attempting to harvest caribou, nine households (39% of the sample) reported receiving caribou, and six households (26% of the sample) reported sharing their harvest of caribou with others (ADF&G 2021a). The households surveyed reported a total harvest of 910 lbs. of caribous, which is an average of 20.2 lbs. per person (ADF&G 2021a). It is estimated that the total harvest for the community was 1266 lbs. In a recent study conducted by Reedy (2021), residents of Cold Bay claimed that they were not getting enough caribou for their needs. They explained that caribou were not coming as close to the community and harvesting sites as before. One resident said that this change in behavior was caused by less annual snow in the area, explaining that caribou "won't come down without snow". Another resident blamed air traffic and predation on changes in caribou behaviors. Reedy noted:

> *One concern mentioned was that the U.S. Coast Guard fly grids and scare the animals. They now hang out in the mountains more in the summer than before. Caribou numbers in general were thought to be decreasing in the Cold Bay region. There were "thousands in the 90s, just walking down the road." There have been efforts to control the wolf population on the peninsula and some residents felt it was starting to help the caribou (Reedy 2021:90).*
>
> *Residents of Cold Bay harvest caribou locally. Harvest and use location for caribou was identified on the west side of the Mortensen's Lagoon watershed (Reedy 2021). Other harvest and use locations for both Cold Bay and King Cove included the mountain flanks on the eastern coast of Cold Bay and a large area north west of Pavlov Bay (Reedy 2021: 75). As mentioned above, the Unimak Island hunt was closed during the survey year.*
>
> *Nelson Lagoon*

The Board has recognized Nelson Lagoon's customary and traditional uses of brown bear, caribou, moose, and wolf in Unit 9D.

Wild resources have been important to residents of Nelson Lagoon residents (the following paragraph is repeated from WP22-27; new information on resource harvesting is in the next paragraphs). In a 2009 comprehensive household subsistence survey, Reedy-Maschner and Maschner (2012) interviewed 22 out of an estimated 24 occupied households. Survey participants reported harvesting a total of 13,613 lbs of food, which averages 261 lbs per person. It is estimated that the whole community harvests 14,851 lbs of wild foods. The composition of the reported community harvest was 10,694 lbs of salmon (72% of total harvest), 1,460 lbs of plants (10% of total harvest), 954 lbs of land mammals (6% of total harvest), 882 lbs of non-salmon fish (6% of total harvest), 680 lbs of birds and eggs (5% of total harvest), and 181 lbs of shellfish (1% of total harvest). Resource sharing, or redistribution, has been important to Nelson Lagoon residents. Based on the interviews with participants in 2009, it is estimated that 2,889 pounds (or 18% of all wild food consumed) were received from others (Reedy-Maschner and Maschner, 2012). In a 1987 ADF&G (2021b) comprehensive household subsistence survey, all 13 households surveyed out of an estimated 18 total households claimed they both gave wild resources to others and received.

There was a dramatic decline in the number of caribou harvested between 1987 and 2009. In 2009, which was the year of the most recent household subsistence survey, none of the households surveyed reported harvesting caribou (Reedy-Maschner and Maschner 2012). In comparison, 12 of the 13 participating households (92% of the sample) claimed that they harvested caribou in 1987 (ADF&G 2021b). Residents reported a community harvest of 38 caribou, which is an average of 119 pounds per person. It is estimated that the community harvested a total of 53 caribou. Regulatory changes since 1987 are one of the main causes for the reduction in caribou harvest leading into 2009 (Reedy-Maschner and Maschner 2012). Reedy-Maschner and Maschner (2012: 55) note that one resident explained, "the caribou ban really put a hurt on us." Others believe that the main reason for the decline in caribou is because of an overabundance of wolves (Reedy-Maschner and Maschner 2012).

When they had caribou, residents of Nelson Lagoon redistributed the resource with others. In 1987, nine households (69% of the sample) said they attempted to harvest caribou, 10 households (77% of the sample) reported they received caribou from others, and about 38% of households shared caribou with others (ADF&Gb).

There is no information on harvesting locations for Nelson Lagoon residents.

Effects of the Proposal

If this proposal is adopted, the residents of Cold Bay and Nelson Lagoon will have customary and traditional use for caribou in Unit 10 Unimak Island. Currently residents of Akutan, False Pass, King Cove, and Sand Point have customary and traditional use of caribou in Unit 10 Unimak Island; however, the harvest of caribou on Unimak Island is currently closed to all but residents of False Pass. If the closure was modified as requested by Proposal WP22-38b, and Federal public lands in Unit 10 Unimak Island were closed to the hunting of caribou except by Federally qualified subsistence users, Cold Bay and Nelson Lagoon would have an opportunity to participate in the hunt.

OSM CONCLUSION

Support Proposal WP22-38a **with modification** to recognize the customary and traditional use of caribou by residents of Unit 9D.

The modified regulation should read:

Customary and Traditional Use Determination— Ptarmigan	
Unit 9D	~~All rural residents.~~ Residents Akutan, False Pass, and **Unit 9D**

Justification

Residents of the communities of Cold Bay and Nelson Lagoon already have a customary and traditional use determination for caribou and brown bear in Unit 9D, as well as a customary and traditional use determination for brown bear in Unit 10. Both communities have patterns of use of caribou and local subsistence resources in Units 9D and 10 consistent with the eight factors outlined in this analysis.

Furthermore, recognizing customary and traditional use for all residents of Unit 9D, rather than just those with permanent settlements in this analysis (Cold Bay, King Cove, Nelson Lagoon, and Sand Point), will account for changes in settlement patterns within the unit.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Kodiak Aleutians Subsistence Regional Council

Support WP22-38a. The Council determined that the communities listed in the proposal, Cold Bay and Nelson Lagoon, had demonstrated customary and traditional use of Unit 10 Unimak Island caribou. The Council said that members of those communities harvested caribou from Unimak Island before there was the population crash that resulted in the current closure. The Council discussed three alternatives for the proposal: support it with the communities listed, support the OSM modification to include all residents of Unit 9D, or modify it to include all communities of East Aleutians Borough. The Council decided it was clearer to list the communities with customary and traditional use determination rather than use a larger geographic area such as a game management unit or borough.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposal WP22-38a

This proposal would make a customary and traditional (C&T) use determination for caribou in Unimak Island (GMU 10) for residents of Cold Bay and Nelson Lagoon.

Background

Currently, residents of Akutan, False Pass, King Cove, and Sand Point have a customary and traditional (C&T) use determination for caribou in Unimak Island, which is in GMU 10. Wildlife Proposal WP22-38a submitted by the Kodiak/Aleutians Subsistence Regional Advisory Council (RAC) requests adding Cold Bay and Nelson Lagoon to the existing C&T determination for Unimak Island caribou. The RAC submitted this proposal after a discussion about concerns for the Unimak Caribou Herd (UCH) that occurred during the winter 2021 RAC meeting. The attending federal and state wildlife biologists agreed the UCH has reached its population threshold, and increased harvest is needed to maintain a healthy population. At the meeting, RAC members reached a consensus that Proposal WP22-38a should be drafted as a request to expand the pool of federally qualified users (FQU) eligible to hunt for Unimak Island caribou to include all communities of the Aleutian East Borough (Akutan, Cold Bay, False Pass, King Cove, Nelson Lagoon, and Sand Point)[1].

While the state and federal boards have different processes for determining eligibility for subsistence priority, an overview of the Alaska Board of Game (BOG) regulatory actions and Subsistence Section research findings may be informative for the Federal Subsistence Board (FSB) in considering this proposal. Until recent years, state and federal wildlife managers considered UCH as part of the Southern

1 The current Federal hunt on Unimak Island is open to the taking of caribou by residents of False Pass only. Rescinding the closure is addressed in related proposal WP22-38b.

Alaska Peninsula caribou herd (SAP). Under 5 AAC 99.025, in 1987, the BOG made a positive C&T finding for caribou on Unimak Island as part of the SAP. The positive C&T finding was applied to the combined mainland and island portions of the herd. The FSB assumed subsistence management responsibilities on federal public lands in 1990 and adopted existing state C&T use determinations. At that time, False Pass was the only community with a C&T use determination for caribou in the Unimak Island portion of GMU 10 (57 Fed. Reg. 22959; May 29, 1992).

In 1998, the Kodiak/Aleutians RAC submitted proposal WP98-44 to the FSB requesting a C&T use determination for caribou in the Unimak Island portion of GMU 10 for residents of Cold Bay, King Cove, Sand Point, and Nelson Lagoon. The FSB adopted Proposal WP98-44 with modification to add residents of King Cove and Sand Point only to the C&T use determination for Unimak Island caribou. Justification for the modification states that neither Cold Bay nor Nelson Lagoon met all eight factors for determining C&T uses. In 2000, the FSB adopted Proposal P00-28, submitted by the Kodiak/Aleutians Council, requesting residents of Akutan be added to the C&T use determination for caribou in Units 9D and 10 (Unimak Island).

In 2010, the FSB made recommendations for changes to the federal C&T use determination process. In 2016, the FSB clarified that the eight-factor analysis applied when considering C&T use determinations is intended to protect subsistence use rather than limit it. The Board stated that the goal of the C&T use determination analysis process is to recognize C&T uses in the most inclusive manner possible.

Regarding current state management, the BOG will consider Proposal 26 regarding a C&T use determination for the Unimak Island caribou herd in GMU 10 at its Central/Southwest regulatory meeting currently scheduled for January 2022. Because the caribou on Unimak Island are now managed as a herd separate from the SAP, there is no C&T finding specific to the UCH. ADF&G submitted Proposal 26 to provide the BOG an opportunity to make a C&T determination specifically for the UCH. ADF&G has prepared a C&T use worksheet with data for the BOG to consider in making in this C&T determination, posted at adfg.alaska.gov/static/regulations/regprocess/gameboard/pdfs/2021-2022/ct_caribou_10.pdf.

Proposal WP22-38a requests a C&T use determination for caribou in GMU 10 Unimak Island for residents of Cold Bay and Nelson Lagoon, which are both located within GMU 9D on the Alaska Peninsula. There is substantial archaeological evidence of a long tradition of caribou hunting in the lower Alaska Peninsula area, including on Unimak Island, dating back at least 3,000 years (Fall et al. 1996:5). In 1925, there were an estimated 2,000 caribou on the mainland of the southern Alaska Peninsula and another 7,000 on Unimak Island. However, caribou herd size declined in the 1930s, and in 1949, the U.S. Fish and Wildlife Service estimated 500 caribou on the mainland and fewer on Unimak (USFWS 2010). The Unimak segment grew to about 5,000 by 1975, and the next year crashed to about 1,200 due to winter conditions. During the late 1970s and early 1980s, the Unimak segment continued to decline to fewer than 500, while the mainland segment grew to a peak of 10,200 in 1983[2]. ADF&G began to closely monitor the caribou population in this area, and since the mid-1990s, caribou living on Unimak Island have been considered as a separate herd from the SAP herd due to geographic isolation and lack of interaction among the groups (ADF&G 2010).

Cold Bay: Cold Bay is located approximately 35 miles northeast of Unimak Island. The most recent comprehensive subsistence survey conducted by the Subsistence Section for Cold Bay occurred for the

2 .Alaska Board of Game, November 1992 Subsistence Regulation Review Sheet Customary and Traditional Use Regulations Seasons and Bag Limits, Worksheet # 26.

2016 study year. The 2016 study found an estimated population for Cold Bay of 63 individuals in 32 households. The total wild resource harvest by Cold Bay residents was 14,536 lb or 232 lb per capita in 2016. The composition of the harvest is represented by salmon (64% of the total harvest weight), followed by large land mammals (13%), nonsalmon fish (9%), birds and eggs (7%), vegetation (6%), marine invertebrates (7%), and marine mammals (<1%). The total caribou harvest by Cold Bay residents was 1,266 lb or 20 lb per capita during the 2016 study year. In 2016, 48% of the surveyed households reported using caribou, 30% reported attempted harvest of caribou, 9% successfully harvested caribou, 39% reported receiving caribou from others, and 26% reported sharing caribou. Map data collected during the 2016 study year, indicate all caribou harvested by the Cold Bay households during the study year occurred within a 25-mile radius of Cold Bay. It should be noted that hunting caribou hunting on Unimak Island was closed during the 2016 survey year; therefore, Cold Bay residents would not have had the opportunity to harvest Unimak Island caribou.

Nelson Lagoon: The community of Nelson Lagoon is located approximately 115 miles northeast of Unimak Island. Nelson Lagoon has not been surveyed in recent years by the Subsistence Section. The last comprehensive subsistence survey conducted by the Subsistence Section for Nelson Lagoon occurred for the 1987 study year. The 1987 study found an estimated population for Nelson Lagoon of 67 individuals in 18 households. The total wild resource harvest by Nelson Lagoon residents was 16,876 lb or 254 lb per capita. The composition of the harvest is represented by large land mammals (52% of the total harvest weight), followed by salmon (34%), marine invertebrates (6%), birds and eggs (5%), nonsalmon fish (1%), vegetation (1%), marine mammals (<1%), and small land mammals (<1%). The total caribou harvest by Nelson Lagoon was 7,892 lb or 119 lb per capita during the 1987 study year. In 1987, almost all (92%) of the surveyed households reported using caribou, 69% reported attempted harvest of caribou, 62% successfully harvested caribou, 77% reported receiving caribou from others, and 39% reported sharing caribou. No map data are available from the 1987 study.

Since the administration of the 1987 household surveys in Nelson Lagoon, much has changed in terms of regulations and community demographics. Of critical importance to Nelson Lagoon was the reduction in subsistence caribou hunting opportunities because of a decline in abundance of the Southern Alaska Peninsula caribou herd and the UCH. Beginning in 1989, caribou hunting season dates were restricted until 1993, when both federal and state hunts were closed altogether by emergency orders. From 2000 to 2009, caribou hunting was reopened, but caribou on Unimak Island were again closed to hunting in 2009 and have remained closed under state and federal regulations (Crowley 2020).[3]

A survey was conducted by Idaho State University researchers, Reedy-Maschner and Maschner for the 2009 study year. Those data from the 2009 study year were not compatible with the Subsistence Section CSIS; however, Reedy-Maschner and Maschner did expand the survey data to the entire community. In 2009, 22 households of an estimated 24 occupied households were surveyed. The total wild resource harvest by Nelson Lagoon residents was 14,851 lb or 262 lb per capita. The composition of the harvest is represented by salmon (72% of the total harvest weight), followed by plants (10%), large land mammals (6%), nonsalmon fish (6%), birds and eggs (5%), and marine invertebrates (1%) (Reedy-Maschner and Maschner 2012). No caribou were estimated to have been harvested by Nelson Lagoon households in 2009. Changes reported by Reed-Maschner and Maschner between the 1987 study year and 2009 included a significant reduction in the harvest of caribou, due to regulatory changes.

3 .Through special action requests to the Federal Subsistence Board (FSB); federal subsistence permits were issued for 2018 and 2019, a total of five caribou from the Unimak Island herd were harvested though this action by False Pass residents.

Impact on Subsistence Users

If adopted, the residents of Cold Bay and Nelson Lagoon, would have a C&T use finding for caribou in GMU 10 Unimak Island. Currently, residents of Akutan, False Pass, King Cove, and Sand Point have a positive C&T use finding for caribou in GMU 10 Unimak Island; however, the harvest of caribou on Unimak Island is closed to all but residents of False Pass. If the closure was modified as requested by Proposal WP22-38b, and Federal public lands in GMU 10 Unimak Island were closed to the hunting of caribou except by Federally qualified subsistence users, Cold Bay and Nelson Lagoon, in addition to Akutan, False Pass, King Cove, and Sand Point would have an opportunity to harvest caribou on Unimak Island.

Impact on Other Users

This proposal does not affect non-federally qualified users (NFQU).

Opportunity Provided by State

There is currently no open season for caribou on Unimak Island under state regulations (5 AAC 85.025).

State customary and traditional use findings: Under 5 AAC 99.025, in 1987, the BOG made a positive C&T use finding for caribou on Unimak Island as part of the SAP. The positive C&T use finding was applied to the combined mainland and island portions of the herd. In the last decade, there has been very little movement between these herds, prompting ADF&G to view the caribou population as two separate herds. Because the caribou on Unimak Island are now managed as a herd separate from the SAP, there is no C&T use finding specific to the UCH. ADF&G submitted a proposal for the Central/Southwest regulatory meeting currently scheduled for January 2022 to provide the BOG an opportunity to make a C&T use determination specifically for the UCH.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by ADF&G or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

Historically, the BOG considered the UCH as part of the SAP with an ANS of 100–150 caribou. However, at the recent Central/Southwest meeting the BOG adopted a separate positive C&T finding for the UCH. There is no open season for caribou on Unimak Island currently under state regulations, but the BOG will consider an ACR proposed by ADF&G at their statewide meeting in March to establish a hunt structure for the UCH.

Enforcement Issues

There are no enforcement issues with this proposal.

Position

ADF&G is **NEUTRAL** on eligibility to participate in subsistence hunting opportunities. However, ADF&G highly encourages additional subsistence harvest and use research be conducted to provide adequate data when assessing subsistence harvest needs before making C&T use determinations.

WP22–38b Executive Summary	
General Description	Wildlife Proposal WP22-38b requests closure of Federal public lands in Unit 10, Unimak Island only to caribou hunting except by Federally qualified subsistence users unless the caribou population estimate exceeds a population threshold. *Submitted by: Kodiak/ Aleutians Subsistence Regional Advisory Council*
Proposed Regulation	**Unit 10—Caribou** *Unit 10, Unimak Island only—1 bull by Federal registration permit.* *Aug. 1-Sep. 30* Federal public lands are closed to the taking of caribou except by ~~residents of False Pass~~ **Federally qualified subsistence users unless the population estimate exceeds (a threshold to be recommended by State and Federal management).**
OSM Preliminary Conclusion	**Support** Proposal WP22-38B **with modification** to establish a population threshold of 800 caribou.
OSM Conclusion	**Support** Proposal WP22-38B **with modification** to remove the closure from the unit specific regulations and delegate authority to the Izembek NWR Refuge manager to open and close Federal public lands to non-Federally qualified users annually based on the current population status of the Unimak caribou herd in consultation with ADF&G staff via delegation of authority letter only (**Appendix 2**).
Kodiak/Aleutians Subsistence Regional Advisory Council Recommendation	**Support with modification** to remove the closure from the unit specific regulations and delegate authority to the Izembek NWR Refuge manager to open and close Federal public lands to non-Federally qualified users annually based on the current population status of the Unimak caribou herd in consultation with ADF&G staff via delegation of authority letter only.
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	**Support with modificatio**n the alternative language developed between the Kodiak/Aleutians Subsistence Regional Advisory Council and the Office of Subsistence Management.
Written Public Comments	**None**

STAFF ANALYSIS
WP22-38B

ISSUES

Wildlife Proposal WP22-38b, submitted by the Kodiak/Aleutians Subsistence Regional Advisory Council (Council), requests closure of Federal public lands in Unit 10, Unimak Island only to caribou hunting except by Federally qualified subsistence users unless the caribou population estimate exceeds a population threshold.

DISCUSSION

The proponent states that the Unimak Caribou Herd (UCH) has reached its population threshold, and that Federal and State wildlife biologists agree more harvest is necessary to maintain a healthy population.

The proposal as submitted also requested, "An annual harvest quota for the hunt to be established by Delegated Official in consultation with the State of Alaska as outline in the letter of delegation." As the in-season manager already can set annual harvest quotas via a delegation of authority (**Appendix 1**), this part of the proposal is not considered further.

WP22-38a requests that Cold Bay and Nelson Lagoon be added to the customary and traditional use determination for caribou in Unit 10, Unimak Island.

Existing Federal Regulation

Unit 10—Caribou

Unit 10, Unimak Island only—1 bull by Federal registration permit.	*Aug. 1-Sep. 30.*

Federal public lands are closed to the taking of caribou except by residents of False Pass

Proposed Federal Regulation

Unit 10—Caribou

Unit 10, Unimak Island only—1 bull by Federal registration permit.	*Aug. 1-Sep. 30.*

Federal public lands are closed to the taking of caribou except by ~~residents of False Pass~~ ***Federally qualified subsistence users unless the population estimate exceeds (a threshold to be recommended by State and Federal management).***

Proposed Federal Regulation

Unit 10—Caribou

Unit 10, Unimak Island only—1 bull by Federal registration permit.	*Aug. 1-Sep. 30.*

Federal public lands are closed to the taking of caribou except by ~~residents of False Pass~~ ***Federally qualified subsistence users unless the population estimate exceeds (a threshold to be recommended by State and Federal management).***

Existing State Regulation

Unit 10−Caribou

Umnak and Unimak islands	*No open season*
Residents and Nonresidents	

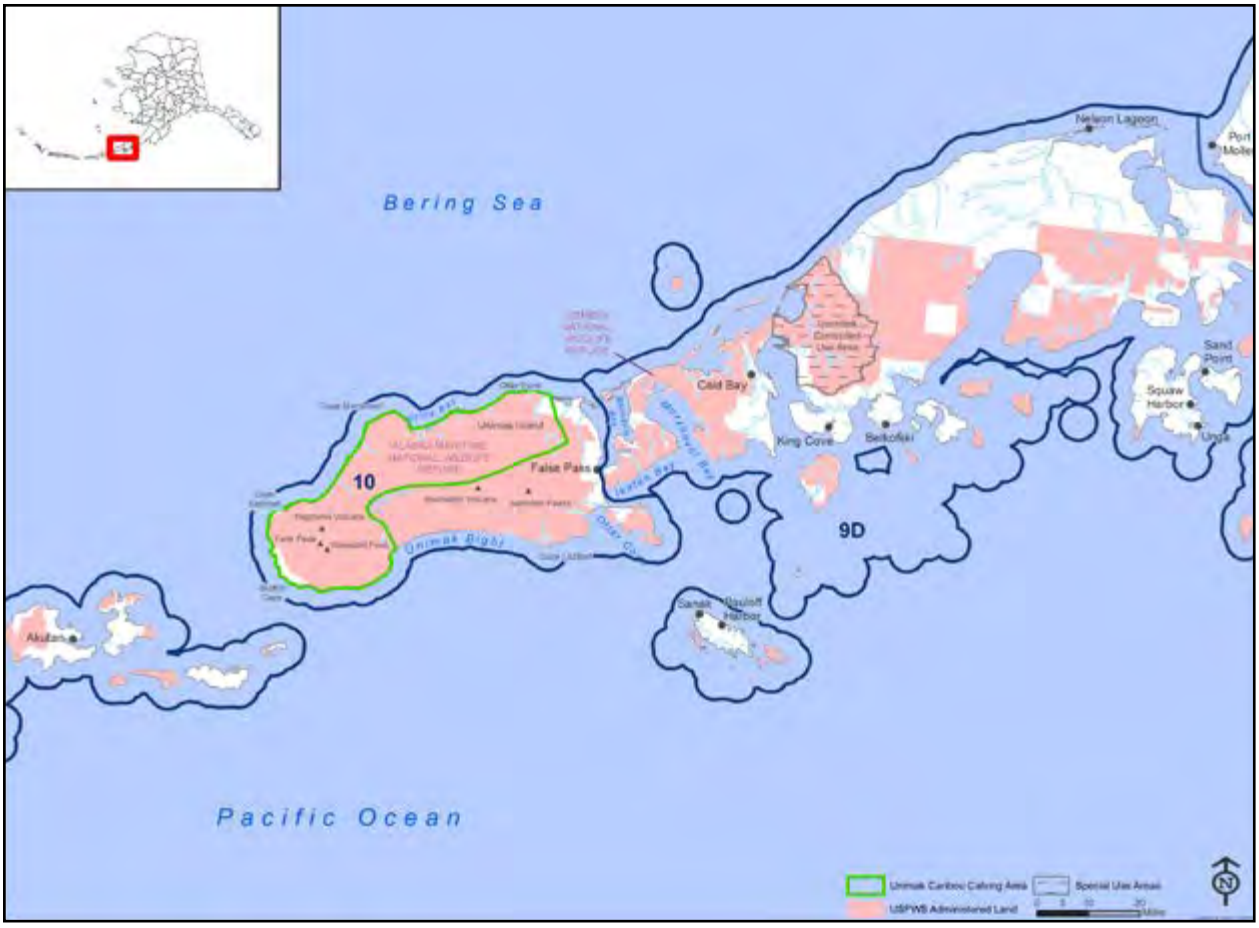
Extent of Federal Public Lands/Waters

Federal public lands comprise approximately 90% of Unit 10 (Unimak Island) and consist of 100% U.S. Fish and Wildlife Service (USFWS) managed lands (**Map 1**). Although Unimak Island is within the Alaska Maritime National Wildlife Refuge, it is managed by Izembek National Wildlife Refuge (Izembek NWR).

Map 1. Unimak Island

Customary and Traditional Use Determinations

Residents of Akutan, False Pass, King Cove, and Sand Point have a customary and traditional use determination for caribou in Unit 10 (**Map 2**).



Map 2. Unimak Island including the communities with Customary and Traditional Use for caribou - Akutan, False Pass, King Cove, and Sand Point. The green outline depicts the Unimak Caribou herd's calving area.

Regulatory History

Over the last three decades, regulations for harvesting Unit 10 caribou have responded to changes in UCH: they first became more conservative, then relaxed, and then became more conservative again. In the early 1990s, Federal management acted to halt the precipitous decline in the UCH population. In 1991, caribou harvest in Unit 10 (Unimak Island) was closed to non-Federally qualified subsistence users(P91-01) (OSM 1991). In 1993, the Alaska Department of Fish and Game (ADF&G) closed the State harvest by Emergency Order when the combined UCH and Southern Alaska Peninsula herd (SAPCH) declined below 2,500 caribou; and the Federal Subsistence Board (Board) approved Temporary Special Action S93-01 to close Units 9D and 10 (Unimak Island) to all caribou harvest (OSM 1993).

In 1994, the Board adopted Proposal P94-28 to continue the closure for another three to five years to allow post-1990 calves to reach reproductive age and successfully reproduce (OSM 1994).

By the end of the 1990s, Federal management started to relax restrictions and allow more harvest. In 1997, the Board approved Temporary Special Action S97-01 to open a caribou season in Units 9D and 10 from Aug. 10-Mar. 31 after caribou surveys indicated there was a sufficient increase in bulls to allow for a subsistence harvest on Federal public lands (OSM 1997). Temporary Special Action S98-05 established a subsistence hunt via Federal registration permit (OSM 1998), while Temporary Special Action S99-04 authorized a caribou harvest of one caribou from Sep. 1-Mar. 31, 1999 (OSM 1999). In 2000, when the UCH reached 1,000 caribou, the Board adopted Proposal P00-029, establishing a two caribou harvest limit by Federal registration permit in Unit 10 during the fall season of Aug. 1-Sep. 30 and the winter season from Nov. 15- Mar. 31 (OSM 2000). The State general season was reopened in 2001 to allow residents to harvest one caribou from Aug. 10-30 or Nov. 15-Mar. 31 and nonresidents one caribou from Sep. 1-30 (Butler 2005).

In 2003, the Board approved Temporary Special Action WSA03-08, which increased the harvest limit from two to four caribou for Unit 10 (Unimak Island) during the fall season of Aug. 1-Sep. 30, 2003 (OSM 2003a). Temporary Special Action WSA03-10 was approved by the Board and extended the increased harvest limit of four caribou into the winter season from Nov. 15, 2003-Mar. 31, 2004 (OSM 2003b). In 2004, the Board adopted Wildlife Proposal WP04-40, increasing the harvest limit from two caribou to four caribou for Unit 10 (Unimak Island) (OSM 2004).

After a decade of relaxing restriction, Federal management again needed to respond to decreasing population levels. In 2008, the Board adopted Proposal WP08-25 (OSM 2008a), decreasing the harvest limit from four to two caribou for Unit 10 (Unimak Island) in response to a decrease in the UCH. In addition, in response to declining population numbers of the SAPCH, the Board also closed the Federal caribou season in Unit 9D in 2008 (WP08-26) (OSM 2008b).

The Alaska Board of Game (BOG) closed all hunting for caribou on Unimak Island (Unit 10) at its Feb. 27 – Mar. 9, 2009 meeting (State Proposal 54). The Board approved Emergency Special Action WSA09-06 on July 1, 2009, closing the fall caribou season from Aug. 1 through Sep. 29 (OSM 2009a) and authorized Temporary Special Action WSA09-07 on November 10, 2009 to close the winter season (OSM 2009b). In 2010, concern that the caribou population could be extirpated from Unimak Island due to the small population size, the BOG and the Board suspended all caribou hunting on Unimak Island, including subsistence hunting, for conservation reasons (WP10-42) (OSM 2010). From 2009-2017, there were no State or Federal caribou hunts on Unimak Island (Crowley 2015, Peterson 2018, pers. comm.).

In 2018, the Board approved Temporary Special Action WSA18-01, to open a limited fall caribou hunt for residents of False Pass only (OSM 2018). Three bull caribou were harvested under WSA18-01.

In 2019, the Council submitted another Temporary Special Action WSA19-05, requesting that Federal public lands in Unit 10, Unimak Island only, be opened for a limited bull caribou hunt from Aug. 15-Oct. 15, 2019 for the residents of False Pass only. The Board approved the request in July 2019. Izembek NWR offered 10 permits; of these three permits were issued and three caribou were harvested. (Fitzmorris 2020, pers. comm.; Melendez 2021, pers. Comm.).

In 2020, the Council submitted Proposal WP20-25, requesting that Federal public lands in Unit 10, Unimak Island only, be opened for a limited bull caribou hunt by Federal registration permit from Aug. 15-Oct. 15 for the residents of False Pass only, and that the Izembek NWR Manager be allowed to determine the annual harvest quota. The Board adopted Proposal WP20-25 with modification to open a

caribou season from Aug. 1-Sept. 30 and to delegate authority to the Izembek NWR manager to set the harvest quota, close the season, and set permit conditions via a delegation of authority letter. Establishing a season provided subsistence opportunity for False Pass residents as the UCH had recovered to a level allowing for limited harvest. The Council recommended the earlier season to reduce the potential of disturbing caribou during the rut in October. Delegating authority to a Federal manager provides for in-season management flexibility and timely responses to changing conditions. In 2020, 15 permits were allocated, but only one permit was issued and no caribou harvested (Melendez 2021, pers. Comm.).

Biological Background

Research has demonstrated that the UCH are a distinct subpopulation of caribou. Originally, caribou on Unimak Island (Unit 10) and the SAPCH (Unit 9D) were managed as a single population. However, subsequent genetic sampling of the UCH and SAPCH showed enough distinction to classify them as two different herds (Zittlau 2004). Although caribou have been documented to cross Isanotksi Straight, a half-mile passage that has strong tidal currents located between Unimak Island and the Alaska Peninsula (**Map 2**) (Skoog 1968, Sellers 1999, Valkenburg et al. 2003), no significant dispersal, based on collared cows, between the UCH and the SAPCH was documented from 2000-2011 (Butler 2009, Peterson 2013). In 2012, one collared cow swam across Isanotski Strait from Unimak Island to the mainland and was seen in the vicinity of 5-30 other caribou. Given that the nearest collared cow from the SAPCH was 40 miles away, it is possible that this cow was accompanied by 5-30 other caribou when she crossed from Unimak Island (Crowley 2015). In a genetic study on North American caribou herds, Zittlau (2004) found the UCH to be closely related to the Southern and Northern Peninsula caribou herds on the Alaska Peninsula, but quite distinct from all other herds. Zittlau's (2004) findings are consistent with the hypothesis that Unimak caribou derived from the SAPCH, but were subsequently isolated (Talbot 2018, pers. comm.) and thus emigration and immigration has not been a routine component of UCH population dynamics (USFWS 2010).

Managers have since acknowledged the status of the UCH as a subpopulation. In 2007, ADF&G revised the Draft Southern Alaska Peninsula Caribou Herd Operational Plan to reflect the separation of the SAPCH and the UCH (ADF&G and USFWS 2007). To date, no formal management objectives have been defined by ADF&G for the UCH due to the difficult logistics in accessing the island. General ADF&G management objectives are to keep the Unimak Herd at 1,000 to 1,500 animals with a fall bull:cow ratio of 35 bulls:100 cows based on limited habitat on the island (ADF&G and USFWS 2007). However, Crowley (2020) proposed a population objective range of 800-1,000 caribou given the 2002 peak of 1,200 caribou and subsequent decline.

The UCH population size has varied considerably over the last century. (Valkenburg et al. 2003, Colson et al. 2014, Crowley 2015). Population estimates based on ground observations, expert opinion, reports by Unimak residents, Murie (1959), and Beals and Longworth (1941) estimated 7,000 caribou in 1925 and 3,000 to 8,000 caribou in 1941. Although Skoog (1968) reported no caribou in 1949 and 1953 while conducting aerial surveys, it is unknown if these results represent total absence, very low density, and/or incomplete coverage of the island, lack of information on sightability conditions, and/or extent of the surveys. Skoog (1968) subsequently reported 1,000 caribou in 1960; assuming the survey methods were comparable, his observations would indicate that UCH underwent large fluctuations in seven years. The UCH reached a peak in 1975 with an estimated population of 3,334 animals (Irvine 1976) and then decreased to 300 animals by the early 1980s. The severe winter of 1975-1976 likely contributed to the declines in the early 1980s (Crowley 2015).

Surveys since the 1980s also suggest the herd size varies. Izembek NWR has conducted seven aerial surveys on-systematic transects across Unimak Island since 1996/97 when snow on the ground facilitated observation (**Table 1**). Although, some caribou may be missed or counted twice during these flights, the counts provide estimates of minimum population sizes. The UCH population size was approximately 600 animals in 1997 and 1,262 by 2002. The UCH population remained relatively stable at around 1,000 animals until 2005 and then declined to 192 caribou in 2013. In 2016, the UCH increased to approximately 330 animals (KARAC 2017, 2018, Crowley 2016). Biologists counted a minimum of 181, 190 and 287 caribou during parturition surveys in 2016, 2017 and 2018, respectively (ADF&G 2017, 2019; Fitzmorris, 2019). The 413 caribou observed in 2018 during the composition surveys was thought to be representative of a herd between 400-500 animals (Fitzmorris 2019, KARAC 2019).

Recent research suggests that bull numbers have been relatively low in the UCH. Since 2000, ADF&G has conducted yearly composition counts during autumn (early to mid-October). From 2000-2005, bull:cow ratios were above the management objectives (35 bulls:100 cows) set for most caribou herds in Alaska (Peterson 2013). In 2005, caribou population composition surveys (**Table 1**) estimated 730 caribou with a ratio of 45 bulls:100 cows, with large bulls making up 39% of all bulls. The 2008 estimate of 9 bulls:100 cows was a significant decrease from the 2007 estimate of 31 bulls:100 cows (Butler 2008) and represented a 71% decrease in the bull:cow ratio. The bull:cow ratio continued to decline to 5 bulls:100 cows in 2009 (Riley 2011). In 2016, the bull:cow ratio increased significantly to 33 bulls:100 cows, which is close to the recommended fall bull:cow ratio of 35 bulls: 100 cows (Crowley 2016). Caribou have a polygynous mating system in which a single male is capable of breeding with many females; however, research has shown that there is a sex-ratio threshold for caribou (sex ratio ≤ 0.08; males $\leq 8\%$ of the population), below which fecundity may collapse (Bergerud 1974). The mean annual bull:cow ratio from 2008-2018 was 12 bulls: 100 cows (**Table 1**).

The low bull numbers can be explained, in part, by an aging population structure because of reduced recruitment. After several years with poor recruitment into a caribou population, the remaining animals become older, on average, and the number of males usually declines before the females due to higher annual mortality rates, especially after 5-6 years of age (Bergerud 1980). Thus, as the population declines, older individuals and cows make up a larger proportion of the population which may explain the continued decline of bull:cow ratios in the UCH. The low number of bulls may also result in some cows going unmated, which would further depress pregnancy rates and ultimately, recruitment and herd growth. For example, pregnancy rates for cows two years or older decreased from 85% in 2008 (n=113) (Butler 2009) to 68% in 2009 (n=40) and 69% in 2018 (Riley 2011, ADF&G 2019b).

In addition to the effects of the aging population structure and emigration, predation and hunting mortality may have contributed to the decline in the bull:cow ratio from 2006 to 2014. Bull only seasons have the potential to increase bull mortality from caribou populations (Bergerud 1974). In the presence of natural wolf and bear populations, the generalized maximum sustainable harvest mortality is three percent annually (Bergerud 1980). Conservative caribou management guidelines for small populations or populations in decline call for no bull harvest or a small bull harvest of 1% of the total population (Environment Yukon 2016). Previous Federal and State hunting seasons ended on September 30 to protect the bulls during the rut and were closed from 1993-1996 and 2009 to 2017. The UCH population continued to decline from 2006-2014, even though the reported harvest remained below the 3% guideline from 2001-2008 and included no legal harvest from 2009-2014.

In 2016, the ratio of 40 calves:100 cows was significantly greater than in previous surveys from 2005-2012 when the average was 6 calves:100 cows (**Table 1**). Maintenance of a stable population generally requires an average fall recruitment ratio of 20-25 calves:100 cows. Fall calf:cow ratios are typically a good indicator of the number of calves entering the herd as adults as most mortality occurs within the first few months of life. Calf recruitment from 2005-2012 was not sufficient to offset adult mortality and helps to explain the overall decreasing population trend for the UCH during this time. Limited movements of caribou to and from the Southern Alaska Peninsula and the high fidelity of the UCH to calving grounds suggests that the decline was not due to caribou from the UCH migrating to the mainland. In addition, immigration from the SAPCH was less likely from 2002-2008 because the annual SAPCH calf recruitment was also at its lowest levels (6 calves:100 cows) (Butler 2007).

Other specific limiting factors, such as poor nutrition, predation, weather events, disease, and parasites, that may have contributed to the low calf recruitment from 2003-2013 and subsequent population decline are not known (Keech and Valkenburg 2007). Valkenburg et al. (2003) stated that, typically, predation is a limiting factor to caribou populations, particularly in small isolated herds. In 1999, Sellers et al. (2003) conducted a study on the SAPCH and found that wolves and bears were responsible for most of the calf mortality that occurred during the summer after the neonate stage. Sellers et al. (2003) noted that predation by brown bears was well below levels found in interior Alaska despite the high density of brown bears in the SAPCH area. This was different from the results of a study in Denali National Park, where brown bears were opportunistic predators of caribou, particularly neonate calves (Adams et al. 1995). Only one wolf was sighted during the 2016 surveys on Unimak Island (KARAC 2017, 2018).

Data is not available on weather patterns, for example severe winter storms or icing events that may have contributed to the population declines in the UCH. Valkenburg et al. (2003) noted that in 1998, many of the calves handled in the range of the SAPCH had incisors worn to the gum line which may have been due to volcanic ash. Despite this these calves were in relatively good condition. It is unlikely that the high rate of calf mortality in the UCH since 2005 was due primarily to stochastic events such as icing and volcanic eruptions, although these events may have contributed.

In summary, indirect evidence suggests that multiple factors likely contributed to the decline of the UCH. From 2002 to 2013, the UCH population declined by approximately 85% with bulls declining by about 97% (**Table 1**). Limited calf recruitment is thought to be the primary cause of the decline in the UCH population. As of 2018, the UCH population is growing slowly and the current bull:cow and calf:cow ratios are above the State management objectives.

Table 1. Unimak Caribou Herd winter minimum population counts and fall composition counts in Unit 10 from 1996–2020 (Butler 2005, 2007, Crowley 2015, 2016; USFWS 2018a, 2018b, ADF&G 2019a, Crowley 2019, pers. comm., KARAC 2021).

Regulatory Year	Total bulls: 100 cows	Calves: 100 cows	Total Calves	Total Cows	Total bulls	Composition Sample size[a]	Estimate of herd size
1996-1997							603[b]
1997-1998							
1998-1999							
1999-2000		46				126	
2000-2001	40	21	13	62	25	406	983[c]

Regulatory Year	Total bulls: 100 cows	Calves: 100 cows	Total Calves	Total Cows	Total bulls	Composition Sample size[a]	Estimate of herd size
2001-2002							
2002-2003	54	31	17	54	29	392	1,262[b]
2003-2004							
2004-2005							1,006[b]
2005-2006	45	7	5	66	29	730	1,009[b]
2006-2007							806[b]
2007-2008	31	6	4	73	23	433	
2008-2009	9	6	5	86	9	260	
2009-2010	5	3	3	92	5	221	400[b]
2010-2011	8	8	7	86	7	284	
2011-2012	6	7	6	89	8	117	224[d]
2012-2013	10	3	2	89	8	85	
2013-2014	10	19	15	78	8	67	192[e]
2014-2015	15	22				127	230[b]
2015-2016							334[b]
2016-2017	33	40	60	149	49	258	
2017-2018	80	44				287[d]	413[f]
2020	78	34					

[a] Estimates based on October composition surveys

[b] Estimates based on winter (January and April) counts by Izembek NWR staff.

[c] Estimates based on July post calving counts and the proportion of the radio collared caribou encountered

[d] May parturition survey by ADF&G

[e] October census of entire island by Izembek NWR staff

[f] Minimum count conducted by ADF&G

Habitat

Unimak Island is the easternmost volcanic island in the Aleutian Islands, located 700 miles southwest of Anchorage just off the tip of the Alaska Peninsula (**Map 2**). It is the only Aleutian Island with natural populations of caribou, brown bear, and wolf. Ninety-eight percent of Unimak Island is designated as a wilderness. The village of False Pass, located across the mainland on Isanotski Strait, is the only permanent community on Unimak Island and has a population of 35 people (U.S. Census Bureau 2010).

Four volcanos are located on the island including Shishaldin (elevation 9,372 ft.), which is one of the 10 most active volcanos in the world (USFWS 2010). The Bering Sea lowland consists of a gently sloping plain on the north side of the island and is characterized by dense vegetation and numerous lakes, streams, marshes and hills (Sekora 1971). The mean annual temperature is 38°F (range -10°F to 70.0°F) and temperatures below zero are rare. Winter lasts 6-9 months and snowfall averages 40-45 inches, which can accumulate into deep drifts. Rainfall, which averages 30-35 inches per year, is evenly distributed

throughout the year. Winds average about 20 mph but maximum speeds of up to 100 mph have been recorded at Cape Sarichef.

Unimak Island is classified as a marine tundra environment. The absence of trees and large areas of barren ground result from high winds and recent volcanic activity. Dominant vegetation community types include dwarf-shrub cowberry tundra heath, sedge meadows, tall-shrub alder and low-shrub willow (Talbot et al. 2006). Skoog (1968) considered the caribou habitat on the Alaska Peninsula as marginal due to severe icing conditions and ash fall from frequent volcanic eruptions.

Valkenburg et al. (2003) noted that lichen biomass is low on the Alaska Peninsula due to historically sustained grazing by caribou, which is consistent with the finding that the diet of the UCH had higher proportions of forbs than other caribou herds (Legner 2014). Legner (2014) found that during the spring, summer, and fall the nutritional quality of the habitat seemed to be sufficient. In addition, the body condition of cows and calves from 2009 (USFWS 2010) to 2014 (Peterson 2013, Crowley 2015) indicated that nutrition was not limiting UCH population growth and survival. The pregnancy rate for Unimak caribou from 2006-2008 also indicated that the herd was in good nutritional condition even though calf recruitment remained low (Butler 2009). However, it is often the forage availability and quality during the winter that limits the productivity of caribou herds. Lichen species, mainly consisting of the lichens in the genus *Cladonia,* are typically the major component of caribou winter diet. However, the lichen species found mainly on Unimak Island are the foliose lichen group belonging to the *Peltigera* genus, a non-forage species for caribou. In addition, Unimak Island had a low occurrence of lichen in all vegetative community types (Legner 2014). Evidence suggests that forage quality and quantity on the winter range, versus summer range, may be a limiting factor for the UCH (Legner 2014).

Cultural Practices and Traditional Knowledge

Proposal WP20-25 had a section 804 analysis. Proposal WP22-38a is covering the customary and tradition uses for the UCH.

Harvest History

In 1997 the Board opened a subsistence hunt on Federal lands and the State opened a general hunt in 2001 (**Table 2**). A study on subsistence activity by Fall et al. (1990, 1996) reported that residents from False Pass hunted primarily on the Alaska Peninsula rather than Unimak Island. Although some unreported local harvest may occur, limited access is believed to constrain the UCH subsistence harvest (Bruce Dale, pers. comm. *in* USFWS 2010). The majority of the caribou harvest from 1997-2008, which averaged 12 annually, were taken by non-local residents. In 2018, 10 permits were allocated, four were issued, and three caribou were harvested on Unimak Island by False Pass residents (Fitzmorris 2019). In 2019, 10 permits were allocated – three were issued and three caribou were harvested on Unimak Island. In 2020, 15 permits were allocated – one permit was issued, and zero caribou were harvested.

At the 2021 winter Council meeting, the ADF&G Area Biologist stated there are surplus bulls available for harvest from the UCH and that management of the UCH should be revised to avoid population eruptions and subsequent crashes like in past years. He also expressed concerns that harvest by Federally qualified subsistence users would not be enough to maintain the UCH at sustainable levels as most Federal users hunt the SAPCH in Unit 9D, where the harvest limit is three caribou by harvest ticket. Based on current population metrics and projections, he recommended an annual harvest of 25 bulls,

provided parturition and productivity rates remain adequate, and stressed the need for timely harvest reporting. He also projected that, if the Federal closure was lifted and a State season opened, more non-resident hunters would likely harvest UCH under State regulations than resident hunters as non-residents already travel to Unimak Island for bear hunts (KARAC 2021).

Table 2. Unit 10 Reported Caribou Harvest 1997-2020 for the Unimak Island Caribou Herd (USFWS 2010, Crowley 2015, USFWS 2018a, 2018b, ADF&G 2019a, Fitzmorris 2019, Melendez 2020).

Year	Federal Registration Permits			State Harvest Tickets[a]			Total Reported Harvest[b]
	Permits Issued	Bulls Harvested	Cows Harvested	Permits issued	Bulls Harvested	Cows Harvested	
1997	11	6	0	HT	0	0	6
1998	10	4	0	HT	0	0	4
1999	0	0	0	0	0	0	0
2000	8	5	0	0	0	0	5
2001	0	0	0	HT	19	0	19
2002	4	0	0	HT	11	1	12
2003	0	0	0	HT	10	0	10
2004	0	0	0	HT	15	0	15
2005	0	0	0	HT	15	0	15
2006	1	1	0	HT	12	1	14
2007	12	2	0	HT	13	0	15
2008	0	0	0	HT	9	0	9
2018	4	3	0	0	0	0	3
2019	10	0	0	0	0	0	3
2020	1	0	0	0	0	0	0

[a] State season closed since 2008
[b] Does not include illegal or unreported harvest

Other Alternative(s) Considered

One alternative considered was to extend the season, change the harvest limit from one bull to "up to three caribou" and delegate authority to the Izembek NWR Manager to announce harvest limits and set sex restrictions. This flexibility in the harvest limit and season could help achieve harvest objectives and provide additional opportunity to Federally qualified subsistence users when the UCH population could support additional harvest as well as help maintain the UCH within sustainable population levels and provide for a rural subsistence priority as mandated by Title VIII of ANILCA. The Board may want to further consider this alternative.

Effects of the Proposal

If this proposal is adopted, it would open caribou hunting on Unimak Island to all Federally qualified subsistence users. If Proposal WP22-38a is adopted, the number of Federally qualified subsistence users would be expanded to also include Cold Bay and Nelson Lagoon, which could result in some additional

harvest pressure on the UCH, though it is unlikely. The UCH is difficult to access and participation in harvest by Federally qualified subsistence users was low in the past when the hunt was open to all users under State and Federal regulations. Harvest pressure from Federally qualified subsistence users is expected to remain low.

The proposal also requests opening the hunt to all users if the population exceeds a threshold to be determined by State and Federal wildlife biologists. This would maximize harvest opportunity for all user groups, while mitigating conservation concerns by helping to prevent overharvest. The UCH has experienced drastic population fluctuations since at least 1975. Enabling flexible management of the UCH by balancing hunting opportunity with conservation could help maintain a sustainable caribou population and reduce the likelihood of population crashes or exceedance of carrying capacity. Currently, management recommendations are to increase the harvest limit to 25 bulls and delegating authority to the Izembek NWR Manager, to be able announce harvest quotas and permit numbers each year to help ensure sustainable harvests and respond to changing conditions.

During the Council's 2021 winter meeting, the ADF&G area biologist stated that maintaining the current Federal regulations would likely result in another population eruption, followed by habitat damage and, subsequently, a population crash like has happened in the past (KARAC 2021). He recommended a harvest of 25 bulls based on the highest reported historical harvest from the UCH, which was 19 caribou in 2001. However, Crowley (2020) stated that controlling the size of the UCH through harvest may not be possible given the remoteness of the herd, access difficulty, and hunter limitations.

Bull:cow ratios are an important consideration in addition to total population size. Currently, the harvest limit is one bull, and bull:cow ratios are high. If bull:cow ratios decline to single digits similar to 2008-2012, any harvest of bulls could limit population growth by preventing cows from becoming pregnant.

The Izembek National Wildlife Refuge Manager was designated to assist in conservation of the UCH. The Delegation of Authority letter for the UCH is attached (**Appendix 1**); this will continue to apply with the proposed management of the herd for a population threshold. By managing the herd for a population threshold, as has been done for the Nushagak Caribou herd (NCH), it is anticipated that the chances of another population crash will be minimized. The NCH has been managed for a population threshold for several years successfully, following years of conservation concerns for the herd.

OSM PRELIMINARY CONCLUSION

Support Proposal WP22-38B **with modification** to establish a population threshold of 800 caribou.

The modified regulation should read:

Unit 10—Caribou

Unit 10, Unimak Island only—1 bull by Federal registration permit.	*Aug. 1-Sep. 30.*

Federal public lands are closed to the taking of caribou except by ~~residents of False Pass~~ ***Federally qualified subsistence users unless the population estimate exceeds 800 caribou.***

Justification

Opening the Unimak Island caribou hunt to all Federally qualified subsistence users increases subsistence harvest opportunity. The harvest quota and permit numbers, set annually by the Izembek NWR Manager, ensures that harvests remain within sustainable levels and respond to changing hunt and herd conditions.

ADF&G biologists recommended a population objective for the UCH of 800-1,000 caribou based on past population fluctuations. The threshold of 800 caribou balances hunting opportunity for all users with conservation. Maintaining the UCH within this range should help prevent hunting closures, population crashes, and exceedance of carrying capacity. Opening the hunt to all users if the population exceeds the lower bound of the population objective should help maintain the population within sustainable levels.

ANALYSIS ADDENDUM

OSM CONCLUSION

Support Proposal WP22-38b **with modification** to remove the closure from the unit specific regulations and delegate authority to the Izembek NWR Refuge manager to open and close Federal public lands to non-Federally qualified users annually based on the current population status of the Unimak caribou herd in consultation with ADF&G staff via delegation of authority letter only (see revised delegation of authority letter below **Appendix 2**).

The modified regulations should read:

Unit 10—Caribou

Unit 10, Unimak Island only—1 bull by Federal registration permit.	*Aug. 1-Sep. 30.*

~~*Federal public lands are closed to the taking of caribou except by residents of False Pass*~~

Justification

A static population threshold in regulation was not supported and the Council wanted more flexibility in opening caribou hunting to non-Federally qualified users based on the current population status and harvestable surplus of the herd. Delegation of authority to Izembek NWR Manager, working in conjunction with ADF&G, ensures that harvests remain within sustainable levels and respond to changing hunt and herd conditions.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Kodiak Aleutians Subsistence Regional Advisory Council

Support with **modification** for WP22-38b. The Council did not support putting a static population threshold in regulation and wanted more flexibility in opening caribou hunting to non-Federally qualified users based on the current population status and harvestable surplus of the herd. The Council supports the flexibility to maintain a sustainable herd level to reduce population crashes or exceed habitat carrying capacity.

The modified regulations should read:

> **Unit 10—Caribou**
>
> *Unit 10, Unimak Island only—1 bull by Federal registration permit.* *Aug. 1-Sep. 30.*
>
> ~~*Federal public lands are closed to the taking of caribou except by residents of False Pass*~~

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposal WP22-38b

This proposal would keep federal public lands closed in Game Management Unit (GMU) 10, Unimak Island only, to caribou hunting, except to federally qualified users (FQU) unless the caribou population estimate exceeds a population threshold yet to be determined.

Background

The Unimak caribou herd (UCH) has remained closed to hunting since 2009 except for those FQUs living in False Pass on federal public lands. Historically, the remoteness of the herd and small human population has not provided the harvest necessary to contain the herd within carrying capacity which ultimately led to declines in population and habitat quality. The highest ever reported harvest on record was 21 caribou in 2001. Beginning in RY22 the population could support a harvest of 20–25 bulls per year. Caribou primarily occur far to the southwest of False Pass. Access to the caribou is primarily by airplane, or by long boat passage in open seas with limited safe anchorages. Limited harvest data prior to the 2009 closure indicated that False Pass residents prefer to hunt the Southern Alaska Peninsula caribou herd (SAPCH) because it only entails a short boat trip across Isanotski Strait.

The growing UCH population has most likely exceeded 450 caribou, has high bull:cow and calf:cow ratios, and has been increasing by about 10% annually since RY13. The Alaska Department of Fish & Game's (ADF&G) recommended management objectives in our 2018 Species Management Report and

Plan are to sustain a total population with a minimum of 800 caribou and a maximum of 1,000 caribou and maintain a minimum fall bull:cow ratio of 35:100.

Impact on Subsistence Users

Having non-federally qualified users (NFQU) be granted an opportunity to hunt the UCH at a certain point would actually benefit FQUs by helping to contain the size of the herd which will diminish the possibility of another crash in the population.

Impact on Other Users

If adopted this proposal would allow NFQUs to hunt Unimak Island at a certain population threshold. Federal harvest alone is inadequate to slow this growing herd and other users are needed to mitigate these wild swings in their population.

Opportunity Provided by State

State customary and traditional use findings: The Alaska Board of Game (BOG) has made positive customary and traditional use finding for caribou in GMU 9D and 10.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by the Alaska Department of Fish & Game (ADF&G) or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

The combined ANS for UCH and the Southern Alaska Peninsula caribou herd (SAP) in GMUs 9D & 10 is 100–150 animals. At their most recent Central/Southwest meeting, the BOG adopted a separate positive C&T finding for the UCH but did not determine an ANS number.

There is currently no state season on Unimak due to conservation concerns at the time the closure was enacted. Federal subsistence hunting opportunity has been provided to residents of False Pass since 2018; less than 5 permits issued per year with a harvest of 3 caribou in 2018. The state has not received harvest information for permits issued since 2019.

A separate BOG Agenda Change Request was submitted and accepted by the BOG to be heard at the statewide meeting in March (Proposal 269), to allow a limited harvest of surplus bulls and provide an opportunity to reign in herd growth as it expands has been submitted for 2022. Establishing a registration hunt will allow the department the discretion to proactively manage the growing population by increasing harvest commensurate with population levels to maintain it at or near the upper end of the objective of 1,000 caribou without having to propose BOG changes out of cycle. The BOG took a similar action in 2018 for the SAP where a similar under-harvesting situation exists.

Conservation Issues

This proposal requests that a population threshold be established for the UCH that would lift the current restriction of caribou hunting to only FQUs. Opening up Unimak Island to NFQUs for caribou hunting

is important to help contain the population of the UCH because: 1) False Pass residents report almost no recent caribou hunting activity on Unimak Island or on the SAP in GMU 9D: 2) residents of GMU 9D have little reason to travel to Unimak Island to hunt caribou because under state regulations the SAP has 6.5 months of open hunting season with a 3-caribou bag limit in their back yard: 3) Alaska resident hunters have difficulty accessing the SAP to hunt caribou; we expect much less access by residents hunters to the distant Unimak Island; and 4) guided, nonresident hunters may be the only category of hunters who could consistently access Unimak Island to hunt caribou, and their hunt cost would be high.

An example of another Aleutian Island caribou herd is the Adak caribou herd. Adak Island has weekly flights by Alaska Airlines, year-round caribou hunting, no bag limit on cows, and an affordable cost using airline mileage. Yet once the Adak herd crossed a threshold of 800 – 900 caribou, hunting could not limit herd size. The herd peaked at nearly 3,000 caribou and is now rapidly declining across poor range conditions. It is possible and likely that Unimak Island caribou would abandon the island under similar conditions, swimming for the mainland. Range conditions can take decades to recover.

Enforcement Issues

There are no foreseeable enforcement issues with this proposal.

Position

ADF&G **SUPPORTS** the alternative language developed between the Kodiak/Aleutians Subsistence Regional Advisory Council and the Office of Subsistence Management. It would be a prudent decision by the Federal Subsistence Board (FSB) to allow the Izembek National Wildlife Refuge Manager the ability to formally consult with ADF&G to determine a mutually agreed upon level of harvestable surplus at such a size that opening the Island to NFQUs would be appropriate. As stated previously, given the known lack of harvest by FQUs and the challenges hunting the UCH entails, it will be necessary to allow NFQUs the ability to hunt this caribou herd to manage the extreme highs and lows these island caribou herds experience. ADF&G supports this alternative because of the solid working relationship its area wildlife biologists have with the Refuge managers.

The following regulatory framework was provided to the BOG as an Agenda Change Request which will be deliberated on at its March meeting. It's included in these comments to provide to give the FSB and the public an idea of what ADF&G is proposing to the BOG and would also propose to refuge managers. Adaptively increase the general season bag limit for the UCH in GMU 10 in a stepwise progression as the population increases by increasing the bag limit to maintain the population at or near 1,000 caribou as follows:

1. If the harvestable portion is greater than 25: 1 bull
2. If the harvestable portion is greater than 100: 3 caribou.
3. If the harvestable portion is greater than 200: 4 caribou.

Seasons would be Aug. 1–Sept. 30 and Nov. 15–Mar. 31 for residents and Aug. 1–Sept. 30 and Nov. 15–Dec. 31 for nonresidents. The late season for nonresidents would allow post-rut caribou hunting opportunity for guided bear hunters on Unimak Island. If necessary, the season would be closed by Emergency Order if the harvest quota was met.

APPENDIX 1

Federal Subsistence Board

1011 East Tudor Road, MS121
Anchorage, Alaska 99503-6199

FISH and WILDLIFE SERVICE
BUREAU of LAND MANAGEMENT
NATIONAL PARK SERVICE
BUREAU of INDIAN AFFAIRS

FOREST SERVICE

OSM 20077.CM

DEC 01 2020

Refuge Manager
Izembek National Wildlife Refuge
P.O. Box 127 MS 515
Cold Bay, Alaska 99571-0127

Dear Refuge Manager:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Izembek National Wildlife Refuge Manager to issue emergency or temporary special actions if necessary to ensure the conservation of a healthy wildlife population, to continue subsistence uses of wildlife, for reasons of public safety, or to assure the continued viability of the population. This delegation only applies to the Federal public lands subject to Alaska National Interest Lands Conservation Act (ANILCA) Title VIII jurisdiction within Unit 10, Unimak Island, for the management of caribou on these lands.

It is the intent of the Board that actions related to management of caribou by Federal officials be coordinated, prior to implementation, with the Alaska Department of Fish and Game (ADF&G), representatives of the Office of Subsistence Management (OSM), and the Chair of the affected Council(s) to the extent possible. The Office of Subsistence Management will be used by managers to facilitate communication of actions and to ensure proposed actions are technically and administratively aligned with legal mandates and policies. Federal managers are expected to work with managers from the State and other Federal agencies, the Council Chair or alternate, local tribes, and Alaska Native Corporations to minimize disruption to subsistence resource users and existing agency programs, consistent with the need for special action.

DELEGATION OF AUTHORITY

1. Delegation: The Izembek National Wildlife Refuge Manager is hereby delegated authority to issue emergency or temporary special actions affecting caribou on Federal lands as outlined under the **Scope of Delegation**. Any action greater than 60 days in length (temporary special action) requires a public hearing before implementation. Special actions are governed by Federal regulation at 36 CFR 242.19 and 50 CFR 100.19.

2. Authority: This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6), which state: "The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board."

3. Scope of Delegation: The regulatory authority hereby delegated is limited to the following authorities within the limits set by regulation at 36 CFR 242.26 and 50 CFR 100.26:

To set the harvest quota, close the season, and set any needed permit conditions for caribou.

This delegation also permits you to close and reopen Federal public lands to nonsubsistence hunting, but does not permit you to specify methods and means, permit requirements, or harvest and possession limits for State-managed hunts.

This delegation may be exercised only when it is necessary to conserve caribou populations, to continue subsistence uses, for reasons of public safety, or to assure the continued viability of the populations. All other proposed changes to codified regulations, such as customary and traditional use determinations or adjustments to methods and means of take, shall be directed to the Board.

The Federal public lands subject to this delegated authority are those within Unit 10, Unimak Island.

4. Effective Period: This delegation of authority is effective from the date of this letter and continues until superseded or rescinded.

5. Guidelines for Delegation: You will become familiar with the management history of the wildlife species relevant to this delegation in the region, with current State and Federal regulations and management plans, and be up-to-date on population and harvest status information. You will provide subsistence users in the region a local point of contact about Federal subsistence issues and regulations and facilitate a local liaison with State managers and other user groups.

You will review special action requests or situations that may require a special action and all supporting information to determine (1) consistency with 50 CFR 100.19 and 36 CFR 242.19, (2) if the request/situation falls within the scope of authority, (3) if significant conservation problems or subsistence harvest concerns are indicated, and (4) what the consequences of taking an action or no action may be on potentially affected Federally qualified subsistence users and non-Federally qualified users. Requests not within your delegated authority will be forwarded to the Board for consideration. You will maintain a record of all special action requests and rationale for your decision. A copy of this record will be provided to the Administrative Records Specialist in OSM no later than sixty days after development of the document.

For management decisions on special actions, consultation is not always possible, but to the extent practicable, two-way communication will take place before decisions are implemented. You will also establish meaningful and timely opportunities for government-to-government consultation related to pre-season and post-season management actions as established in the Board's Government to Government Tribal Consultation Policy (Federal Subsistence Board Government to Government Tribal Consultation Policy 2012 and Federal Subsistence Board Policy on Consultation with Alaska Native Claim Settlement Act Corporations 2015).

You will immediately notify the Board through the Assistant Regional Director for OSM, and coordinate with the Chair(s) or alternate of the affected Council(s), local ADF&G managers, and other affected Federal conservation unit managers concerning emergency and temporary special actions being considered. You will ensure that you have communicated with OSM to ensure the special action is aligned with ANILCA Title VIII, Federal Subsistence regulations and policy, and that the perspectives of the Chair(s) or alternate of the affected Council(s), OSM, and affected State and Federal managers have been fully considered in the review of the proposed special action.

If the timing of a regularly scheduled meeting of the affected Council(s) permits without incurring undue delay, you will seek Council recommendations on the proposed temporary special action(s). If the affected Council(s) provided a recommendation, and your action differs from that recommendation, you will provide an explanation in writing in accordance with 50 CFR 100.10(e)(1) and 36 CFR 242.10(e)(1).

You will issue decisions in a timely manner. Before the effective date of any decision, reasonable efforts will be made to notify the public, OSM, affected State and Federal managers, law enforcement personnel, and Council members. If an action is to supersede a State action not yet in effect, the decision will be communicated to the public, OSM, affected State and Federal managers, and the local Council members at least 24 hours before the State action would be effective. If a decision to take no action is made, you will notify the proponent of the request immediately. A summary of special action requests and your resultant actions must be provided to the coordinator of the appropriate Council(s) at the end of each calendar year for presentation to the Council(s).

You may defer a special action request, otherwise covered by this delegation of authority, to the Board in instances when the proposed management action will have a significant impact on a large number of Federally qualified subsistence users or is particularly controversial. This option should be exercised judiciously and may be initiated only when sufficient time allows for it. Such deferrals should not be considered when immediate management actions are necessary for conservation purposes. The Board may determine that a special action request may best be handled by the Board, subsequently rescinding the delegated regulatory authority for the specific action only.

6. **Support Services:** Administrative support for regulatory actions will be provided by OSM.

Sincerely,

Anthony Christianson
Chair

cc: Federal Subsistence Board
Assistant Regional Director, Office of Subsistence Management
Deputy Assistant Regional Director, Office of Subsistence Management
Subsistence Policy Coordinator, Office of Subsistence Management
Wildlife Division Supervisor, Office of Subsistence Management
Kodiak/Aleutians Subsistence Council Coordinator, Office of Subsistence Management
Chair, Kodiak/Aleutians Subsistence Regional Advisory Council
Deputy Commissioner, Alaska Department of Fish and Game
Special Projects Coordinator, Alaska Department of Fish and Game
Interagency Staff Committee
Administrative Record

APPENDIX 2

Refuge Manager
Izembek National Wildlife Refuge
P.O. Box 127 MS 515
Cold Bay, Alaska 99571-0127

Dear Refuge Manager:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the Izembek National Wildlife Refuge Manager to issue emergency or temporary special actions if necessary to ensure the conservation of a healthy wildlife population, to continue subsistence uses of wildlife, for reasons of public safety, or to assure the continued viability of a wildlife population. This delegation only applies to the Federal public lands subject to Alaska National Interest Lands Conservation Act (ANILCA) Title VIII jurisdiction within Unit 10, Unimak Island, for the management of caribou on these lands.

It is the intent of the Board that actions related to management of caribou by Federal officials be coordinated, prior to implementation, with the Alaska Department of Fish and Game (ADF&G), representatives of the Office of Subsistence Management (OSM), and the Chair of the affected Council(s) to the extent possible. The Office of Subsistence Management will be used by managers to facilitate communication of actions and to ensure proposed actions are technically and administratively aligned with legal mandates and policies. Federal managers are expected to work with managers from the State and other Federal agencies, the Council Chair or alternate, local tribes, and Alaska Native Corporations to minimize disruption to subsistence resource users and existing agency programs, consistent with the need for special action.

DELEGATION OF AUTHORITY

1. Delegation: The Izembek National Wildlife Refuge Manager is hereby delegated authority to issue emergency or temporary special actions affecting caribou on Federal lands as outlined under the **Scope of Delegation**. Any action greater than 60 days in length (temporary special action) requires a public hearing before implementation. Special actions are governed by Federal regulation at 36 CFR 242.19 and 50 CFR 100.19.

2. Authority: This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and

50 CFR 100.10(d)(6), which state: "The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board."

3. Scope of Delegation: The regulatory authority hereby delegated is limited to the following authorities within the limits set by regulation at 36 CFR 242.26 and 50 CFR 100.26:

- To set the harvest quota, close the season, and set any needed permit conditions for caribou.

- **To open and close Federal public lands to non-Federally qualified users annually based on the current population status of the Unimak caribou herd in consultation with ADF&G.**

This delegation also permits you to close and reopen Federal public lands to nonsubsistence hunting, but does not permit you to specify permit requirements or harvest and possession limits for State-managed hunts.

This delegation may be exercised only when it is necessary to conserve caribou populations, to continue subsistence uses, for reasons of public safety, or to assure the continued viability of the populations. All other proposed changes to codified regulations, such as customary and traditional use determinations, shall be directed to the Board.

The Federal public lands subject to this delegated authority are those within Unit 10, Unimak Island.

4. Effective Period: This delegation of authority is effective from the date of this letter and continues until superseded or rescinded.

5. Guidelines for Delegation: You will become familiar with the management history of the wildlife species relevant to this delegation in the region, with current State and Federal regulations and management plans, and be up-to-date on population and harvest status information. You will provide subsistence users in the region a local point of contact about Federal subsistence issues and regulations and facilitate a local liaison with State managers and other user groups.

You will review special action requests or situations that may require a special action and all supporting information to determine (1) consistency with 50 CFR 100.19 and 36 CFR 242.19, (2) if the request/ situation falls within the scope of authority, (3) if significant conservation problems or subsistence harvest concerns are indicated, and (4) what the consequences of taking an action or no action may be on potentially affected Federally qualified subsistence users and non-Federally qualified users. Requests not within your delegated authority will be forwarded to the Board for consideration. You will maintain a record of all special action requests and rationale for your decision. A copy of this record will be provided to the Administrative Records Specialist in OSM no later than sixty days after development of the document.

For management decisions on special actions, consultation is not always possible, but to the extent practicable, two-way communication will take place before decisions are implemented. You will also establish meaningful and timely opportunities for government-to-government consultation related to pre-season and post-season management actions as established in the Board's Government-to-Government Tribal Consultation Policy (Federal Subsistence Board Government-to-Government Tribal Consultation Policy 2012 and Federal Subsistence Board Policy on Consultation with Alaska Native Claim Settlement Act Corporations 2015).

You will immediately notify the Board through the Assistant Regional Director for OSM, and coordinate with the Chair(s) or alternate of the affected Council(s), local ADF&G managers, and other affected Federal conservation unit managers concerning emergency and temporary special actions being considered. You will ensure that you have communicated with OSM to ensure the special action is aligned with ANILCA Title VIII, Federal Subsistence regulations and policy, and that the perspectives of

the Chair(s) or alternate of the affected Council(s), OSM, and affected State and Federal managers have been fully considered in the review of the proposed special action.

If the timing of a regularly scheduled meeting of the affected Council(s) permits without incurring undue delay, you will seek Council recommendations on the proposed temporary special action(s). If the affected Council(s) provided a recommendation, and your action differs from that recommendation, you will provide an explanation in writing in accordance with 50 CFR 100.10(e)(1) and 36 CFR 242.10(e)(1).

You will issue decisions in a timely manner. Before the effective date of any decision, reasonable efforts will be made to notify the public, OSM, affected State and Federal managers, law enforcement personnel, and Council members. If an action is to supersede a State action not yet in effect, the decision will be communicated to the public, OSM, affected State and Federal managers, and the local Council members at least 24 hours before the State action would be effective. If a decision to take no action is made, you will notify the proponent of the request immediately. A summary of special action requests and your resultant actions must be provided to the coordinator of the appropriate Council(s) at the end of each calendar year for presentation to the Council(s).

You may defer a special action request, otherwise covered by this delegation of authority, to the Board in instances when the proposed management action will have a significant impact on a large number of Federal subsistence users or is particularly controversial. This option should be exercised judiciously and may be initiated only when sufficient time allows for it. Such deferrals should not be considered when immediate management actions are necessary for conservation purposes. The Board may determine that a special action request may best be handled by the Board, subsequently rescinding the delegated regulatory authority for the specific action only.

6. <u>Support Services:</u> Administrative support for regulatory actions will be provided by the Office of Subsistence Management.

Sincerely,

Anthony Christianson
Chair

Enclosures
cc: Federal Subsistence Board

Assistant Regional Director, Office of Subsistence Management
Deputy Assistant Regional Director, Office of Subsistence Management
Subsistence Policy Coordinator, Office of Subsistence Management
Wildlife Division Supervisor, Office of Subsistence Management
Kodiak/Aleutians Subsistence Council Coordinator, Office of Subsistence Management
Chair, Kodiak/Aleutians Alaska Subsistence Regional Advisory Council
Deputy Commissioner, Alaska Department of Fish and Game
Special Projects Coordinator, Alaska Department of Fish and Game
Interagency Staff Committee
Administrative Record

WP22-40 Executive Summary	
General Description	Proposal WP22-40 requests that Federally qualified subsistence users be allowed to use a snowmachine to position wolves and wolverines for harvest on Federal public lands in Units 9B, 9C, 17B, and 17C, provided the animals are not shot from a moving snowmachine. *Submitted by the Bristol Bay Subsistence Regional Advisory Council.*
Proposed Regulation	**§____.26 Subsistence taking of wildlife** . . . *(b) 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:* . . . *(4) Taking wildlife from a motorized land or air vehicle when that vehicle is in motion, or from a motor-driven boat when the boat's progress from the motor's power has not ceased.* *(5) Using a motorized vehicle to drive, herd, or molest wildlife.* **§_____.26(n)(9)(iii) Unit 9—Unit-specific regulations** . . . ***(I) In Units 9B and 9C, on Federal-managed lands, a snowmachine may be used to position a wolf or wolverine for harvest, provided that the animal is not shot from a moving snowmachine.*** . . . **§_____.26(n)(17)(iii) Unit 17—Unit-specific regulations** . . . ***(D) In Units 17B and 17C, on Federal-managed lands, a snowmachine may be used to position a wolf or wolverine for harvest, provided that the animal is not shot from a moving snowmachine.***

WP22-40 Executive Summary	
OSM Conclusion	**Support** Proposal WP22-40 **with modification** to utilize the same regulatory language the Board adopted in Proposal WP20-27, and to include all Federal public lands in Unit 17. The modification should read: **§_____.26(n)(9)(iii) Unit 9—Unit-specific regulations** . . . ***(I) In Units 9B and 9C, on Federal-managed lands, a snowmachine may be used to assist in the taking of a wolf or wolverine and a wolf or wolverine may be shot from a stationary snowmachine. "Assist in the taking of a wolf or wolverine" means a snowmachine may be used to approach within 300 yards of a wolf or wolverine at speeds under 15 miles per hour, in a manner that does not involve repeated approaches or that causes the animal to run. A snowmachine may not be used to contact an animal or to pursue a fleeing animal.*** . . . **§_____.26(n)(17)(iii) Unit 17—Unit-specific regulations** . . . ***(D) In Unit 17, on Federal-managed lands, a snowmachine may be used to assist in the taking of a wolf or wolverine and a wolf or wolverine may be shot from a stationary snowmachine. "Assist in the taking of a wolf or wolverine" means a snowmachine may be used to approach within 300 yards of a wolf or wolverine at speeds under 15 miles per hour, in a manner that does not involve repeated approaches or that causes the animal to run. A snowmachine may not be used to contact an animal or to pursue a fleeing animal.***
Bristol Bay Subsistence Regional Advisory Council Recommendation	**Support as modified by OSM with additional modification** to clarify the regulatory language.
Western Interior Alaska Subsistence Regional Advisory Council Recommendation	**Support as modified by OSM**
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	**Support** with any modification to the proposal that will align state and federal regulations.
Written Public Comments	**None**

STAFF ANALYSIS
WP22-40

ISSUES

Proposal WP22-40, submitted by the Bristol Bay Subsistence Regional Advisory Council (Council), requests that Federally qualified subsistence users be allowed to use a snowmachine to position wolves and wolverines for harvest on Federal public lands in Units 9B, 9C, 17B, and 17C, provided the animals are not shot from a moving snowmachine.

DISCUSSION

The proponent states that the use of snowmachines to position wolves and wolverines is a traditional practice in rural areas, and the proposed regulation will mirror Federal regulations in Unit 23. The proponent continues "in April 2020, the Federal Subsistence Board (Board) addressed Proposal WP20-26 to position wolves and wolverines on Bureau of Land Management (BLM) managed lands in Units 17B and C. The Board deferred the proposal to a working group of the Council and Federal/State staff to develop and recommend language to define positioning of animals for the Board to consider." This proposal replaces deferred Proposal WP20-26.

Existing Federal Regulation

§____.26 Subsistence taking of wildlife

. . .

(b) 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:

. . .

(4) Taking wildlife from a motorized land or air vehicle when that vehicle is in motion, or from a motor-driven boat when the boat's progress from the motor's power has not ceased.

(5) Using a motorized vehicle to drive, herd, or molest wildlife.

Proposed Federal Regulation

§____.26 Subsistence taking of wildlife

. . .

(b) 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:

. . .

(4) Taking wildlife from a motorized land or air vehicle when that vehicle is in motion, or from a motor-driven boat when the boat's progress from the motor's power has not ceased.

(5) Using a motorized vehicle to drive, herd, or molest wildlife.

§_____.26(n)(9)(iii) Unit 9—Unit-specific regulations

. . .

(I) In Units 9B and 9C, on Federal-managed lands, a snowmachine may be used to position a wolf or wolverine for harvest, provided that the animal is not shot from a moving snowmachine.

. . .

§_____.26(n)(17)(iii) Unit 17—Unit-specific regulations

. . .

(D) In Units 17B and 17C, on Federal-managed lands, a snowmachine may be used to position a wolf or wolverine for harvest, provided that the animal is not shot from a moving snowmachine.

Existing State Regulations

AS 16.05.940. Definitions.

. . .

(34) "take" means taking, pursuing, hunting, fishing, trapping, or in any manner disturbing, capturing, or killing or attempting to take, pursue, hunt, fish, trap, or in any manner capture or kill fish or game.

5 AAC 92.080. Unlawful methods of taking game; exceptions

The following methods of taking game are prohibited:

. . .

(4) unless otherwise provided in this chapter, from a motor-driven boat or a motorized land vehicle, unless the motor has been completely shut off and the progress from the motor's power has ceased, except that a

. . .

(B) motorized land vehicle may be used as follows:

(iii) notwithstanding any other provision in this section, in Units 9(B), 9(C), 9(E), 17, 18, 19, 21, 22, 24, 25(C) and 25(D), except on any National Park Service or National Wildlife Refuge lands not approved by the federal agencies, a snowmachine may be used to position a hunter to select an individual wolf for harvest, and wolves may be shot from a stationary snowmachine;

. . .

(5) except as otherwise specified, with the use of a motorized vehicle to harass game or for the purpose of driving, herding, or molesting game.

5 AAC 92.990. Definitions

(a) *In addition to the definitions in AS 16.05.940 , in 5 AAC 84 – 5 AAC 92, unless the context requires otherwise,*

. . .

(70) "harass" means to repeatedly approach an animal in a manner which results in the animal altering its behavior;

NOTE: The complete text for 5 AAC 92.080(4)(B) is in **Appendix 1.**

Relevant Federal Regulations

50 CFR 100.4 and 36 CFR 242.4 Definitions

Take or taking as used with respect to fish or wildlife, means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

§_____.26(n)(17)(iii) Unit 17—Unit-specific regulations

. . .

(D) In Unit 17, a snowmachine may be used to assist in the taking of a caribou and caribou may be shot from a stationary snowmachine. "Assist in the taking of a caribou" means a snowmachine may be used to approach within 300 yards of a caribou at speeds under 15 miles per hour, in a manner that does not involve repeated approaches or that causes a caribou to run. A snowmachine may not be used to contact an animal or to pursue a fleeing caribou.

§_____.26(n)(23)(iv) Unit 23—Unit-specific regulations

. . .

(E) A snowmachine may be used to position a hunter to select individual caribou for harvest provided that the animals are not shot from a moving snowmachine. On BLM-managed lands only, a snowmachine may be used to position a caribou, wolf, or wolverine for harvest provided that the animals are not shot from a moving snowmachine.

There is a difference between the proposed regulation and agency-specific regulations. Adoption of this proposal may require clarification between new regulation and conflicting agency-specific regulations. Federal subsistence and agency-specific regulations are as follows:

§_____.26(n)(17)(ii) Unit 17—In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Except for aircraft and boats and in legal hunting camps, you may not use any motorized vehicle for hunting ungulates, bear, wolves, and wolverine, including transportation of hunters

and parts of ungulates, bear, wolves, or wolverine in the Upper Mulchatna Controlled Use Area consisting of Unit 17B, from Aug. 1-Nov. 1.

50 CFR 36.12 (Alaska National Wildlife Refuges) Use of snowmobiles, motorboats, dog teams and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses.

(a) Notwithstanding any other provision of subchapter C of title 50 CFR the use of snowmobiles, motorboats, dog teams and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses is permitted within Alaska National Wildlife Refuges except at those times and in those areas restricted or closed by the Refuge Manager.

. . .

(d) Snowmobiles, motorboats, dog teams and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses shall be operated (1) in compliance with applicable State and Federal law, (2) in such a manner as to prevent waste or damage to the refuge, and (3) in such a manner as to prevent the herding, harassment, hazing or driving of wildlife for hunting or other purposes.

36 CFR 13.460 (Alaska National Park System) Use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses.

(a) Notwithstanding any other provision of this chapter, the use of snowmobiles, motorboats, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses is permitted within park areas except at those times and in those areas restricted or closed by the Superintendent.

…

(d) Motorboats, snowmobiles, dog teams, and other means of surface transportation traditionally employed by local rural residents engaged in subsistence uses shall be operated:

(1) In compliance with applicable State and Federal law;

(2) In such a manner as to prevent waste or damage to the park areas; and

(3) In such a manner as to prevent the herding, harassment, hazing or driving of wildlife for hunting or other purposes.

43 CFR 8341.1 (Bureau of Land Management)

(f.) No person shall operate an off-road vehicle on public lands: ... (4) In a manner causing or likely to cause significant, undue damage to or disturbance of ... wildlife

Extent of Federal Public Lands

Unit 9B is comprised of approximately 34% Federal public lands and consist of 26% National Park Service (NPS) managed lands, and 8% BLM managed lands.

Unit 9C is comprised of approximately 85% Federal public lands and consist of 78% NPS managed lands, 4% BLM managed lands, and 4% U.S. Fish and Wildlife Service managed lands (USFWS). Katmai National Park lands are closed to subsistence hunting.

Unit 17B is comprised of approximately 8% Federal public lands and consist of 6% NPS managed lands, 1% BLM managed lands, and < 1% USFWS managed lands.

Unit 17C is comprised of approximately 25% Federal public lands and consist of 15% USFWS managed lands and 10% BLM managed lands.

Customary and Traditional Use Determination

The Federal Subsistence Board has not made a customary and traditional use determination for wolverines in Unit 9 or Unit 17. Therefore, all rural residents of Alaska may harvest this species in these units.

Rural residents of Units 6, 9, 10 (Unimak Island only), 11-13, Chickaloon, and 16-26 have a customary and traditional use determination for wolves in Units 9 and 17.

Regulatory History

In 1995, Proposal P95-52 requested that snowmachines and motor-driven boats be allowed in the taking of caribou and moose in Unit 25 during established seasons, except shooting from a snowmachine in motion was prohibited. There was no existing regulation on the use of motorized vehicles in Unit 25 prior to this. The Federal Subsistence Board (Board) adopted the recommendation of the Eastern Interior Alaska and Southcentral Alaska Subsistence Regional Advisory Councils who supported the proposal in recognition that methods change over time and because it supported subsistence uses.

In 2000, the Board adopted Proposal P00-53 with modification allowing the use of snowmachines to position a hunter and select individual caribou for harvest in Units 22 and 23. The Board did this to recognize a longstanding customary and traditional practice in the region (FWS 2000). However, the proponent had asked to position a caribou, not a hunter. The Interagency Staff Committee provided a rationale for the modification:

Following the Regional Council winter meetings, the Deputy Regional Director of the U.S. Fish and Wildlife Service (FWS), Alaska Region, met with the Assistant Regional Director for Law Enforcement, the Staff Committee member for FWS, the Refuge Supervisor for Northern Refuges, and the Native Liaison and, after lengthy discussion, agreed to recommend substituting “a hunter” for “caribou” in the proposal language. They agreed that this is consistent with conservation principles and existing agency regulations as long as herding does not occur and shooting from a moving snowmachine is prohibited (FWS 2000:13).

In 2012, Proposal WP12-53 was submitted by the Yukon Delta National Wildlife Refuge, and requested unit specific regulation prohibiting a hunter in Unit 18 from pursuing an ungulate that is “fleeing” with a motorized vehicle. The Board adopted the proposal with modification and prohibited the pursuit with a motorized vehicle of an ungulate that was “at or near a full gallop” in Unit 18, providing greater clarity of allowable methods of harvest (FWS 2012).

At its March 2014 meeting, the Alaska Board of Game adopted Proposal 177, which allows a hunter to use a snowmachine in Units 22, 23 and 26A to position a caribou, wolf, or wolverine for harvest, as long as these animals are shot from a stationary snowmachine (see *5 AAC 92.080(4)(B)(i)* at **Appendix 1**). The purpose of the proposal was to allow the use of snowmachines to track these animals.

In 2016, Proposal WP16-48, submitted by the Native Village of Kotzebue, requested that Federally qualified subsistence users be allowed to use snowmachines to position a caribou, wolf, or wolverine for harvest in Unit 23. The Board adopted the proposal with modification to allow this method of harvest only on those lands managed by the Bureau of Land Management. The Board recognized uses of snowmachines to position animals as customary and traditional practice. However, positioning animals by snowmachine is prohibited on National Park Service and U.S. Fish and Wildlife Service lands under agency-specific regulations. Bureau of Land Management regulatory language does not specifically prohibit the use of snowmachines to position animals for hunting and this harvest method is allowed on some State managed lands.

In the spring of 2017, Kenneth Nukwak of Manokotak submitted Proposal WP18-24 requesting that Federally qualified subsistence users be allowed to use a snowmachine to position caribou, wolves, and wolverines for harvest in Unit 17, provided the animals were not shot from a moving vehicle. During the fall 2017 meeting cycle, the Bristol Bay Subsistence Regional Advisory Council voted to oppose Proposal WP18-24, noting a lack of clear definitions for positioning and chasing of an animal.

At its February 2018 meeting in Dillingham, the Alaska Board of Game (BOG) adopted Proposal 148, also submitted by Kenneth Nukwak of Manokotak, with modification. The original proposal requested that Federally qualified subsistence users be allowed to use a snowmachine to position caribou, wolves, and wolverines for harvest in Unit 17, provided the animals would not be shot from a moving vehicle. The modified regulation was limited to caribou and stated that a snowmachine may be used in Unit 17 to assist in the taking of a caribou, and caribou may be shot from a stationary snowmachine, with further clarification describing exactly how the snowmachine may be used for assistance (see *5 AAC 92.080(4)(B)(viii)* at **Appendix 1**).

At its winter meeting in March of 2018, the Bristol Bay Subsistence Regional Advisory Council voted to request Proposal WP18-24 be removed from the consensus agenda at the next Board meeting. Reasoning for this included providing an opportunity for the Board to deliberate the proposal on record, in light of BOG deliberation, modification, and adoption of the same proposal on State lands in Unit 17. During the April 2018 Board meeting, Proposal WP18-24 was taken off the consensus agenda. Some public testimony was received in support of the proposal. The Board deliberated the proposal on record and rejected it.

In 2020, the Council submitted Proposals WP20-26 and WP20-27. Proposal WP20-26 requested that Federally qualified subsistence users be allowed to use a snowmachine to position wolves, and wolverines for harvest on BLM managed lands only in Units 9B, 9C, 17B, and 17C, provided the animals are not shot from a moving snowmachine. Proposal WP20-27, also submitted by the Council, requested a unit-specific regulation for Unit 17 allowing use of a snowmachine to assist in taking caribou and allowing caribou to be shot from a stationary snowmachine, using the regulatory language adopted by the BOG in February 2018. That regulatory language read:

> *In Unit 17, a snowmachine may be used to assist in the taking of a caribou and caribou may be*

> *shot from a stationary snowmachine. "Assist in the taking of a caribou" means a snowmachine may be used to approach within 300 yards of a caribou at speeds under 15 miles per hour, in a manner that does not involve repeated approaches or that causes a caribou to run. A snowmachine may not be used to contact an animal or to pursue a fleeing caribou.*

During the April 2020 regulatory Board meeting, the Board first took up Proposal WP20-27, discussed and adopted it. The Board then considered Proposal WP20-26, which was supported by the Bristol Bay, Western Interior, and Yukon-Kuskokwim Delta Councils as it increased subsistence opportunity. The Board deferred Proposal WP20-26 and suggested further consideration of the proposal by the Council working group to 1) expand the analysis to include all Federal lands in Units 9B, 9C, 17B, and 17C; 2) identify specific language that may reduce complexity between State and Federal regulations; and 3) anticipate and address regulatory conflicts between the proposed regulatory language and agency specific regulations.

Current Events

The Nushagak Fish and Game Advisory Committee (AC) submitted Proposal 23 to the BOG for consideration at their January 2022 meeting. Proposal 23 requested allowing the use of a snowmachine to position wolves or wolverines for harvest in Unit 17, and that they may be shot from a stationary snowmachine. The Nushagak AC stated that Proposal 23 seeks to eliminate current conflicts between regulatory prohibitions and common local hunting practices and that this opportunity is already available to users in Units 18, 22, 23, and 26A.

Following direction from the Board, a working group of Bristol Bay Council members, Federal agency and ADF&G staff formed to develop recommendations for deferred Proposal WP20-26. The working group met several times via teleconference between July 2020 and May 2021. At the February 2021 Council meeting the working group reported to the Council an agreement to expand the analysis to include all Federal public lands in Units 9B, 9C, 17B, and 17C. The working group met again in May and agreed to further clarify the term "position" using the same regulatory language as proposed in Proposal WP20-27.

Biological Background

Wolves and wolverines are present throughout Units 9 and 17. As with other furbearers in Alaska, there is scant objective data on abundance of these animals. Rather, relative abundance has typically been estimated using the results of trapper questionnaires, as well as incidental observations by biologists, hunters, trappers, guides, and others.

Wolves

Historically, wolf density has varied in response to harvest pressure, prey availability, and disease. In Unit 9, wolf densities were low in the early 1980s following the end of the Federal wolf control program. Abundance appears to have increased during the 1990s. Currently, the population is believed to be relatively stable, and monitoring efforts in Units 9C and 9E indicate that the population is 250 – 550 wolves, or 16-18 wolves/1,000 mi^2 (Crowley and Peterson 2018). Wolf dynamics in Unit 17 have been similar to those in Unit 9, with abundance increasing during the mid-1980s and early 1990s (Barten 2018). Recent observations suggesting that the population is relatively stable (Spivey 2019).

Wolverines

Compared to other furbearers, wolverines occur at low densities (Copeland and Whitman 2003). Though wolverine abundance remains unquantified due to the impracticality of formal assessment (Crowley 2013), low densities appear to be confirmed by local trappers, who report that wolverines in Units 9 and 17 are scarce but stable (Spivey 2019).

Cultural Knowledge and Traditional Practices

During his study years in 1964 and 1965, VanStone (1967:134) documented winter travel along the Nushagak River occurring almost exclusively by dog team. During the winter months dog teams were used to harvest caribou, access trap lines, and provide for the transportation of supplies and people throughout the region. Hunters used traditional methods to harvest wildlife. These methods included a hunter moving animals towards another hunter's position (Nelson 1983 [1899] and Oswalt 1990). At the time of his study, VanStone was only aware of a few Bristol Bay residents that possessed snowmachines. Approximately 10 years later, when ADF&G first began conducting research on subsistence harvest activities, dog teams were barely mentioned. Instead, reports noted that the communities of Nushagak Bay had mostly transitioned to the use of boats, aircrafts, and snowmachines as a preferred means of travel and for accessing animals for harvest (Coiley-Kenner et al. 2003; Evans et al. 2013; Fall et al. 1986; Holen et al. 2012; Holen et al. 2005; Krieg et al. 2009; Schichnes and Chythlook 1988; Seitz 1996; Wolfe et al. 1984; Wright et al. 1985).

In the past, prior to the use of snowmachines, people in the region were more nomadic. Residents of Southwest Alaska practiced an annual round of harvest activities that allowed them to effectively position themselves in proximity to important resources that supported their families through extended travel to seasonal subsistence camps. In La Vine and Lisac (2003), elders describe a harvest year that began at fish camp in the early summer, moved up the river to hunting and trapping camps for the fall and winter, traveled through mountain passes and down rivers to bays and estuaries for the spring harvest of migratory waterfowl and eggs, finally returning to fish camp once again in early summer. A trip such as this required travel by boat, sled, and foot and took the family hundreds of miles and 12 months to complete. As village life solidified around schools and economic opportunities, technological advances like boats with outboard motors and snowmachines allowed people to travel further over shorter periods of time in order to access resources they once had to follow over seasons instead of hours.

Wolves and Wolverine

Across Alaska, both wolves and wolverines are highly prized for their fur, which is used to trim locally made parkas and other items of clothing or handicrafts. While not as prominent an activity as in the past, rural residents still participate in trapping as a source of income in the Bristol Bay region, particularly for wolverine, which continues to fetch a high price for quality fur (Woolington 2013). Snowmachines were the primary means of transportation used by hunters and trappers for taking wolves and furbearers in Unit 17 from 2008 through 2012 (Woolington 2012 and 2013). Most wolves were harvested by firearm between the regulatory years of 1992 and 2010, while wolverines were more frequently taken by trap or snare.

The Division of Subsistence at ADF&G conducts household subsistence harvest surveys periodically throughout Alaska. Though this survey data is only available for some communities in some years, it is an additional source for documenting patterns of use in rural Alaska. The most recent surveys conducted in the Bristol Bay region describe the harvest and use of wolves and wolverines as varied between

communities and study years (Evans et al. 2013; Holen et al. 2012; Holen et al. 2011; Holen et al. 2005; Krieg et al. 2009). A common pattern described in most reports is that a smaller percentage of households in each community report harvest or attempted harvest and use of furbearers than those reporting harvest and use of salmon or large land mammals like moose and caribou. In most cases only a few households are responsible for the majority of the harvest and use of furbearers, likely in association with keeping a trap line.

Harvest History

Wolves

Harvest of wolves is influenced by weather and travel conditions, which can result in variable harvest from year to year. Alaska Department of Fish and Game sealing records indicate that from 2010 to 2014, the most recent five-year period for which unit-specific sealing data is available, reported harvest ranged from 44 to 142 wolves in Unit 9. On average 64 wolves were harvested annually (Crowley and Peterson 2018).

Reported harvest was also variable in Unit 17, where between 6 and 105 wolves were harvest annually from 2010 to 2014. During that period, annual harvest averaged 47 wolves. In Unit 17, 70% of harvested wolves were shot, 18% were trapped or snared, and 69% of hunters and trappers used snowmachines to harvest wolves (Barten 2018).

Wolverines

Like wolf harvest, wolverine harvest can vary from year to year, reflecting trapper effort that varies with travel conditions. For 2007 – 2016, the most recent ten-year period for which unit-specific sealing data is available, reported harvest ranged from 9 to 36 wolverines in Unit 9. On average, annual reported harvest was 25 wolverines, 89% of which were trapped or snared, and 10% of which were shot. Snowmachines were used in 28% of wolverines harvested during this period (Crowley 2013; Rinaldi 2019, pers. comm.).

In Unit 17, sealing records indicate that reported harvest ranged from 8 to 63 wolverines annually during 2007 – 2016, averaging 37 wolverines annually. During this time period, 79% of wolverines were trapped or snared and 17% were shot. Snowmachines were used 46% of the time (Woolington 2013; Rinaldi 2019, pers. comm.).

Other Alternatives Considered

When Proposal WP20-26 was proposed, it requested changes to regulations on BLM lands only in Units 9 and 17. BLM lands only occur in Subunits 9B, 9C, 17B, and 17C. When the proponent submitted Proposal WP22-40, the request was expanded to include all Federal public lands in the same subunits as before. An alternative to consider is that leaving out Unit 17A was an oversight, and the proposed regulatory changes should take place on all Federal public lands in Units 9B, 9C, and all of Unit 17. The Council may want to further consider this alternative.

Effects of the Proposal

If adopted, Proposal WP22-40 would allow hunters to use a snowmachine to position wolves and wolverines for selection and harvest, as long as they are not shot from a moving snowmachine. The most recent available reports suggest that, in the Bristol Bay region, the majority of wolves are harvested by firearm, while the majority of wolverine are harvested by trapping. The proposed regulation may not

result in an increase in harvest of wolves and wolverines by trap or snare. However, such regulatory changes could increase the take of wolves and wolverines by firearm and may result in more opportunistic harvest. Currently, the wolf population is believed to be stable. Less is known about the resident wolverine population. However, as this is a traditional and common local practice, adopting the proposal may simply legalize a practice that is already occurring, therefore resulting in minimal changes in harvest.

Regulations for the use of snowmachines when harvesting wolves or wolverines would be different on State managed lands. However, this is already the case and should the proposal be adopted, it does not add regulatory complexity that does not already exist. Specifically, in State regulations, a snowmachine may be used to position a hunter to select an individual wolf for harvest, and wolves may be shot from a stationary snowmachine; in Federal regulations, a snowmachine could be used to position a wolf or wolverine for harvest, and shot from a stationary snowmachine. If both this proposal and State Proposal 23 are adopted, then State and Federal regulations would align in Units 17B and 17C but remain disparate in Units 9 and 17A.

OSM CONCLUSION

Support Proposal WP22-40 **with modification** to utilize the same regulatory language the Board adopted in Proposal WP20-27, and to include all Federal public lands in Unit 17.

The modification should read:

§_____.26(n)(9)(iii) Unit 9—Unit-specific regulations

. . .

(I) In Units 9B and 9C, on Federal-managed lands, a snowmachine may be used to assist in the taking of a wolf or wolverine and a wolf or wolverine may be shot from a stationary snowmachine. "Assist in the taking of a wolf or wolverine" means a snowmachine may be used to approach within 300 yards of a wolf or wolverine at speeds under 15 miles per hour, in a manner that does not involve repeated approaches or that causes the animal to run. A snowmachine may not be used to contact an animal or to pursue a fleeing animal.

. . .

§_____.26(n)(17)(iii) Unit 17—Unit-specific regulations

. . .

(D) In Unit 17, on Federal-managed lands, a snowmachine may be used to assist in the taking of a wolf or wolverine and a wolf or wolverine may be shot from a stationary snowmachine. "Assist in the taking of a wolf or wolverine" means a snowmachine may be used to approach within 300 yards of a wolf or wolverine at speeds under 15 miles per hour, in a manner that does not involve repeated approaches or that causes the animal to run. A snowmachine may not be used to contact an animal or to pursue a fleeing animal.

Justification

Hunters using snowmachines to position wolves and wolverines for harvest is a traditional practice in the Bristol Bay area. While methods and means for taking wildlife in ethnographic literature describe hunters employing traditional strategies that might affect game behavior, until the 1960s hunters largely used dog sled or walked (Nelson 1983 [1899]; Oswalt 1990; VanStone 1967). As means for travel, access, and harvest continue to change over time, hunters persist in using traditional methods purposefully meant to alter the behavior of wildlife and position them for harvest because these methods are efficient. Additionally, the Board adopted a similar regulation in Unit 23, in recognition of the snowmachine as a customary and traditional harvest method. The proposed regulation change might increase opportunity through a more efficient method to harvest wolverines and could result in more harvest. Impacts to wolverine populations are unknown at this time and are difficult to track.

Finally, the proposed modification would align with similar regulations for hunting caribou on Federal public lands in all of Unit 17 as well as comply with agency specific regulations.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Bristol Bay Subsistence Regional Advisory Council

Support WP22-40 **as modified by OSM with additional modification** to clarify the regulatory language.

The modified regulations should read:

> **§_____.26(n)(9)(iii) Unit 9—Unit-specific regulations**
>
> . . .
>
> ***(I) In Units 9B and 9C, on Federal-managed lands, a snowmachine may be used to assist in the taking of a wolf or wolverine and a wolf or wolverine may be shot from a stationary snowmachine. "Assist in the taking of a wolf or wolverine" means a snowmachine may be used to approach a wolf or wolverine but when you are within 300 yards, your speed must be at or under 15 miles per hour. A snow machine may be used in a manner that does not involve repeated approaches or that causes the animal to run. A snowmachine may not be used to contact an animal or to pursue a fleeing animal.***
>
> **. . .**
>
> **§_____.26(n)(17)(iii) Unit 17—Unit-specific regulations**
>
> **. . .**
>
> ***(D) In Unit 17, on Federal-managed lands, a snowmachine may be used to assist in the taking of a wolf or wolverine and a wolf or wolverine may be shot from a stationary snowmachine. "Assist in the taking of a wolf or wolverine" means a snowmachine may be used to approach a wolf or wolverine but when you are within 300 yards, your speed must be at or under 15 miles per hour. A snow machine may be used in a manner that does not involve repeated approaches or that causes the animal to run. A snowmachine may not be used to contact an animal or to pursue a fleeing animal.***

The Council supported the OSM modification stating that this would help with hunting by improving access to animals. However, the Council found the language OSM used to clarify "Assist in the taking of a wolf or wolverine" too confusing. After discussion, Chair Lyon proposed to modify the language clarifying that a snowmachine may be used to approach a wolf or a wolverine, but when you are within 300 yards, your speed must be at or under 15 mile/hour.

The proposed regulatory language as amended by the Council would be as follows: (D) In Unit 17, on Federal-managed lands, a snowmachine may be used to assist in the taking of a wolf or wolverine and a wolf or wolverine may be shot from a stationary snowmachine. "Assist in the taking of a wolf or wolverine" means a snowmachine may be used to approach a wolf or wolverine but when you are within 300 yards, your speed must be at or under 15 miles per hour. A snow machine may be used in a manner that does not involve repeated approaches or that causes the animal to run. A snowmachine may not be used to contact an animal or to pursue a fleeing animal.

Western Interior Alaska Subsistence Regional Advisory Council

Support WP22-40 **as modified by OSM**. The Council felt the refined language recommended by OSM and the working group addressed the Federal Subsistence Board's previous concerns on this issue and was an equitable accommodation of both agency-specific and Federal subsistence regulatory systems. The Council also noted that Unit 19 residents who live within the Western Interior region would be affected by this proposal.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposal WP22-40

This proposal would allow federally qualified users (FQU) to use snowmachines to position wolves and wolverines for harvest on federal public lands in Game Management Units (GMU) 9B, 9C, 17B, and 17C, provided the animals are not shot from a moving snowmachine.

Background

This proposal seeks to align federal subsistence hunting regulations with state hunting regulations for positioning of wolves and adds wolverines to the list of animals that can be positioned in GMU 9A,9B, 17B & 17C.

Current state regulations allow for the positioning of wolves and caribou in GMUs 9 & 17 because snowmachines are the major source of access for hunters and trappers pursuing these species. Harvest data from Alaska Department of Fish & Game (ADF&G) sealing records would seem to support this idea with harvest of both species increasing in years with high snow fall and decreasing in years with low snow fall.

Allowing the positioning of wolves and wolverines could lead to increased harassment (i.e., altering an animal's behavior through repeated approaches) leading to increased energy expenditure by the individual being pursued which can negatively affect the animal and occasionally may lead to the death of an individual animal. However, it is also possible that allowing for the positioning of these species would likely increase the chance of more accurate shots because hunters would be closer to the animal. Also, hunters taking more accurate shots would likely minimize the unnecessary waste of meat and fur that occurs when they take shots that are longer and riskier. Further, we know that positioning of wolves and wolverines is a common traditional practice because it is the only practical way to hunt for these species in winter and so making it legal would reduce the potential conflict between law enforcement personnel and subsistence hunters.

Impact on Subsistence Users

If adopted this proposal would align federal subsistence regulations with current state regulations allowing FQUs to legally position wolves and additionally allow subsistence users to position wolverines on federal lands in GMUs 9 and 17.

Impact on Other Users

If adopted, this proposal would have no effect on other non-federally qualified users.

Opportunity Provided by State

State customary and traditional use findings: The Alaska Board of Game (BOG) has made positive customary and traditional use findings for wolves and wolverines in GMU 17.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by ADF&G or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

There is a positive ANS determination for wolves in GMU 17 however there is no set number of animals necessary for subsistence. The ANS for wolverines in GMU 17 is 90% of the harvestable portion within the GMU. The season and bag limit for big game hunting of wolves and wolverines in GMU 17 are 10 per day and 1 wolverine per season and the trapping regulations have no limit for both wolves and wolverines.

Conservation Issues

This regulatory change could lead to more opportunistic take of wolves and wolverines which pose a potential conservation issue in some areas. Wolves are currently under reduction efforts through predation control in GMUs 17B&C and the focus of intensive management in GMU 9 to benefit the northern Alaska Peninsula caribou herd. We have little information regarding the wolf and wolverine populations in GMU 17B & C; however, based on local reports, staff observations and the remoteness of much of the GMU, we can assume that there is minimal conservation risk to these populations from hunters. Likewise, given the traditional practice of positioning animals with snow machines changing this regulation is unlikely to increase harvest of either species because subsistence users have probably been positioning these animals for as long as they have been using snowmachines.

Enforcement Issues

Adopting this regulation would likely make enforcement efforts easier as enforcement officers won't have to differentiate between rules of positioning on state and federal lands in GMU 17B & C.

Position

ADF&G **SUPPORTS** any modification to the proposal that will align state and federal regulations.

APPENDIX 1

5 AAC 92.080. Unlawful methods of taking game; exceptions

The following methods of taking game are prohibited:

. . .

(4) unless otherwise provided in this chapter, from a motor-driven boat or a motorized land vehicle, unless the motor has been completely shut off and the progress from the motor's power has ceased, except that a

. . .

(B) motorized land vehicle may be used as follows:

i) In Units 22, 23, and 26(A), a snowmachine may be used to position a caribou, wolf, or wolverine, for harvest, and caribou, wolves and wolverines may be shot from a stationary snowmachine.

(ii) notwithstanding any other provision in this section, in the wolf control implementation areas specified in 5 AAC 92.111 - 5 AAC 92.113, 5 AAC 92.118, and 5 AAC 92.121 - 5 AAC 92.124, a snowmachine may be used to position a hunter to select an individual wolf for harvest, and wolves may be shot from a stationary snowmachine;

(iii) notwithstanding any other provision in this section, in Units 9(B), 9(C), 9(E), 17, 18, 19, 21, 22, 24, 25(C) and 25(D), except on any National Park Service or National Wildlife Refuge lands not approved by the federal agencies, a snowmachine may be used to position a hunter to select an individual wolf for harvest, and wolves may be shot from a stationary snowmachine;

(iv) notwithstanding any other provision in this section, in the bear control implementation areas specified in 5 AAC 92.111 - 5 AAC 92.113, 5 AAC 92.118, and 5 AAC 92.121 - 5 AAC 92.124, a snowmachine may be used to position a hunter to select an individual bear for harvest, and bears may be shot from a stationary snowmachine;

(v) notwithstanding any other provision in this section, in Units 9(B), 9(C), 9(E), 17, 22 and 25(C), except on any National Park Service or National Wildlife Refuge lands not approved by the federal agencies, an ATV may be used to position a hunter to select an individual wolf for harvest, and wolves may be shot from a stationary ATV;

(vi) under authority of a permit issued by the department;

(vii) in Unit 18, a snowmachine may be used to position a wolf or wolverine for harvest, and wolves or wolverines may be shot from a stationary snowmachine;

(viii) in Unit 17, a snowmachine may be used to assist in the taking of a caribou and caribou may be shot from a stationary snowmachine. "Assist in the taking of a caribou" means a snowmachine may be used to approach within 300 yards of a caribou at speeds under 15 miles per hour, in a manner that does not involve repeated approaches or that causes a caribou to run. A snowmachine may not be used to contact an animal or to pursue a fleeing caribou.

(5) except as otherwise specified, with the use of a motorized vehicle to harass game or for the purpose of driving, herding, or molesting game;

(6) with the use or aid of a machine gun, set gun, or a shotgun larger than 10 gauge;

(7) with the aid of

(A) a pit;

(B) a fire;

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

WP22–41 Executive Summary		
General Description	Proposal, WP22-41, requests that the Federal in-season manager be delegated authority to open and close seasons, announce harvest limits, and set sex restrictions for caribou in all or portions of Units 9A, 9B, 9C, 17A, 17B, 17C, 18, 19A, and 19B via delegation of authority letter (**Appendix 1**). *Submitted by: Togiak National Wildlife Refuge (NWR) and Yukon Delta NWR*	
Proposed Regulation	**Unit 9−Caribou**	
	Unit 9A—**up to** 2 caribou by State registration permit	*Aug. 1- Mar. 15.* **Season may be announced**
	Unit 9B— **up to** 2 caribou by State registration permit	*Aug. 1-Mar. 31.* **Season may be announced**
	Unit 9C, that portion within the Alagnak River drainage— **up to** 2 caribou by State registration permit	*Aug. 1 – Mar. 15.* **Season may be announced**
	Unit 9C, that portion draining into the Naknek River from the north, and Graveyard Creek and Coffee Creek— **up to** 2 caribou by State registration permit.	Aug. 1 – Mar. 15. **Season may be announced**
	Unit 17−Caribou	
	Unit 17A-all drainages west of Right Hand Point— **up to** 2 caribou by State registration permit	Aug. 1 - Mar. 31. **Season may be announced**
	Units 17B and 17C-that portion of 17C east of the Wood River and Wood River Lakes— **up to** 2 caribou by State registration permit	Aug. 1 – Mar. 31. **Season may be announced**
	Unit 18−Caribou	
	Unit 18-that portion to the east and south of the Kuskokwim River— **up to** 2 caribou by State registration permit	Aug. 1 - Mar. 15. **Season may be announced**
	Unit 18, remainder— **up to** 2 caribou by State registration permit	Aug. 1 - Mar. 15. **Season may be announced**
	Unit 19−Caribou	
	Units 19A and 19B (excluding rural Alaska residents of Lime Village)— *up to* 2 caribou by State registration permit	Aug. 1 - Mar. 15. **Season may be announced**

WP22–41 Executive Summary	
OSM Conclusion	**Support**
Bristol Bay Subsistence Regional Advisory Council Recommendation	**Support**
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council Recommendation	**Support**
Western Interior Alaska Subsistence Regional Advisory Council Recommendation	**Support**
Seward Peninsula Subsistence Regional Advisory Council Recommendation	**Support**
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	**Support**
Written Public Comments	**None**

STAFF ANALYSIS
WP22-41

ISSUES

Wildlife Proposal, WP22-41, submitted by Togiak National Wildlife Refuge (NWR) and Yukon Delta NWR, requests that the Federal in-season manager be delegated authority to open and close seasons, announce harvest limits, and set sex restrictions for caribou in all or portions of Units 9A, 9B, 9C, 17A, 17B, 17C, 18, 19A, and 19B via delegation of authority letter (**Appendix 1**).

DISCUSSION

The proponents state that the summer 2019 and 2020 population estimate for the Mulchatna Caribou Herd (MCH) was 13,500 caribou, which represents a 50% decline from the previous five years and is well below the State's minimum population objective of 30,000 caribou. The proponents note that 2019/20 Federal and State seasons were shortened due to conservation concerns. The 2020/21 season was also shortened, providing for a bulls-only harvest in August and September, while the rest of the season remained closed. The proponents state that this request will help conserve and recover the MCH and provide the flexibility needed to make harvest management decisions in a timely manner. The proponents recognize that this request will reduce harvest opportunity in the short run, but that conserving the MCH now will increase harvest opportunity in the future. The proponents also state that harvest of other resources such as moose may increase in response to this proposal.

Existing Federal Regulation

Unit 9−Caribou

Unit 9A—2 caribou by State registration permit	*Aug. 1 – Mar. 15.*
Unit 9B—2 caribou by State registration permit	*Aug. 1 – Mar. 31.*
Unit 9C, that portion within the Alagnak River drainage—2 caribou by State registration permit	*Aug. 1 – Mar. 15.*
Unit 9C, that portion draining into the Naknek River from the north, and Graveyard Creek and Coffee Creek—2 caribou by State registration permit.	*Aug. 1 – Mar. 15.*

Unit 17−Caribou

Unit 17A-all drainages west of Right Hand Point—2 caribou by State registration permit	*Aug. 1 – Mar. 31.*
Units 17B and 17C-that portion of 17C east of the Wood River and Wood River Lakes—2 caribou by State registration permit	*Aug. 1 – Mar. 31.*

Unit 18−Caribou

Unit 18-that portion to the east and south of the Kuskokwim River—2 caribou by State registration permit	*Aug. 1 – Mar. 15.*
Unit 18, remainder—2 caribou by State registration permit	*Aug. 1 – Mar. 15.*

Unit 19−Caribou

Units 19A and 19B (excluding rural Alaska residents of Lime Village)—2 caribou by State registration permit	*Aug. 1 – Mar. 15.*

Proposed Federal Regulation

Unit 9−Caribo**u**

Unit 9A—**up to** 2 caribou by State registration permit	Aug. 1 – Mar. 15. **Season may be announced**
Unit 9B— **up to** 2 caribou by State registration permit	Aug. 1 – Mar. 31. **Season may be announced**
Unit 9C, that portion within the Alagnak River drainage— **up to** 2 caribou by State registration permit	Aug. 1 – Mar. 15. **Season may be announced**
Unit 9C, that portion draining into the Naknek River from the north, and Graveyard Creek and Coffee Creek— **up to** 2 caribou by State registration permit.	Aug. 1 – Mar. 15. **Season may be announced**

Unit 17−Caribou	
Unit 17A-all drainages west of Right Hand Point— **up to** 2 caribou by State registration permit	Aug. 1 – Mar. 31. **Season may be announced**
Units 17B and 17C-that portion of 17C east of the Wood River and Wood River Lakes— **up to** 2 caribou by State registration permit	Aug. 1 – Mar. 31. **Season may be announced**
Unit 18−Caribou	
Unit 18-that portion to the east and south of the Kuskokwim River— **up to** 2 caribou by State registration permit	Aug. 1 – Mar. 15. **Season may be announced**
Unit 18, remainder— **up to** 2 caribou by State registration permit	Aug. 1 – Mar. 15. **Season may be announced**
Unit 19−Caribou	
Units 19A and 19B (excluding rural Alaska residents of Lime Village)— **up to** 2 caribou by State registration permit	Aug. 1 – Mar. 15. **Season may be announced**

Existing State Regulation

Note: No seasons are open to nonresidents within the range of the MCH.

Unit 9—Caribou		
Residents: Units 9A and 9C, that portion within the Alagnak River drainage —one caribou by permit	*RC503*	*Season not announced*
Residents: Unit 9B— two caribou by permit	*RC503*	*Season not announced*
Residents: Unit 9C, that portion north of the north bank of the Naknek River and south of the Alagnak River drainage— two caribou by permit	*RC503*	*Season not announced*
Unit 17—Caribou		
Residents: Units 17A remainder, 17B and 17C east of the east banks of the Wood River, Lake Aleknagik, Agulowak River, Lake Nerka and the Agulukpak River— one caribou by permit	*RC503*	*Season not announced*

Unit 18—Caribou		
Residents: One caribou by permit	*RC503*	*Season not announced*
Unit 19—Caribou		
Residents: Units 19A and 19B— one caribou by permit	*RC503*	*Season not announced*

Extent of Federal Public Lands

Collectively, Units 9A, 9B, 9C, 17A, 17B, 17C, 18, 19A, and 19B are comprised of 48% Federal public lands and consist of 32% U.S. Fish and Wildlife Service (USFWS) managed lands, 11% National Park Service (NPS) managed lands, and 5% Bureau of Land Management (BLM) managed lands (**Figure 1**). Land status by Unit is as follows.

Unit 9A is comprised of 40% Federal public lands and consists of 39% NPS managed lands and less than 1% each USFWS and BLM managed lands.

Unit 9B is comprised of 34% Federal public lands and consists of 26% NPS managed lands and 8% BLM managed lands

Unit 9C is comprised of 86% Federal public lands and consists of 78% NPS managed lands, 4% BLM managed lands and 4% USFWS managed lands.

Unit 17A is comprised of 87% Federal public lands and consists of 87% USFWS managed lands and less than 1% BLM managed lands.

Unit 17B is comprised of 8% Federal public lands and consists of 6% NPS managed lands, 1% BLM managed lands, and 1% USFWS managed lands.

Unit 17C is comprised of 25% Federal public lands and consists of 15% USFWS managed lands and 10% BLM managed lands.

Unit 18 is comprised of 67% Federal public lands and consists of 64% USFWS managed lands and 3% BLM managed lands.

Unit 19A is comprised of 23% Federal public lands and consists of 21% BLM managed lands and 2% USFWS managed lands.

Unit 19B is comprised of 13% Federal public lands and consists of 11% NPS managed lands, 2% BLM managed lands and less than 1% USFWS managed lands.

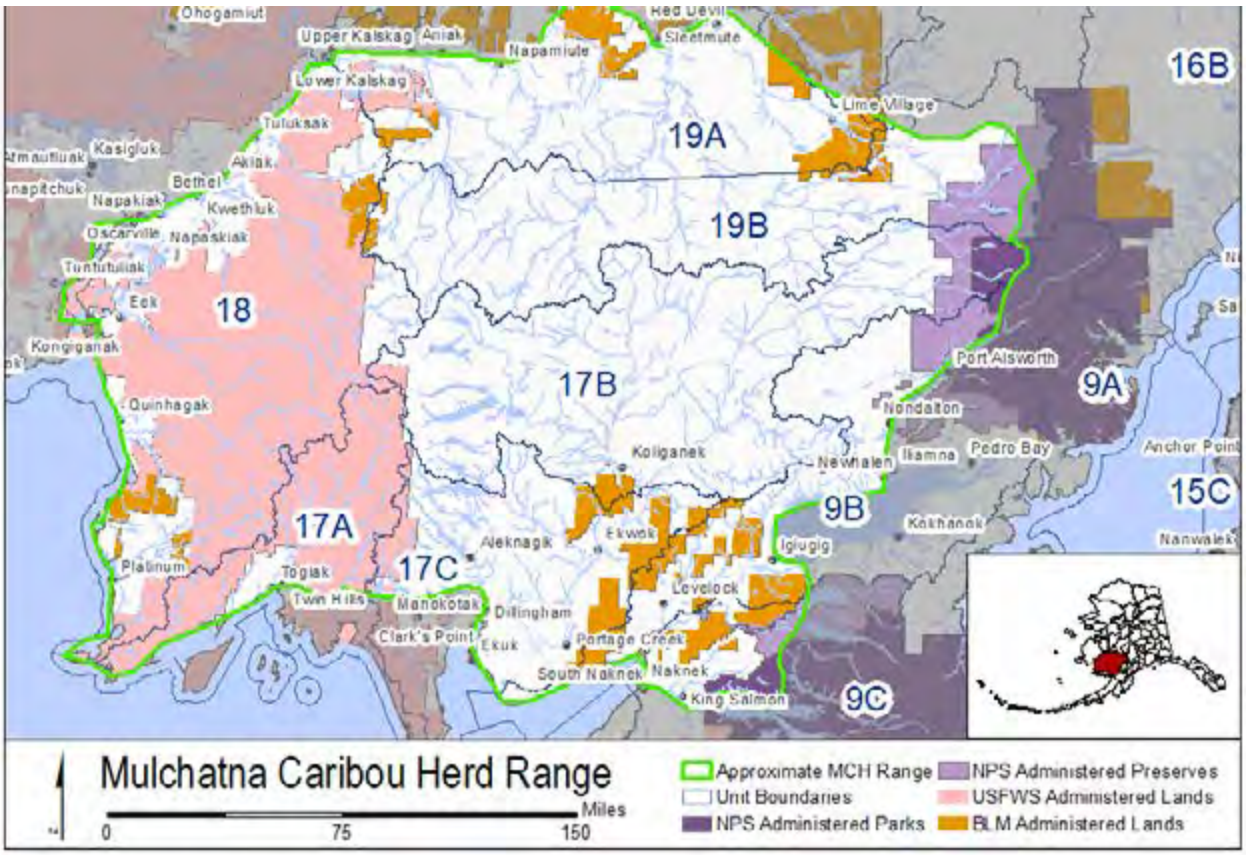

Figure 1. The Mulchatna Caribou Herd range covers ~60,000 square miles, primarily within Units 9B, 9C, 17A, 17B, 17C, 18, 19A and 19B.

Customary and Traditional Use Determinations

Residents of Units 9B, 9C and 17 have a customary and traditional use determination for caribou in Units 9A and Unit 9B.

Residents of Units 9B, 9C, 17, and Egegik have a customary and traditional use determination for caribou in Unit 9C.

Residents of Units 9B, 17, Eek, Goodnews Bay, Lime Village, Napakiak, Platinum, Quinhagak, Stony River, and Tuntutuliak have a customary and traditional use determination for caribou in Unit 17A, that portion west of the Izavieknik River, Upper Togiak Lake, Togiak Lake, and the main course of the Togiak River.

Residents of Units 9B, 17, Akiak, Akiachak, Lime Village, Stony River, and Tuluksak have a customary and traditional use determination for caribou in Unit 17A, that portion north of Togiak Lake that includes Izavieknik River drainages.

Residents of Units 9B, 17, Kwethluk, Lime Village, and Stony River have a customary and traditional use determination for caribou in Units 17A and 17B, those portions north and west of a line beginning from the Unit 18 boundary at the northwestern 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 Unit 17 boundary intersects the Shotgun Hills.

Residents of Units 9B, 17, Akiachak, Akiak, Bethel, Eek, Goodnews Bay, Lime Village, Napakiak, Platinum, Quinhagak, Stony River, Tuluksak, and Tuntutuliak have a customary and traditional use determination for caribou in Unit 17B, that portion of Togiak National Wildlife Refuge within Unit 17B.

Residents of Units 9B, 9C, 9E, 17, Lime Village, and Stony River have a customary and traditional use determination for caribou in Unit 17 remainder.

Residents of Unit 18, Lower Kalskag, Manokotak, Stebbins, St. Michael, Togiak, Twin Hills, and Upper Kalskag have a customary and traditional use determination for caribou in Unit 18.

Residents of Unit 19A and 19B, Unit 18 within the Kuskokwim River drainage upstream from, and including, the Johnson River, and residents of St. Mary's, Marshall, Pilot Station, and Russian Mission have a customary and traditional use determination for caribou in Units 19A and 19B.

Regulatory History

As a result of the dramatic population increase the MCH experienced during the 1990s, harvest regulations were liberalized throughout the range of the herd. By 1997, both State and Federal seasons in portions of Units 9, 17, and 19 extended from fall through spring, with liberal harvest limits and few restrictions. The subsequent population decline, beginning in 2004, resulted in the implementation of more restrictive regulations. Following is a summary of State and Federal regulatory changes since 2006.

At its spring 2006 meeting, the Alaska Board of Game (BOG) implemented more restrictive regulations for both resident and non-resident hunters. For resident hunters, they established an Aug. 1 – Mar. 15 season throughout the range of the herd. Previously, resident seasons ended on March 31 or April 15. The BOG also reduced the harvest limit throughout much of the range to three caribou, with only one caribou allowed Aug. 1 – Sep. 30. Nonresident seasons, which previously extended fall through spring, were reduced to Aug. 1 – Sep. 30.

The BOG further restricted harvest from the MCH in 2007. At that time, they reduced the resident harvest limit to two caribou with the restriction that no more than one bull could be taken and not more than one caribou could be taken Aug. 1 – Jan. 31. In addition, same day airborne harvest was eliminated for Units 9B, 17B, and 17C. The non-resident seasons were reduced to Sep. 1 – 15 at this time.

The Federal Subsistence Board (Board) considered Proposal WP07-23 in 2007, which requested Federal regulations for caribou in Units 9B and 17 be modified to reflect the recent changes in State regulation. Following the recommendation of several Subsistence Regional Advisory Councils (Councils), the Board adopted this proposal with modification to also include Units 18, 19A and 19B. However, this proposal was submitted prior to the BOG's 2007 regulatory changes and the Board's modification did not accommodate the more recent changes in State regulation. Consequently, Federal regulations were aligned with the State's 2006 regulations rather than the 2007 regulations.

Following continued decline of the MCH, the BOG adopted Proposal 57 in 2009, which eliminated the nonresident caribou season throughout the range of the MCH.

The Board considered three proposals in 2010, all of which proposed further restrictions to harvest of the MCH. Proposal WP10-51 requested that Federal caribou seasons in Units 9A, 9B, 17B, a portion of 17C, 18, 19A, and 19B be changed to Aug. 1–Mar. 31. The Board adopted this proposal with modification to end the seasons on March 15, as recommended by several Councils. Proposal WP10-53 requested that the harvest limit for caribou be set at two caribou throughout the range of the MCH, with the restriction that no more than one bull may be taken and no more than one caribou may be taken Aug. 1 – Jan. 31. The Board adopted this proposal. Proposal WP10-60 requested that the harvest limit for caribou in Unit 18 be reduced from three caribou to two caribou. This proposal was adopted by the Board with modification to include the restriction that no more than one bull may be taken and no more than one caribou may be taken Aug. 1 – Jan. 31, consistent with action taken on WP10-53. The result of the Board's actions in 2010 was that State and Federal regulations for caribou within the range of the MCH were largely aligned.

The BOG initiated intensive management for predator reduction within the range of the MCH in 2011. At their spring 2011 meeting, they established a predation management area in Units 9B, 17B, and 17C. At their spring 2012 meeting, they added Units 19A and 19C to the predation management area.

In 2012, the Board considered Proposal WP12-42, which requested that, in Unit 18, the harvest limit be reduced from two caribou to one caribou and the season be reduced from Aug. 1 – Mar. 15 to Aug. 1 – Sep. 3 and Dec. 20 – last day of February. The Board adopted the proposal with modification, which resulted in the establishment of two separate hunt areas in Unit 18. For the portion of Unit 18 east and south of the Kuskokwim River, the season was reduced as proposed, while the harvest limit remained at two caribou, with the restriction that not more than one caribou may be taken Aug. 1 – Sep. 30 or Dec. 20 – Jan. 31. For the remainder of Unit 18, there were no changes to regulations.

Shortly after the Board's decision on WP12-42, it received two Special Action Requests to make similar changes for the remainder of the 2011/12 regulatory year. WSA11-10 requested that the caribou season in Unit 18 be shortened by 2 weeks, to end on February 29, rather than March 15. WSA11-11 requested that Federal public lands in the portion of Unit 18 south and east of the Kuskokwim River be closed to the harvest of caribou by all users beginning March 1. The Board rejected both requests on the grounds that it would be detrimental to subsistence users and that there was insufficient evidence that the situation required immediate action.

In February 2013, the BOG adopted Proposal 45A, which required use of a registration permit (RC503) in Units 9A, 9B, portions of 9C, 17, 18, 19A, and 19B. Previously, MCH harvest was allowed with just a harvest ticket. These changes were aimed at improving harvest management and assessment of the MCH's response to the ongoing intensive management program.

The Board considered two Special Action Requests in 2013. The first, Temporary Special Action WSA13-02, requested alignment of Federal permit requirements and season dates with the recently modified State regulations. As a result of the Board's approval of this request, Federally qualified subsistence users hunting under Federal regulations were required to obtain a State registration permit in Units 9A, 9B, 9C, 17A, 17B, 17C, 18, 19A, and 19B. The Board's action also shortened the to-be-announced season in Units 17A remainder and 17C remainder from Aug. 1–Mar. 31 to Aug. 1–Mar. 15. These changes were in effect for the remainder of the 2013/14 regulatory year. The second request, Temporary Special Action WSA13-03, requested the closure of Federal public lands in Units 9A, 9B, 9C, 17A, 17B, 17C, 18, 19A, and 19B to the harvest of caribou, except by Federally qualified subsistence

users. The Board rejected WSA13-03 on the grounds that the MCH population was within State management objectives, and composition metrics were showing improvement.

In 2014, the Board adopted Proposal WP14-22 with modification, which resulted in the requirement of a State registration permit for Federally qualified subsistence users hunting under Federal regulations in Units 9A, 9B, 9C, 17A, 17B, 17C, 18, 19A, and 19B. It also resulted in a shortening of the to-be-announced season in Units 17A remainder and 17C remainder, from Aug. 1 – Mar. 31 to Aug. 1 – Mar. 15. Finally, it delegated authority to the Togiak National Wildlife Refuge Manager to take specific in-season management actions in portions of Units 17A and 17C. This included the authority to open and close seasons, establish harvest limits and restrictions, and identify hunt areas. These changes were meant to align Federal and State regulations across the range of the MCH, while providing improved harvest reporting.

In February 2015, the BOG adopted Proposal 47 with an amendment to accommodate the request made in Proposal 48. As a result of this action, caribou seasons in Units 9B and 17 were changed from Aug. 1 – Mar. 15 to Aug. 1 – Mar 31. This change was made to accommodate hunters who reported that travel conditions often prohibited caribou hunting after the last day of March.

In March 2016, BOG adopted Proposal 134, which resulted in liberalization of the harvest restrictions for caribou harvested within the range of the MCH. Specifically, the harvest limit remained at two caribou, but the restrictions that no more than one bull may be taken and no more than one caribou may be taken from Aug. 1 – Jan. 31 were eliminated. By 2016, the bull:cow ratio had reached the management threshold and conservation of bulls had become less critical compared to 2007, when the restrictions were implemented. Fewer restrictions also resulted in a less complicated regulatory structure and were not expected to result in unsustainable levels of harvest.

The same spring, the Board considered Proposal WP16-29/30, which requested that caribou seasons in Unit 9B and portions of Unit 17 be extended from Aug. 1 – Mar. 15 to Aug. 1 – Mar. 31. This proposal was intended to provide additional subsistence opportunity and to align Federal and State regulations for caribou hunting within the range of the MCH. The Board adopted this proposal with modification to move in-season management language from unit-specific regulations to a delegation of authority letter. However, this proposal was submitted prior to the BOG's 2016 regulatory changes and the Board's modification did not accommodate the recent changes to State regulation. Consequently, Federal regulations were aligned with the State's 2016/17 regulations rather than the 2017/18 regulations.

In February 2018, the BOG adopted Proposal 127. As a result, the portion of Unit 9C north of the Naknek River and south of the Alagnak River drainage became part of the MCH RC503 permit area, rather than part of the Northern Alaska Peninsula Caribou Herd (NAPCH) TC505 permit area. The BOG's action also established an Aug. 1 – Mar. 31 resident season in the hunt area north of the Naknek River. This action brought State harvest regulations into line with the current distribution of the MCH and NAPCH caribou herds.

In April 2018, the Board considered Proposal WP18-21, which responded to the 2016 and 2018 changes made in State regulation. Specifically, WP18-21 requested that the harvest limit for the MCH be changed to two caribou with no additional restrictions in portions of Units 9, 17 and 19, and that the caribou season in Unit 9C north of the Naknek River be changed from a may-be-announced season to an Aug. 1 – Mar. 15 season with a harvest limit of two caribou. The Board adopted WP18-21 with modification to

create a new hunt area, removing the portion of Unit 9C that drains into the Naknek River from the north and Graveyard Creek and Coffee Creek from Unit 9C remainder. This action brought Federal harvest regulations into line with the current distribution of the MCH and NAPCH caribou herds and also aligned the harvest limit throughout the range of the MCH. However, the Board's action did not address the Federal public lands closure within the new hunt area. Originally implemented for the conservation of the NAPCH, this closure is now the only Federal public lands closure within the range of the MCH.

The Board also considered Proposal WP18-31 in April 2018, which requested that the MCH season in Unit 18 be shortened from Aug. 1 – Mar. 15 to Aug. 1 – Feb. 28, due to an observed scarcity of caribou. The Board rejected this proposal on the grounds that it would have a negligible effect on harvest or on the conservation status of the population, given that the State season would continue to be open until March 15. The Board noted that the regulatory complexity this change would introduce was unnecessary in the absence of a conservation benefit.

In August 2019, the Alaska Department of Fish and Game (ADF&G) issued emergency order 04-16-19, which decreased the harvest limit of the RC503 caribou registration permit hunt from two caribou to one caribou for the 2019/20 regulatory year. The RC503 permit targets the MCH in Units 9A, 9B, 9C, 17A, 17B, 17C, 18, 19A, and 19B (range of the MCH). ADF&G issued this emergency order to conserve the MCH due to recent survey data indicating the MCH population is 13,500 caribou, which is well below the minimum State objective of 30,000 caribou.

In November 2019, the Board approved Special Action Request WSA19-07 with modification to decrease the harvest limit for Mulchatna caribou from two to one caribou across the range of the MCH for the 2019/20 regulatory year. The modification included closing Units 18, 19A and 19B to caribou hunting except by Federally qualified subsistence users, with a harvest limit of one bull caribou and delegating authority to the Togiak NWR Manager to open and close seasons throughout the range of the herd and to set sex restrictions in Units 9A, 9B, 9C, 17A, 17B and 17C for the 2019/20 regulatory year. The Board approved the request due to serious conservation concerns for the MCH and support from the affected Regional Advisory Councils and local users.

The Togiak NWR Manager exercised his delegated authority to close caribou hunting on Federal public lands across the range of the MCH on December 31, 2019 for the remainder of the season. As of December 16, 2019, 79 caribou had been reported harvested, with an additional seven caribou known to be harvested but not reported. Agency staff determined no harvestable surplus existed that would allow for herd growth and closed the season to promote herd recovery.

In January 2020, ADF&G issued emergency order 04-02-20, which closed the RC503 caribou registration permit hunt on January 31, 2020. ADF&G issued this emergency order because of MCH population declines. Both ADF&G and USFWS staff conducted extensive outreach efforts to notify communities of the caribou hunting closure (BBRAC 2020, WIRAC 2020).

In April 2020, the Board considered Wildlife Closure Review WCR20-04/06, which reviewed caribou hunting closures in Units 9C and 9E. The Board voted to modify the closure, rescinding the closure in the portion of Unit 9C that drains into the Naknek River from the north, and Graveyard Creek and Coffee Creek (Unit 9C Naknek), while maintaining the closures in the other hunt areas in concurrence with the Bristol Bay Council's recommendation. The closure in Unit 9C Naknek to caribou hunting except by residents of Unit 9C and Egegik had been the only closure in regulation within the range of the MCH.

The closure was a vestige of the Board's action on Proposal WP18-21, which shifted the regulatory emphasis within Unit 9C Naknek from the NAPCH to the MCH, to reflect current distribution patterns of these two herds. However, during its deliberation of Proposal WP18-21, the Board did not address the Federal public lands closure, which had been originally implemented for the conservation of the NAPCH.

In July 2020, the Board approved Special Action Request WSA20-04 with modification to delegate authority to the Togiak NWR manager to open/close seasons, announce harvest limits, and set sex restrictions across the range of the MCH for the 2020-2022 regulatory cycle (similar to this proposal). The Board approved the request because of conservation concerns for the MCH due to substantial population declines, because delegating authority to an in-season manager provided the management flexibility needed to respond quickly to changing conditions, and because of support from the affected Regional Advisory Councils and local users.

In July 2020, ADF&G issued emergency order 04-04-20, announcing a bulls-only hunt across the range of the MCH (RC503) in Units 9A, 9B, 9C, 17A, 17B, 17C, 18, 19A, and 19B from Aug. 1-Sept. 20, 2020. The rest of the 2020/21 season remained closed. Later that month, the Togiak NWR Manager exercised his delegated authority to announce an identical Federal hunt for 2020/21. The Togiak NWR manager and ADF&G determined that a limited bulls-only hunt would provide some harvest opportunity without compromising herd recovery, but that additional harvest, especially of cows, needed to be avoided to allow for herd growth.

Current Events

The BOG received several proposals concerning the MCH during the Central and Southwest Region call for proposals in 2020. They will consider proposed changes in Units 9 and 17 in January of 2022 (rescheduled meeting from January 2021 due to the COVID-19 pandemic). Proposed changes for Unit 18 and 19 will be addressed at Western Arctic/Western Region and Interior and Eastern Arctic Region meetings, respectively.

Proposal 19, submitted by Togiak NWR requests establishing new population and harvest objectives for the MCH, following completion of a habitat assessment to determine carrying capacity. Proposal 20, submitted by ADF&G, requests establishing a Tier II subsistence hunting season and harvest limit for the MCH due to low population estimates and harvestable surpluses. Proposal 20 would also close the season during rut to mitigate disruptions to breeding and standardize the season across the range of the MCH to reduce hunter confusion and encourage reporting. Proposal 21, submitted by ADF&G, requests establishing a second predation control area for MCH on Federal lands in Units 17 and 18 to reduce wolf predation and promote herd recovery.

Biological Background

The MCH has experienced dramatic changes in population size and distribution in the past 40 years. In the early 1980s, the population was estimated to include approximately 20,000 caribou. Its winter range included the north and west side of Iliamna Lake north of the Kvichak River. By the mid-1990s, the herd had grown to its peak size of approximately 200,000 caribou and absorbed the smaller Kilbuck caribou herd. The MCH increasingly begun wintering in southern Unit 18 and southwestern Unit 19B. Population growth during this time was attributed to mild winters, movement into previously unexploited range, and relatively low predation and harvest rates.

Currently, the MCH range covers ~60,000 square miles, primarily within Units 9B, 9C, 17A, 17B, 17C, 18, 19A and 19B (**Figure 1**). The herd does not move seasonally as a single distinct group. Rather, caribou move from calving areas east of the Tikchik Mountains to either the eastern or western portion of their range for the rut and wintering. In the 2000s, movements of radio-collared caribou indicated that individual caribou had little fidelity to specific calving or wintering areas. Since 2008, however, radio-collared cows that winter in the eastern portion of their range calve in the Tundra Lake or Bonanza Hills areas (western Units 19A, 19B, 17B) while those that winter in the western portion of their range calve in the Kemuk Mountain/Koliganek area (southern Unit 17B, northern Unit 17C) (Barten 2015). ADF&G is hoping to radio-collar additional caribou and conduct more surveys to determine if the MCH is still one herd or if it has separated into two distinct herds (BBRAC 2020). Additionally, the potential for caribou in Katmai National Preserve to be a non-migratory population that is not part of the MCH was voiced during Tribal consultation for WSA19-07 and the Bristol Bay Council's winter 2020 meeting. The NPS expressed their intention to study these caribou in the near future (BBRAC 2020).

Photocensuses conducted during summer post-calving aggregations are used to estimate abundance (Barten 2015). These estimates show that in 2013, the MCH was estimated to be 18,016 caribou, the lowest estimate in over 30 years, and well below the State's population objective of 30,000 – 80,000 caribou (**Table 1)**. Estimates over the next three years indicated that the population had grown, nearing the lower bound of this population objective from 2014-2016. However, the most recent estimates, obtained in July 2019 and 2020, shows that the population is less than half of the State's minimum population objective, at 13,448 caribou (ADF&G 2019c, 2020). The western segment of the MCH has declined appreciably since 2012, while the eastern segment's population increased between 2012 and 2015 and then declined back to 2012 levels in 2019 (**Figure 2**; ADF&G 2019e, Rinaldi 2020, pers. comm.). Therefore, the population increases from 2014-2016 were due to increases in the eastern segment's population, while the 2019 decline are due to declines in both segments.

ADF&G and Togiak NWR plan to reevaluate the population objective range to determine if any adjustments are warranted (BBRAC 2020). In March 2020, ADF&G conducted two flights over the western segment of the herd and one flight over the eastern segment to monitor its status. ADF&G reported observing <2,500 caribou in the western segment, which was less than expected (YKDRAC 2020).

Estimates of composition are made during October aerial surveys. Given that the eastern and western population segments of the MCH have different seasonal ranges and are therefore subject to differing nutrition, predation, and other factors, composition ratios are summarized both collectively and individually by population segment. This allows for comparison between the eastern and western segments. As a whole, the MCH experienced a steady increase in bull:cow ratios between 2010 and 2016 (**Table 1**). In 2016, the ratio was 39 bulls:100 cows, which is the highest estimate since the late 1990s. The most recent estimate, in 2018, showed the bull:cow ratio was 32 bulls:100 cows, which is below the State's minimum bull:cow objective of 35 bulls:100 cows. Bull:cow ratios for the western segment have typically been higher than those for the eastern segment, though the difference has diminished in recent years (**Figure 3**). In 2017, this relationship was reversed. At that time, the eastern population segment had 33 bulls:100 cows while the western population segment had 31 bulls:100 cows (Barten 2017).

Calf:cow ratios have been variable for the MCH, ranging from 16 calves:100 cows in 2007 to 30 calves:100 cows in 2011 and 2014 (**Table 1**). In 2018, the most recent estimate, there were 34 calves:100 cows, which is above the State' minimum objective of 30 calves:100 cows and an improvement from

2017 (ADF&G 2019d). The calf:cow ratio has varied significantly between population segments. Between 2007 and 2013, the western population segment had consistently higher calf:cow ratios than the eastern segment. However, that relationship has been reversed since 2014 (**Figure 4**). In 2017, the eastern segment had 28 calves:100 cows while the western segment had 18 calves:100 cows (Barten 2017). Current calf:cow ratios are within the range of variability typical of herds occupying interior and southwest Alaska.

Habitat was not thought to be limiting the MCH based on nutritional indicators, including high pregnancy rates and calf weights (Barten 2015, ADF&G 2019d). However, now ADF&G and Togiak NWR are considering decreased range quality as a potential cause for the decline and are working together to design and implement a habitat assessment study (BBRAC 2020, WIRAC 2020, Moos 2021). Predation may be contributing to the population decline. ADF&G initiated a wolf predation control program near MCH calving grounds in southwestern Unit 17 in 2012 and expanded the control area in 2017 to include almost all of Unit 17B and portions of Units 9B and 19B (ADF&G 2019d, YKDRAC 2020). However, while wolf densities on the calving grounds are low, brown bear predation of calves on the calving grounds may be contributing to the population decline (WIRAC 2020). Heavy harvest pressure, icing events, deep snows and changing movement patterns may also have contributed to the population decline (YKDRAC 2020). In January 2021, ADF&G announced increased prevalence of *Brucella*, the bacteria responsible for brucellosis disease, in Mulchatna caribou (ADF&G 2021a).

Table 1. Mulchatna Caribou Herd composition counts and population estimates, 1975 – 2020 (Barten 2017, ADF&G 2019c, 2019d, 2020, Reiley 2021, pers. Comm. and Rinaldi 2020, pers. Comm.).

Year	Bulls: 100 cows	Calves: 100 cows	% of Total bulls			Composition sample size	Population Estimate
			Small bulls	Medium bulls	Large bulls		
1975	55	35	-	-	-	1,846	14,000
1978	50	65	-	-	-	758	7,500
1980	31	57	-	-	-	2,250	-
1981	53	45	-	-	-	1,235	20,600
1986	56	37	-	-	-	2,172	-
1987	68	60	-	-	-	1,858	52,500
1988	66	54	-	-	-	536	-
1993	42	44	-	-	-	5,907	150,000[a]
1996	42	34	49	29	22	1,727	200,000[a]
1998	41	34	28	43	29	3,086	-
1999	30	14	60	26	14	4,731	175,000[b]
2000	38	24	47	33	20	3,894	-
2001	25	20	32	50	18	5,728	-
2002	26	28	57	30	13	5,734	147,000[b]
2003	17	26	36	45	19	7,821	-
2004	21	20	64	29	7	4,608	85,000[b]
2005	14	18	55	33	12	5,211	-
2006	15	26	57	34	9	2,971	45,000[b]
2007	23	16	53	36	11	3,943	-
2008	19	23	47	36	17	3,728	30,000[b]

Year	Bulls: 100 cows	Calves: 100 cows	% of Total bulls			Composition sample size	Population Estimate
			Small bulls	Medium bulls	Large bulls		
2009	19	31	40	44	16	4,595	-
2010	17	20	30	44	26	4,592	-
2011	22	19	32	41	27	5,282	-
2012	23	30	38	38	24	4,853	22,930[c]
2013	27	19	39	36	25	3,222	18,016[c]
2014	35	30	44	31	25	4,793	27,225[c]
2015	35	29	35	43	22	5,414	28,662[c]
2016	39	22	43	29	28	5,195	28,775[c]
2017	32	23	44	28	28	5,160	-
2018	32	34	-	-	-	-	-
2019	42	25	62	20	18	3,496	13,448[c]
2020	34	36	59	20	20	5,357	13,500

[a] Estimate derived from photo-counts, corrected estimates, subjective estimate of number of caribou in areas not surveyed, and interpolation between years when aerial photo surveys were not conducted.

[b] Estimate of minimum population size based on July photo census.

[c] Estimate based on Rivest et al. (1998) caribou abundance estimator.

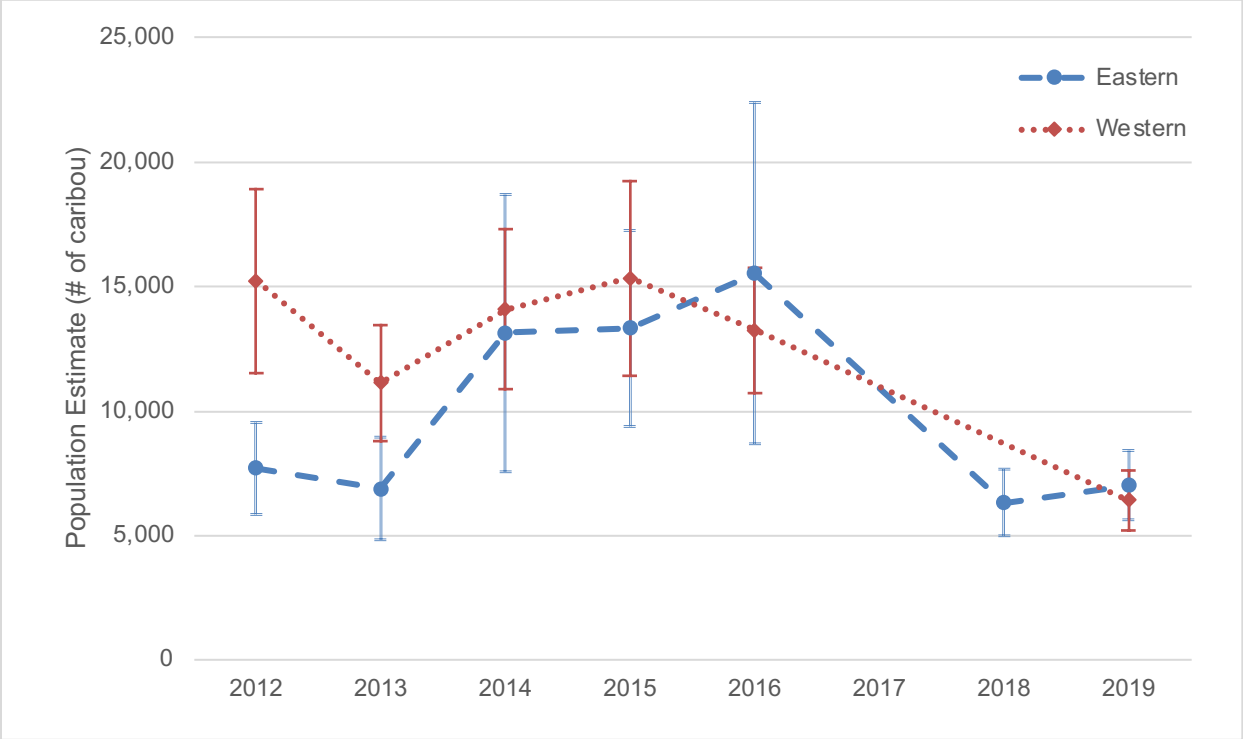

Figure 2. Population estimates of the eastern and western segments of the Mulchatna caribou herd with 95% confidence intervals (Rinaldi 2020, pers. comm.).

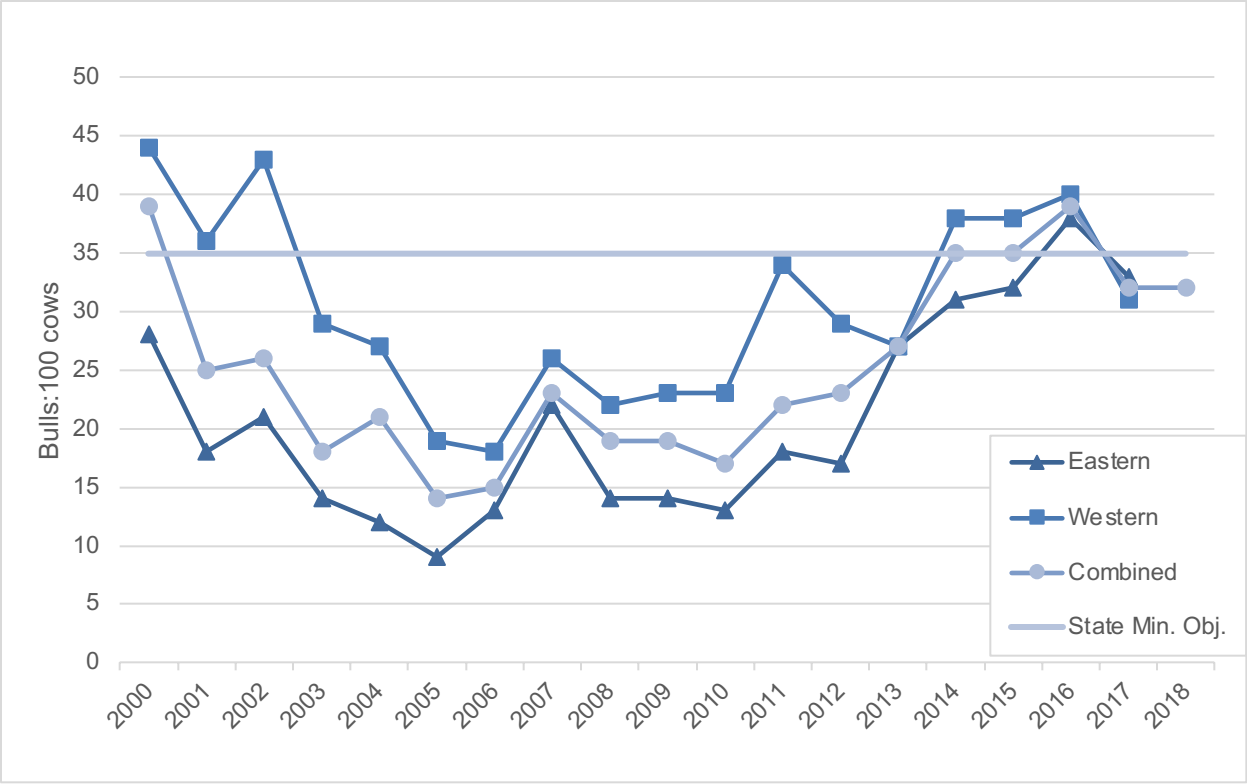

Figure 3. Mulchatna Caribou Herd fall bull:cow ratios, 2000 – 2018. The solid line represents the State's minimum management objective of 35 bulls:100 cows (Barten 2017, ADF&G 2019d).

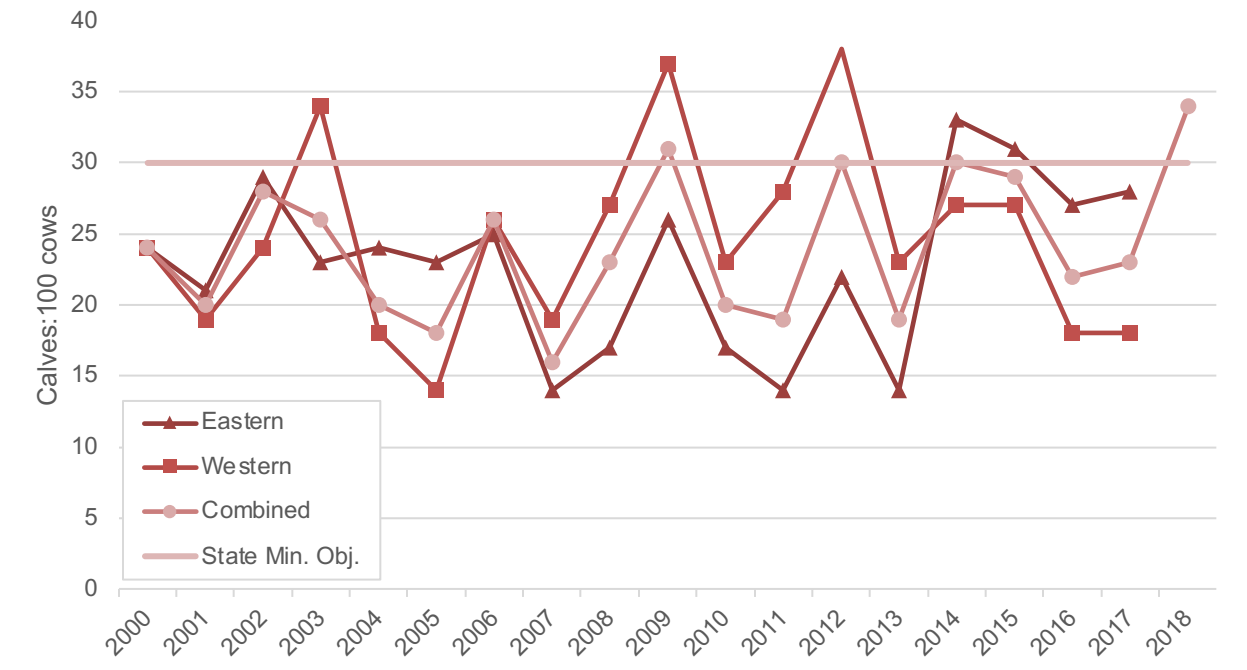

Figure 4. Mulchatna Caribou Herd fall calf:cow ratios, 2000 – 2018. The solid line represents the State's minimum management objective of 30 calves:100 cows (Barten 2017, ADF&G 2019d).

Cultural Knowledge and Traditional Practices

At least five Alaska Native groups, Alutiiq, Central-Yup'ik, and the Athapaskan subgroups known as the Deg Xinag, Kolchan/Upper Kuskokwim, and Dena'ina, have historically inhabited and hunted in sections of Units 9, 17, and 19. Relationships between these groups varied from intermarriage, trading, and feuding (Snow 1981). All of these groups have a history of hunting caribou in this area and some participated in herding upon the introduction of reindeer in the 1890s (Willis 2006).

Historically, people in Western and Southwestern Alaska hunted caribou in the spring and fall with the occasional summer harvest. Historical accounts suggest that caribou was an important subsistence resource for food and the creation of winter clothing. Caribou were traditionally caught through the use of snares, surrounds, guide fences, bow and arrow, stalking, spears, and the Dena'ina utilized dogs (Clark 1981; Hosley 1981; Snow 1981; Townsend 1981; VanStone 1981). Vanstone mentioned that Central-Yup'ik groups used caribou hides in the creation of winter clothing and Hosley (1981) noted that the Kolchan made a paste out of caribou brains to tan hides for clothing purposes.

Russian fur traders travelled up the Alaskan coast and came into contact with the Alutiiq Koniag after 1760. It was not long after this initial contact that trading posts were established in the area that currently consists of Unit 9 (Clark 1981). As the Russians moved further north along the Alaska coast the fur trade expanded into what is now Units 17 and 19 (Snow 1981; Vanstone 1981). The arrival of the Russians was followed by the creation of missions, boarding schools, canneries, and the arrival of both Russian and European trappers and prospectors (Hosley 1981; Snow 1981; Townsend 1981).

The most recent comprehensive subsistence surveys conducted by ADF&G have been used to provide examples for each unit in this proposal. ADF&G conducted a survey on the community of Naknek in Unit 9 during 2007, Manokotak in Unit 17 during 2008, and Nikolai in Unit 19 during 2011 (Holen et al. 2011; Holen et al. 2012; Ikuta et al. 2014). Within these communities, large mammal harvest is high and ranged between 12.1% on the low end and 52% on the high end (Holen et al. 2011; Ikuta et al. 2014). The per capita caribou harvest from Naknek, Manokotak, and Nikolai ranged from a low of 2 lbs/person in Nikolai to 21 lbs/person in Naknek (Holen et al. 2011; Ikuta et al. 2014). Even in those communities that reported no harvest for their study year, caribou was widely used, shared, and received. For example, in Manokotak for the 2008 study year, about 50% of the community households used caribou, 44% reported receiving caribou, and about 7% of the households reported sharing caribou with others (Holen et al. 2012).

Harvest History

Reported harvest of the MCH has decreased significantly since the early 2000s, when the herd was very large (**Figure 5**). Total reported harvest declined from 3,949 caribou in 2000 to 238 caribou in 2018. Harvest among all user groups declined during this period, but the decline was especially pronounced among nonlocal residents and nonresidents. Reduction of the State harvest limit in 2006 and elimination of the nonresident season in 2009 were influential in this decline (ADF&G 2017, 2019a).

Currently, harvest is dominated by local users, defined here as those with a customary and traditional use determination for caribou anywhere within the MCH range. Since 2009, the year the nonresident season was eliminated, 84% of reported harvest, or 263 caribou annually, can be attributed to local residents. The remainder, 49 caribou annually, were taken by nonlocal residents of Alaska (ADF&G 2017, 2019a).

However, reported harvest may underestimate actual harvest. Though the magnitude of unreported harvest is unknown (Barten 2015, ADF&G 2019d), household survey data obtained by the ADF&G Subsistence Division provides some insights (**Table 2**). These surveys represent only a sampling of communities and years, so they cannot be used to quantify total annual harvest. In addition, they estimate an annual range of harvest for each community and are intended to demonstrate community harvest patterns and resource use, rather than precise numbers. However, they indicate that communities within the MCH range harvest more caribou than harvest reports suggest (**Table 2**, **Figure 5**). ADF&G suspects actual harvest is substantially higher than reported harvest in some years (ADF&G 2019d).

Acknowledging that reported harvest is not an accurate assessment of total harvest, it may provide insights into temporal and geographic harvest patterns. Among local users for the 2009 – 2018 time period, 81% of reported harvest occurred between December and March. March was the busiest month for harvest, accounting for 40% of the reported harvest by local users since 2009. These patterns are broadly similar to longer term averages (ADF&G 2017, 2019a).

Harvest is not evenly distributed across the range of the MCH. More caribou are harvested from the western segment of the population than from the eastern (BBRAC 2020). Since 2009, among local users, 54% of reported harvest has occurred in Unit 18, and 17% has occurred in Unit 17C. Less than 10% of reported harvest by local users is attributable to any other single unit. Converse trends exist for non-local users. Harvest in Unit 17B accounts for 53% (26 caribou annually), while Unit 18 accounts for 20% (10 caribou annually) of the reported harvest among this user group since 2009. Fewer than five caribou, on average, are reported harvested each year by nonlocal users in any other single unit.

During the 2019/20 season, 2,112 RC503 permits were issued, 1,776 permits were returned, and 446 permit holders hunted. From the returned permits, 127 caribou (84 bulls, 42 cows, 1 unknown) were reported harvested (ADF&G 2021b). Information and observations from law enforcement personnel indicated that actual harvest well exceeded reported harvest (Moos 2020, pers. comm.).

During the 2020/21 season, 28 were harvested. There were 20 harvested by local residents and 8 by non-local residents (Reiley 2021, pers. Comm.)

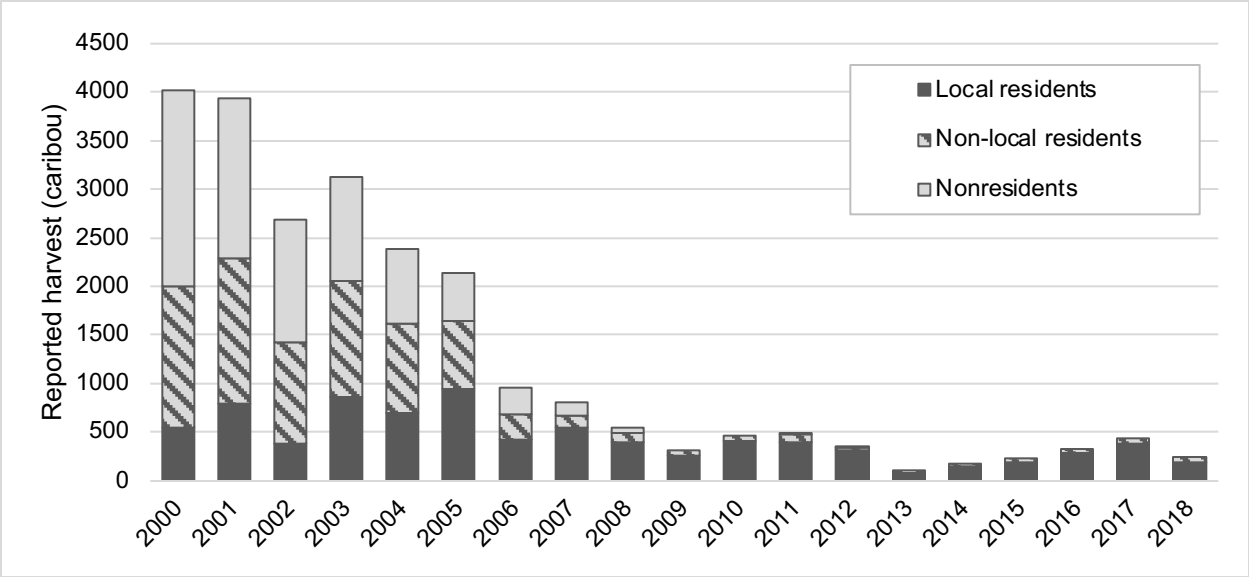

Figure 5. Reported harvest from the Mulchatna Caribou Herd by all users, 2000 – 2018. Nonresident seasons were eliminated in 2009 (ADF&G 2017, 2019a).

Table 2. Use of caribou by communities across the range of the Mulchatna Caribou Herd, 2000 – 2013, based on household surveys (ADF&G 2019b).

Unit	Community	Year	Households using caribou	Households harvesting caribou	Harvest - Number of caribou	Harvest - 95% CI
9B	Igiugig	2001	100%	91%	23	0%
		2005	100%	58%	24	22%
	Iliamna	2001	76%	43%	40	34%
		2004	77%	8%	3	62%
	Kokhanok	2001	94%	25%	20	84%
		2005	80%	26%	21	32%
	Levelock	2001	100%	53%	28	37%
		2005	100%	64%	27	33%
	Newhalen	2001	94%	65%	71	14%
		2004	88%	44%	49	9%
	Nondalton	2001	94%	27%	23	30%
		2004	53%	13%	18	9%
	Pedro Bay	2001	21%	0%	0	0%
		2004	28%	6%	1	0%
	Port Alsworth	2001	90%	10%	4	82%

Unit	Community	Year	Households using caribou	Households harvesting caribou	Harvest - Number of caribou	Harvest - 95% CI
		2004	86%	9%	6	21%
9C	King Salmon	2007	33%	12%	16	11%
	Naknek	2007	49%	21%	74	12%
	South Naknek	2007	62%	5%	2	6%
17A	Togiak	2001			106	27%
	Twin Hills	2001			8	31%
17B	Koliganek	2001	91%	57%	93	41%
		2005	89%	61%	91	28%
17C	Aleknagik	2001	89%	47%	48	23%
		2008	13%	0%	0	0%
	Clarks Point	2001	86%	57%	28	0%
		2008	36%	9%	2	216%
	Dillingham	2001	14%	6%	344	30%
		2010	36%	5%	63	52%
	Ekwok	2001	97%	31%	28	23%
	Manokotak	2001	88%	42%	68	17%
		2008	49%	8%	20	5%
	New Stuyahok	2001	98%	66%	260	13%
		2005	92%	59%	178	20%
	Portage Creek	2001	71%	29%	10	0%
18	Akiak	2010	78%	37%	55	21%
	Bethel	2011	55%	16%	446	20%
		2012	55%	13%	374	27%
	Eek	2013	61%	27%	47	28%
	Kwethluk	2010	87%	39%	111	21%
	Marshall	2010	7%	2%	6	136%
	Mountain Village	2010	6%	0%	0	
	Napakiak	2011	75%	32%	45	27%

Unit	Community	Year	Households using caribou	Households harvesting caribou	Harvest - Number of caribou	Harvest - 95% CI
	Napaskiak	2011	86%	41%	60	24%
	Oscarville	2010	92%	50%	10	28%
	Pilot Station	2013	6%	1%	3	102%
	Quinhagak	2013	65%	29%	125	21%
	Russian Mission	2011	11%	4%	5	96%
	Scammon Bay	2013	20%	4%	10	64%
	Tuluksak	2010	68%	22%	29	26%
	Tuntutuliak	2013	19%	8%	12	54%
19A	Red Devil	2005	0%	0%	0	0%
		2009	36%	18%	1	244%
	Sleetmute	2003	24%	10%	8	41%
		2004	18%	0%	0	0%
		2005	16%	0%	0	0%
		2009	3%	3%	2	75%
	Stony River	2003	53%	29%	14	22%
		2004	60%	20%	6	439%
		2005	33%	0%	0	0%
		2009	42%	8%	2	423%
	Upper Kalskag	2003	53%	35%	42	49%
		2004	30%	6%	4	24%
		2005	26%	15%	16	98%
		2009	15%	2%	1	605%

Effects of the Proposal

If this request is approved, the Federal in-season manager would be delegated authority to open and close seasons, announce harvest limits and set sex restrictions across the range of the MCH. While this change may decrease harvest opportunity for Federally qualified subsistence users in the short-term, it may also help conserve the MCH to ensure future harvest opportunities.

Given the recent, substantial decline in the MCH population, conservation measures are warranted. Low calf:cow ratios in the western segment of the MCH population in 2016 and 2017, where most of the harvest occurs, further contribute to conservation concerns (**Figure 4**). Furthermore, bull:cow ratios, which have been depressed since 2001, are hovering around the State's minimum objective of 35 bulls:100 cows (**Table 1**).

However, the effects of harvest on the population decline are unclear. In 2017 and 2018, reported harvest (440 and 238 caribou, respectively) only accounted for 3.3% and 1.8% of the estimated MCH population (13,500 caribou), respectively, which are very conservative harvest rates. Additionally, the magnitude of unreported harvest is unknown, with unknown effects on the MCH population. Therefore, the conservation benefits of adopting WP22-41 are uncertain.

Delegating authority to an in-season manager provides management flexibility, which is critical in responding to changing herd conditions in a timely manner. For example, an in-season manager could maximize harvest opportunity in the event of herd recovery, close all hunts in the event of further population declines to aid herd recovery, or (as was the case in 2020) balance harvest opportunity with herd recovery.

OSM CONCLUSION

Support Wildlife Proposal WP22-41

Justification

Conservation concerns exist for the MCH due to a substantial decline in abundance coupled with poor composition metrics. While the impact of harvest on the MCH is unclear, measures to conserve the herd and aid recovery are warranted. Delegating authority to an in-season manager provides the flexibility needed to make timely decisions and respond to changing conditions (e.g. MCH population decline or recovery).

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Bristol Bay Subsistence Regional Advisory Council

Support WP22-41. The Council agrees with having one in season manager for streamlining the process as well as being responsive to the needs of the caribou population and the subsistence users.

Yukon-Kuskokwim Delta Subsistence Regional Advisory Council

Support WP22-41. The Council supports the Refuge manager's delegated authority for flexibility to engage conservation measures as needed to manage the Mulchatna caribou herd. The Council is very concerned about the decline in the herd and supports the manager having the ability to open or close the hunt, and set harvest and sex restrictions in order to maintain a viable population for subsistence harvest opportunity in the future. The Council requests that the Refuge manager work closely with local communities and include their observations in management decisions for the Mulchatna caribou herd. People from the villages are always out on the land, observing and have the in-depth historical knowledge of the herd over the years.

Western Interior Alaska Subsistence Regional Advisory Council

Support WP22-41. The Council supports delegating authority to an in-season Federal manager to help manage and conserve the herd. The delegation of authority was initially put in place by approval of a temporary special action request, and the Council believes that it should remain in place becoming part of the codified Federal regulations.

Seward Peninsula Subsistence Regional Advisory Council

Support WP22-41. The Council supports closing the Mulchatna caribou hunt to protect the herd until the population is healthy enough to support harvest. Delegation of authority will allow timely decisions to be made to respond to changing conditions of the herd.

INTERAGENCY STAFF COMMITTEE COMMENT

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposal WP22-41

This proposal requests that the federal in-season manager be delegated authority to open and close season, announce harvest limits, and set sex restrictions for Mulchatna caribou herd (MCH) in all or portions of Game Management Units (GMU) 9A, 9B, 9C, 17A, 17B, 17C, 18, 19A, and 19B.

Background

In the mid-1990s, the MCH population increased to ~200,000 animals, followed by a rapid decline over the following 10 years. The population appeared to stabilize in the late 2000s and has hovered near

20,000–28,000 animals from 2012–2016. Since 2011, the MCH has been under intensive management (IM) to promote an increase in herd size and harvest by humans. The management approach has been to limit predation by wolves on caribou calves by specifically targeting core calving areas for wolf removal. This wolf control area was expanded to encompass all core calving areas in GMU 17 (i.e., the current 10,000 square mile area designated by the Board of Game) in 2017.

Following the adoption of an IM plan for the MCH, the Alaska Department of Fish & Game (ADF&G) has followed the herd's population trend by conducting a post-calving population survey in June/July. The MCH pattern of aggregation during these surveys has not changed much from 2012–2019. However, the general trend from 2012–2019 was one of a dynamic population on a general decline, despite the management efforts in place. In 2019 ADF&G has been able to update the population estimate through direct surveys; 2016 was the last estimate calculated. Our data from 2012–2019 show that historically the western part of the MCH range holds more animals than the eastern portion of their range. As the population of western animals has declined, the eastern population has remained relatively constant. Given the declining population trend over the last 5 years, a population much smaller than objectives, and that the population is well below its historic size in non-irruptive years (i.e., ~20,000 animals), it is more likely that additional harvest could be detrimental to the long-term sustainability of this herd.

Impact on Subsistence Users

This proposal would have no effect federally qualified users (FQU) unless the federal in-season manager chooses to take action.

Impact on Other Users

This proposal would have no effect on other non-federally qualified users (NFQU) unless the federal in-season manager chose to take action.

Opportunity Provided by State

State customary and traditional use findings: The Alaska Board of Game (BOG) has made positive customary and traditional use finding for the MCH in GMUs 9A, 9B, 9C, 17A, 17B, 17C, 18, 19A, and 19B.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by ADF&G or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

The BOG has determined that ANS for the MCH is 2,100–2,400.

Conservation Issues

There are no conservation issues associated with this proposal.

Enforcement Issues

There will be no enforcement issues if this proposal is adopted.

Position

ADF&G **SUPPORTS** giving the federal in-season manager the flexibility to manage the MCH by allowing them to open and close the season, announce harvest limits, and set sex restrictions. The Togiak National Wildlife Refuge have been a partner in research, monitoring, and education when it comes to the MCH and have been a partner towards the long-standing, common goal of conserving the MCH throughout its range.

APPENDIX 1

Refuge Manager
Togiak National Wildlife Refuge
P.O. Box 270 MS 569
Dillingham, Alaska 99576

Dear Refuge Manager:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the manager of the Togiak National Wildlife Refuge to issue emergency or temporary special actions if necessary to ensure the conservation of a healthy wildlife population, to continue subsistence uses of wildlife, for reasons of public safety, or to assure the continued viability of a wildlife population. This delegation only applies to the Federal public lands subject to

Alaska National Interest Lands Conservation Act (ANILCA) Title VIII jurisdiction within Units 9A, 9B, 9C (that portion within the Alagnak River drainage), 9C (that portion draining into the Naknek River from the north, and Graveyard Creek and Coffee Creek), 17A (all drainages west of Right Hand Point), 17A remainder, 17B, 17C (that portion of 17C east of the Wood River and Wood River Lakes), 17C remainder, 18 (that portion to the east and south of the Kuskokwim River), 18 remainder, 19A and 19B (excluding rural Alaska residents of Lime Village) for the management of caribou on these lands.

It is the intent of the Board that actions related to management of caribou by Federal officials be coordinated, prior to implementation, with the Alaska Department of Fish and Game (ADF&G), representatives of the Office of Subsistence Management (OSM), the Bureau of Land Management (BLM) Anchorage Field Office manager, the Nushagak Peninsula Caribou Planning Committee, the Yukon Delta National Wildlife Refuge manager, the Superintendent of Katmai National Park and Preserve, the Superintendent of Lake Clark National Park and Preserve, and the Chair of affected Council(s) to the extent possible. The Office of Subsistence Management will be used by managers to facilitate communication of actions and to ensure proposed actions are technically and administratively aligned with legal mandates and policies. Federal managers are expected to work with managers from the State and other Federal agencies, the Council Chair or alternate, local tribes, and Alaska Native Corporations to minimize disruption to subsistence resource users and existing agency programs, consistent with the need for special action.

DELEGATION OF AUTHORITY

1. <u>Delegation:</u> The Togiak National Wildlife Refuge manager is hereby delegated authority to issue emergency or temporary special actions affecting caribou on Federal lands as outlined under the **Scope of Delegation**. Any action greater than 60 days in length (temporary special action) requires a public hearing before implementation. Special actions are governed by Federal regulation at 36 CFR 242.19 and 50 CFR 100.19.

2. <u>Authority:</u> This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and

50 CFR 100.10(d)(6), which state: "The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit

requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board."

3. <u>Scope of Delegation:</u> The regulatory authority hereby delegated is limited to the following authorities within the limits set by regulation at 36 CFR 242.26 and 50 CFR 100.26:

> *To open and close seasons, announce harvest limits and set sex restrictions for caribou on Federal public lands in Units 9A, 9B, 9C (that portion within the Alagnak River drainage), 9C (that portion draining into the Naknek River from the north, and Graveyard Creek and Coffee Creek), 17A (all drainages west of Right Hand Point), 17B and 17C (that portion of 17C east of the Wood River and Wood River Lakes), 18 (that portion to the east and south of the Kuskokwim River), 18 remainder, 19A and 19B (excluding rural Alaska residents of Lime Village).*

This delegation also permits you to close and reopen Federal public lands to nonsubsistence hunting, but does not permit you to specify methods and means, permit requirements, or harvest and possession limits for State-managed hunts.

This delegation may be exercised only when it is necessary to conserve caribou populations, to continue subsistence uses, for reasons of public safety, or to assure the continued viability of the populations. All other proposed changes to codified regulations, such as customary and traditional use determinations or adjustments to methods and means of take, shall be directed to the Board.

The Federal public lands subject to this delegated authority are those within Units 9A, 9B, 9C (that portion within the Alagnak River drainage), 9C (that portion draining into the Naknek River from the north, and Graveyard Creek and Coffee Creek), 17A (all drainages west of Right Hand Point), 17A remainder, 17B, 17C (that portion of 17C east of the Wood River and Wood River Lakes), 17C remainder, 18 (that portion to the east and south of the Kuskokwim River), 18 remainder, 19A and 19B (excluding rural Alaska residents of Lime Village).

4. <u>Effective Period:</u> This delegation of authority is effective from the date of this letter and continues until superseded or rescinded.

5. <u>Guidelines for Delegation:</u> You will become familiar with the management history of the wildlife species relevant to this delegation in the region, with current State and Federal regulations and management plans, and be up-to-date on population and harvest status information. You will provide subsistence users in the region a local point of contact about Federal subsistence issues and regulations and facilitate a local liaison with State managers and other user groups.

You will review special action requests or situations that may require a special action and all supporting information to determine (1) consistency with 50 CFR 100.19 and 36 CFR 242.19,

(2) if the request/situation falls within the scope of authority, (3) if significant conservation problems or subsistence harvest concerns are indicated, and (4) what the consequences of taking an action or no action may be on potentially affected Federally qualified subsistence users and non-Federally qualified users. Requests not within your delegated authority will be forwarded to the Board for consideration. You will maintain a record of all special action requests and rationale for your decision. A copy of this record will be provided to the Administrative Records Specialist in OSM no later than sixty days after development of the document.

For management decisions on special actions, consultation is not always possible, but to the extent practicable, two-way communication will take place before decisions are implemented. You will also establish meaningful and timely opportunities for government-to-government consultation related to pre-season and post-season management actions as established in the Board's Government-to-Government Tribal Consultation Policy (Federal Subsistence Board Government-to-Government Tribal Consultation Policy 2012 and Federal Subsistence Board Policy on Consultation with Alaska Native Claim Settlement Act Corporations 2015).

You will immediately notify the Board through the Assistant Regional Director for OSM, and coordinate with the Chair(s) or alternate of the affected Council(s), local ADF&G managers, and other affected Federal conservation unit managers concerning emergency and temporary special actions being considered. You will ensure that you have communicated with OSM to ensure the special action is aligned with ANILCA Title VIII, Federal Subsistence regulations and policy, and that the perspectives of the Chair(s) or alternate of the affected Council(s), OSM, and affected State and Federal managers have been fully considered in the review of the proposed special action.

If the timing of a regularly scheduled meeting of the affected Council(s) permits without incurring undue delay, you will seek Council recommendations on the proposed temporary special action(s). If the affected Council(s) provided a recommendation, and your action differs from that recommendation, you will provide an explanation in writing in accordance with

50 CFR 100.10(e)(1) and 36 CFR 242.10(e)(1).

You will issue decisions in a timely manner. Before the effective date of any decision, reasonable efforts will be made to notify the public, OSM, affected State and Federal managers, law enforcement personnel, and Council members. If an action is to supersede a State action not yet in effect, the decision will be communicated to the public, OSM, affected State and Federal managers, and the local Council members at least 24 hours before the State action would be effective. If a decision to take no action is made, you will notify the proponent of the request immediately. A summary of special action requests and your resultant actions must be provided to the coordinator of the appropriate Council(s) at the end of each calendar year for presentation to the Council(s).

You may defer a special action request, otherwise covered by this delegation of authority, to the Board in instances when the proposed management action will have a significant impact on a large number of Federal subsistence users or is particularly controversial. This option should be exercised judiciously and may be initiated only when sufficient time allows for it. Such deferrals should not be considered when immediate management actions are necessary for conservation purposes. The Board may determine that a special action request may best be handled by the Board, subsequently rescinding the delegated regulatory authority for the specific action only.

6. <u>Support Services:</u> Administrative support for regulatory actions will be provided by the Office of Subsistence Management.

Sincerely,

Anthony Christianson
Chair

Enclosures

cc: Federal Subsistence Board

Assistant Regional Director, Office of Subsistence Management
Deputy Assistant Regional Director, Office of Subsistence Management
Subsistence Policy Coordinator, Office of Subsistence Management
Wildlife Division Supervisor, Office of Subsistence Management
Subsistence Council Coordinators, Office of Subsistence Management
Chair, Bristol Bay Subsistence Regional Advisory Council
Chair, Western Interior Alaska Subsistence Regional Advisory Council
Chair, Yukon-Kuskokwim Delta Subsistence Regional Advisory Council
Yukon Delta National Wildlife Refuge Manager
Katmai National Preserve Superintendent
Lake Clark National Preserve Superintendent
Bureau of Land Management, Anchorage Field Office Manager
Deputy Commissioner, Alaska Department of Fish and Game
Special Projects Coordinator, Alaska Department of Fish and Game
Interagency Staff Committee
Administrative Record

WCR22–07 Executive Summary	
Closure Location and Species	**Unit 17 (Nushagak Peninsula) - Caribou**
Current Regulation	**Unit 17−Caribou** *Units 17A and 17C, that portion of 17A and 17C consisting of the Nushagak Peninsula south of the Igushik River, Tuklung River and Tuklung Hills, west to Tvativak Bay—up to 5 caribou by Federal registration permit.* *Aug. 1-Mar. 31* *Public lands are closed to the taking of caribou except by federally qualified users unless the population estimate exceeds 900 caribou.*
OSM Conclusion	**Maintain status quo**
Bristol Bay Subsistence Regional Advisory Council Recommendation	**Maintain status quo**
Western Interior Alaska Subsistence Regional Advisory Council Recommendation	**Did not consider (but on the agenda)**
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	**Maintain status quo**
Written Public Comments	**None**

FEDERAL WILDLIFE CLOSURE REVIEW
WCR22-07

Closure Location: Unit 17 (Nushagak Peninsula) - Caribou

Current Federal Regulation

Unit 17−Caribou

Units 17A and 17C, that portion of 17A and 17C consisting of the Nushagak Peninsula south of the Igushik River, Tuklung River and Tuklung Hills, west to Tvativak Bay—up to 5 caribou by Federal registration permit.	*Aug. 1-Mar. 31*
Public lands are closed to the taking of caribou except by federally qualified users unless the population estimate exceeds 900 caribou.	

Closure Dates: Year-round

Current State Regulation

Unit 17— Caribou

Residents: Unit 17A, all drainages that terminate east of Right Hand Point— two caribou by permit available online at http://hunt.alaska.gov and in person in Anchorage, Bethel, Dillingham, Fairbanks, Homer, King Salmon, Palmer, Soldotna, and at local license vendors beginning July 14	*RC501*	*may be announced*
Nonresidents:		*No open season*
Residents: Unit 17C remainder— two caribou by permit available online at http://hunt.alaska.gov and in person in Anchorage, Bethel, Dillingham, Fairbanks, Homer, King Salmon, Palmer, Soldotna, and at local license vendors beginning July 14	*RC501*	*may be announced*
Nonresidents:		*No open season*

Regulatory Year Initiated: 1994

Extent of Federal Public Lands

The Nushagak Peninsula is comprised of 85% Federal public lands and consists of 85% U.S. Fish and Wildlife Service (USFWS) managed lands.

Customary and Traditional Use Determination

Residents of Units 9B, 9C, 9E, 17, Lime Village, and Stony River have a customary and traditional use determination for caribou in Unit 17 remainder.

Regulatory History

Caribou were reintroduced to the Nushagak Peninsula in 1988, with the intention of providing a subsistence resource to area residents (USFWS et. al. 1994). In 1994, the Federal Subsistence Board (Board) adopted Proposal P94-42, which established a Jan. 1 – Mar. 31 harvest season for the Nushagak Peninsula Caribou Herd (NPCH) in portions of Units 17A and 17C, and instituted a closure to all users except residents of Togiak, Dillingham, Manokotak, Twin Hills, Aleknagik, Clark's Point, and Ekuk (FSB 1994). The newly established season began on January 1, 1995 with a harvest limit of 1 caribou.

In 1995, The Board's approval of Temporary Special Action S95-06 extended the season from Jan. 1 – Mar. 31 to Dec. 1 – Mar. 31 for the 1995/96 regulatory year. In 1996, the Board adopted Proposal P96-34, which changed the caribou season from Jan. 1 – Mar. 31 to Dec. 1 – Mar. 31 and also established an Aug. 1 –30 fall season (FSB 1996). In 1997, the Board adopted Proposal P97-47, which increased the harvest limit from 1 caribou to 2 caribou on the Nushagak Peninsula, as there was a harvestable surplus of caribou and the previous year's harvest had been well below the management objective (FSB 1997). In 1998, the Board approved Special Action S97-10, which extended the fall season from Aug. 1 –30 to Aug. 1 – Sep. 30. This extension became regulation when the Board adopted Proposal P99-39 in 1999 (FSB 1999).

In 2001, the Board adopted Proposal WP01-18, authorizing the use of a designated hunter permit (FSB 2001). In 2002, the Board approved Temporary Special Action WSA02-13, which reduced the harvest limit from 2 caribou to 1 caribou for the NPCH hunt, and delegated authority to the Togiak NWR manager to close the season when harvest objectives were met. This action was intended to prevent overharvest of the declining NPCH. In 2003, Board action on WP03-22 changed the harvest limit from *2* caribou to "up to 2 caribou" and delegated authority to the Togiak NWR manager to set harvest objectives and limits, determine the number of permits to be issued, and to close the season. The new regulation also required that hunters report their harvest within 24 hours after returning from the field (FSB 2003). These changes provided management flexibility and reduced the need for special actions and follow-up proposals.

Emergency Special Action WSA15-02, submitted by the Village of Manokotak in April 2015, requested that the season be extended to May 31, due to poor winter travel conditions and subsequent low caribou harvest. The Board rejected this request because immobilization drugs used during a recent capture and collaring project could have posed a human health risk prior to May 10, and because any season extension beyond May 10 would have overlapped with the calving season (OSM 2016a).

The Nushagak Peninsula Caribou Planning Committee submitted four special action requests for the 2015/16 regulatory year. Temporary Special Action WSA15-14 requested increasing the harvest limit to 3 caribou through March 31, 2016. Temporary Special Action WSA15-15 requested opening Federal public lands to caribou harvest by all residents of Alaska through March 31, 2016. Emergency Special Action WSA15-16 requested extending the winter season from Dec. 1 – Mar. 31 to Dec. 1 – Apr. 15. Temporary Special Action WSA15-17 requested that subsistence harvest of Nushagak caribou be exempted from the prohibition on same-day airborne harvest Jan. 1 – Apr. 15. These requests sought to increase harvest and

slow population growth of the NPCH. All four requests were approved by the Board, with a modification of WSA15-14 that retained the 3 caribou limit through April 15, 2015 (OSM 2016a).

In early 2016, the Alaska Department of Fish and Game (ADF&G) announced a State season by Emergency Order (EO 04-03-16), targeting caribou migrating off the Nushagak Peninsula in portions of Units 17A and 17C. This season opened on March 4, 2016. Approval of WSA15-15 provided an opportunity for ADF&G to expand the hunt to include Federal public lands on the Nushagak Peninsula, which occurred on March 17. The State season was open through March 31, 2016, had a limit of 2 caribou of either sex, and required the use of a State registration permit (RC501).

After the Federal and State seasons closed in spring 2016, the Manokotak Village Council submitted Emergency Special Action Request WSA15-18, requesting that the Federal caribou season on the Nushagak Peninsula be extended through the end of May, or until females begin calving. The request was approved with the modification to: 1) reopen the season through May 10, a date that provided reasonable assurance that the season would not overlap with calving, and 2) raise the harvest limit to 3 caribou, consistent with recent action on WSA15-14 and WSA15-16. As a result, the season was reopened May 3 – May 10, 2016.

Several proposals related to Nushagak caribou were submitted for consideration for the 2016 – 2018 regulatory years. Proposal WP16-25/26, submitted by the Togiak Fish and Game Advisory Committee (Togiak AC) and the Nushagak AC, requested increasing the harvest limit from 2 caribou to 3 caribou and modifying the existing split season to a single Aug. 1 – Mar. 31 season. Proposal WP16-31/32, also submitted by the Togiak AC and the Nushagak AC, requested that same day airborne harvest of Nushagak Peninsula caribou be allowed during the winter season, Jan. 1 – Mar. 31. The Board adopted WP16-25 with modification, raising the harvest limit to "up to 5 caribou" and creating a single season, as proposed. It also adopted WP16-31. The Board took no action on WP16-26 and WP16-32, based on action taken on WP16-25 and WP16-31 (FSB 2016).

In spring 2016, Togiak NWR and ADF&G submitted Temporary Special Action Request WSA16-02, which requested that the closure be lifted for the 2016/17 regulatory year, as long as the population did not fall below 900 animals, the upper population objective. Members of the public and Tribal representatives acknowledged the need for population reduction but offered limited support due to concerns about maintaining subsistence priority, particularly during the winter season, concerns about the limitations imposed by current customary and traditional use determinations, and concerns that the 900 caribou threshold for opening Federal public lands might persist beyond regulatory year 2016/17 and become a permanent management parameter. The Board acknowledged these concerns and encouraged revision of the Nushagak Peninsula Caribou Management Plan to accommodate a wider range of situations, but approved WSA16-02 with modification to delegate authority to the manager of Togiak NWR to reinstate the closure if the population falls below 900 animals, given the biological necessity for population reduction.

In fall 2016, ADF&G announced a State season in portions of Units 17A and 17C by Emergency Order (EO 04-50-16). The season was limited to Alaska residents, required a registration permit (RC501), and had a harvest limit of 2 caribou. Although the season was open Aug. 1, 2016 – Mar. 31, 2017 on State lands, harvest of caribou within the Federal hunt area on the Nushagak Peninsula was allowed only through September 30, 2016. This effectively limited opportunity for winter harvest within the core range of the herd to Federally qualified subsistence users.

Review of the 1994 closure was most recently addressed in Closure Review WCR15-07, which the Bristol Bay Subsistence Regional Advisory Council (Council) took up at its February 2017 meeting. The Council voted to rescind the closure, due to concerns about long-term sustainability of the herd (BBSRAC 2017) and consistent with the Board's Closure Policy (Appendix A), which specifies that closures "should be removed as soon as practicable when conditions that originally justified the closure have changed to such an extent that the closure is no longer necessary."

As a result, the Council submitted Proposal WP18-22, which requested eliminating the Federal caribou closure on the Nushagak Peninsula. In April 2018, the Board adopted Proposal WP18-22 with modification to close caribou hunting on the Nushagak Peninsula except by Federally qualified subsistence users unless the population estimate exceeds 900 caribou. The Board stated this modification addressed the Council's concerns over both over-grazing and overharvest, as well as provides management flexibility and certainty, reducing the need for additional special action requests (FSB 2018).

In July 2020, under authority delegated by the Board, the Togiak NWR manager announced a daily harvest limit of one bull caribou, an annual quota of five bulls, and that five Federal permits total would be issued for the NPCH hunt. Additionally, the 2020 season opened August 1 and closed on September 20. The limited quota and season were to promote herd growth because the summer 2020 population estimate of the NPCH was only 226 caribou, which is near the lower end of the population objective. The State NPCH hunt (RC501) was closed for the 2020/21 regulatory year.

In August 2020, the Board approved a revised closure policy, which stipulated all closures will be reviewed every four years. The policy also specified that closures, similar to regulatory proposals, will be presented to the Councils for a recommendation and then to the Board for a final decision. Previously, closure reviews were presented to Councils who then decided whether to maintain the closure or to submit a regulatory proposal to modify or eliminate the closure.

Closure last reviewed: 2018 – WP18-22

Justification for Original Closure (ANILCA Section 815 (3) criteria):

> *Nothing in this title shall be construed as – (3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on public lands (other than national parks and monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in section 816, to continue subsistence uses of such populations, or pursuant to other applicable law…*

Caribou were reintroduced to the Nushagak Peninsula in February 1988 after an absence of over 100 years. The reintroduction was a cooperative effort between the U.S. Fish and Wildlife Service, ADF&G, and the villages of Togiak, Manokotak, Dillingham, and Choggiung Limited, with the goal of reestablishing a caribou population large enough to sustain a reasonable harvest, while still allowing the herd to grow.

A subsistence hunt was established in 1994, and Federal public lands were closed to the harvest of Nushagak caribou by all users, except by residents of Togiak, Dillingham, Twin Hills, Manokotak, Aleknagik, Clark's Point, and Ekuk. Community studies conducted in four of the seven villages slated to participate in the Nushagak caribou harvest indicated that caribou were an integral component of the seasonal round of wild resource harvest activities.

Council Recommendation for Original Closure:

The Bristol Bay Subsistence Regional Advisory Council supported the establishment of the hunt as well as the closure to non-Federally qualified users by stating that "[Togiak National Wildlife Refuge] will be able to monitor the hunt fairly closely with the Traditional Councils administering the permits; there's a real ownership with the people in this herd and in the management. The State will keep it closed on the State side so they can honor the original agreement" (FSB 1994).

State Recommendation for Original Closure:

The State supported Proposal 42 in 1994, stating that they had been part of the Nushagak Peninsula Caribou Management Planning Committee and agreed with its recommendation (FSB 1994).

Biological Background

The NPCH was established in 1988 when 146 caribou were reintroduced to the Nushagak Peninsula where caribou had been an important subsistence resource for area residents (NPCH Management Plan 1994). The herd is cooperatively managed by the Nushagak Peninsula Caribou Planning Committee (Committee), which consists of Federal, State, Tribal, and local representatives. In 2020, the Committee revised the population objective from 400-900 caribou, optimum 750 caribou to the objective stated below due to concerns about overgrazing (Aderman 2020b, pers. comm.).

Management objectives for the NPCH agreed upon by the Committee include (Aderman 2020a):

- Population: 200-600 caribou, optimum 400 caribou
- Bull:cow ratio: 35-45 bulls:100 cows (if ratio is < 25 bulls:100 cows, manage for viability; if ratio is > 55 bulls: 100 cows, manage for increased bull harvest).
- Harvest objective: 10-30 caribou

Within the first 10 years following reintroduction, the NPCH grew from 146 animals in 1988 to over 1,200 caribou by 1997. Subsequently, calf recruitment and adult female survival decreased and the population fell below 500 caribou by 2006. By 2015, the population had increased to an estimated size of over 1,400 caribou and remained above population objectives through 2019. However, the population declined to a minimum count of 209 caribou in 2020, which is the lowest count since 1989, the year following reintroduction (Aderman 2020a, pers. comm.) (**Table 1**).

The causes of the decline between 1999 and 2007 are not clearly understood and are almost certainly multi-factored (Aderman and Lowe 2012). The most likely explanation for the decline is that the exceptionally high growth through 1998 produced large annual cohorts of females that survived until a relative old age, at which time they declined in productivity. This high proportion of unproductive females, combined with high harvest years in 2001 and 2002, changed the population trajectory from an increasing trend to a decreasing trend, which persisted until the replacement of old, unproductive females with younger, more productive females. Changing nutritional conditions (both short-term, such as those associated with drought or winter icing, as well as longer-term changes, such as lower overall carrying capacity due to continuous grazing on the Nushagak Peninsula since 1988) underlaid and exacerbated this decline. Predation on the population has not been shown to be a significant factor. A study of wolf predation from 2007–2011 found that wolf predation was not a primary driver of Nushagak Peninsula

caribou population dynamics (Walsh and Woolington 2008). Brown bears are common on the Nushagak Peninsula and likely have learned to exploit the caribou population, but their impact on the NPCH is not known (Aderman and Lowe 2012).

Between 2007 and 2015, the population increased due to improved fall calf recruitment and adult female survival (Aderman 2015). Since 2015, the population has decreased due to increased caribou harvest (Aderman 2017, pers. comm.; 2020b). Specifically, the substantial population decline in 2020 is attributed to hunting related mortality (reported and unreported harvest, wounding loss) as 799 caribou have reported harvested over the last four seasons. Predation by bears and wolves accounted for an unknown amount of mortality (NPCPC 2020).

Since reintroduction in 1988, bull:cow ratios have ranged from 12-71 bulls:100 cows, averaging 44 bulls:100 cows. The 2020 surveys estimated 33 bulls:100 cows, which is just below management objectives. Over the same time period, calf:cow ratios have ranged from 10-72 calves:100 cows, averaging 44 calves:100 cows. 2020 surveys estimated 49 calves:100 cows (**Table 1**) (Aderman 2020b, pers. comm.).

The Committee is concerned over the potential for the NPCH to overgraze its habitat. Between 2002 and 2017, lichen cover on the Nushagak Peninsula declined from 48% to 30% (NPCPC 2020). Assuming the current rate of change continues, lichen cover is projected to be zero by 2026 (Aderman 2020a). If overgrazing occurs, the Committee believes Nushagak Peninsula caribou would likely leave the peninsula before starving to death. However, it is unknown whether the emigration would be temporary, seasonal or long term (NPCPC 2020). Current management efforts are aimed at preventing overgrazing, while recovering the population and providing for subsistence harvest opportunity.

Figure 1. Sex and age composition, minimum counts and population estimates for the NPCH, 1988-2017 (Aderman 2015, Aderman 2020b, pers. comm.).

Year	Bulls: 100 Cows	Calves: 100 Cows	Minimum Count[1]	Population Estimate[2]
1988	12	10	146	…
1989	---	---	202	…
1990	---	---	268	…
1991	---	---	383	…
1992	60	72	561	…
1993	---	---	734	…
1994	71	65	1,007	…
1995	---	---	1,156	…
1996	---	---	1,112	…
1997	64	62	1,255	…
1998	57	63	1,237	…
1999	48	53	972	…
2000	52	38	1,024	…
2001	46	35	930	…

Year	Bulls: 100 Cows	Calves: 100 Cows	Minimum Count[1]	Population Estimate[2]
2002	43	36	678	…
2003	47	44	757	…
2004	43	34	588	…
2005	38	32	594	…
2006	31	36	477	…
2007	49	40	462	…
2008	44	60	579	683 ± 108
2009	37	35	679	861 ± 160
2010	42	45	706	758 ± 83
2011	29	39	859	847 ± 64
2012	52	50	902	925 ± 63
2013	32	40	926	1,033 ± 135
2014	44	53	1,014	1,056 ± 103
2015	65	46	1,313	1,424 ± 172
2016	51	40	1,230	1,294 ± 68
2017	30	42	786	968 ± 218
2018	25	34	709	787 ± 114
2019	33	26	710	822 ± 164
2020	33	49	209	226 ± 47

[1] Reported minimum counts were obtained pre-calving (January – March) in 1988 – 1994, 1997, 2000 and post-calving (June – July) in all other years.

[2] Population estimates are based on Rivest et al. (1998) caribou abundance estimator.

Cultural Knowledge and Traditional Practices

Comprehensive subsistence surveys conducted by ADF&G, Division of Subsistence, document the importance of caribou for the residents of Bristol Bay (Coley-Kenner et al. 2003; Evans et al. 2013; Fall et al. 1986; Holen et al. 2012; Holen et al. 2005; Kreig et al. 2009; Schinchnes and Chythlook 1988; Seitz 1996). For most communities, caribou contribute a significant portion of the total community harvest of wild resources; reports document a range from no harvest in Aleknagik in 2008 (an uncommon occurrence) to a high of 23% of the community harvest in Levelock for 2005 (Holen et al. 2012; Kreig et al. 2009). In all communities over each study year (1974 – 2010), results demonstrate that while a small number of households actually harvested caribou, most households used caribou meat. This was particularly true in Kokhanok where caribou contributed only 3% to the total community harvest in 2005 but was used by 80% of the households (Kreig et al. 2009). In 2008, Aleknagik hunters did not report any harvest of caribou but approximately 13% of the households used caribou shared with them by households outside the community (Holen et al. 2012). Such a use pattern is common in rural Alaska, indicating the importance of the resource and that sharing is significant and extensive throughout the area.

An example of typical caribou harvest and use patterns can be seen in a Manokotak study from 1988. In 1986, Manokotak was surveyed for the 1985 harvest year (Schinchnes and Chythlook 1988), with

54 of 59 households (91%) surveyed for the study. Eighty-nine percent of respondents reported using caribou while 31% reported actually harvesting caribou. The average harvest was 112 pounds of caribou per household or 22 pounds of caribou per person. The majority of the caribou hunting took place after freeze-up via snowmachine or airplane. Upon a successful hunt, the meat was divided among participants, and again distributed upon return. During the study year, caribou was broadly shared within the community of Manokotak with 65% of households reporting the receipt of caribou from others.

Annual harvest and use of caribou fluctuates in the Bristol Bay Region from year to year and study to study for a variety of reasons (migration patterns, access, the availability of alternative resources), but comparison studies over time demonstrate a continued reliance on this important resource.

Harvest History

In 2011, the Nushagak Peninsula Caribou Management Plan's harvest strategy was revised to make it more responsive to a dynamic caribou population. The strategy established an annual harvest goal based on population size and trend, and allows harvest when the population exceeds 200 caribou and is stable or increasing. It calls for a liberal harvest when the population is 800 caribou or greater, and recommends harvesting all animals over a minimum count of 750 caribou (Aderman 2015). In 2020, the Committee set a harvest objective of 10-30 caribou and agreed upon a harvest quota of five bulls for the 2020/21 season (Aderman 2020a, 2020b, pers. comm.).

Hunting effort is influenced by travel conditions, availability of and opportunity to harvest other resources, including Mulchatna caribou and moose, as well as economic factors (Aderman and Lowe 2012). Historically, most of the reported harvest has occurred in February and March (**Table 2**), due to improved hunter access to the herd via snowmachine (Aderman and Lowe 2012). Between 1994/95 and 2019/20, 14% and 63% of the NPCH harvest occurred in February and March, respectively. Total reported harvest has sometimes been lower than expected, given the NPCH size. In particular, winter harvest has been low in several recent years due to poor travel conditions resulting from low snowfall and warm temperatures.

Between 1994/95 and 2019/20, reported Nushagak caribou harvest ranged from 0-378 caribou per year (**Table 2**). The highest harvests occurred in 2016/17 and 2019/20 (Aderman 2020b, pers. comm.). These years of high harvest likely contributed to the recent population decline.

Local subsistence hunters from Aleknagik, Dillingham, Manokotak, Togiak, Twin Hill's and Clark's Point account for the vast majority of caribou harvested under Federal and State regulations, and most Nushagak caribou are harvested under Federal regulations. Between 2015/16 and 2019/20, nine percent of the total reported harvest occurred under State regulations (Aderman 2020a). In 2020/21, the RC501 State hunt did not occur due to conservation concerns.

Table 2. Reported harvest of the NPCH, by month, for regulatory years 1994/1995 – 2016/2020(Aderman 2015; OSM 2015; Aderman 2017, pers. comm., 2020b pers. comm.; ADF&G 2017).

	Month									
Year	Aug.	Sep.	Oct.	Dec.	Jan.	Feb.	Mar.	Apr.	Unknown	Total
1994/1995	NS[a]	NS	NS	NS	3	1	25	NS	6	35
1995/1996	NS	NS	NS	3	0	5	43	NS	1	52

	Month									
1996/1997	5	NS	NS	0	0	2	13	NS	0	20
1997/1998	5	NS	NS	0	2	25	35	NS	0	67
1998/1999	0	2	NS	0	0	0	50	NS	3	55
1999/2000	0	0	NS	0	2	7	54	NS	0	63
2000/2001	0	6	NS	0	0	22	98	NS	0	126
2001/2002	0	3	NS	0	0	9	115	NS	0	127
2002/2003	3	0	NS	0	0	0	0	NS	0	3
2003/2004	2	3	NS	0	0	0	29	NS	0	34
2004/2005	1	0	NS	0	0	0	8	NS	0	9
2005/2006	1	1	NS	0	0	0	9	NS	0	11
2006/2007	NS	NS	NS	NS	NS	0	NS	NS	0	0
2007/2008	NS	NS	NS	NS	NS	0	0	NS	0	0
2008/2009	NS	NS	NS	NS	NS	5	2	NS	1	8
2009/2010	NS	NS	NS	NS	NS	3	14	NS	1	18
2010/2011	NS	NS	NS	NS	NS	18	27	NS	0	45
2011/2012	0	2	NS	NS	NS	20	64	NS	0	86
2012/2013	6	3	NS	0	5	6	89	NS	0	109
2013/2014	3	1	NS	0	0	0	98	NS	0	102
2014/2015	8	7	NS	0	0	1	0	NS	0	16
2015/2016[b]	28	14	NS	0	0	0	15	7	0	64
2016/2017[c]	29	15	1	2	38	113	180	0	0	378
2017/2018[d]	8	3	0	1	2	19	67	NS	0	100
2018/2019[e]	6	3	2	0	0	1	2	NS	0	14
2019/2020[f]	11	3	0	0	9	69	215	NS	0	307

[a] NS = No season

[b] Includes 10 caribou harvested under State regulation

[c] Includes 28 caribou harvested under State regulation

[d] Includes 5 caribou harvested under State regulation

[e] Includes 2 caribou harvested under State regulation

[f] Includes 12 caribou harvested under State regulation and 7 harvested illegally

Effects

The existing closure strikes an effective management compromise, particularly due to the annual variability in the NPCH population and harvest. If the closure were lifted, Federally qualified subsistence users would lose their subsistence priority and would be less able to meet their subsistence needs because of competition with and harvest by non-Federally qualified users. If the closure was made more stringent, the NPCH would be more likely to exceed carrying capacity by overgrazing its habitat.

OSM CONCLUSION:

x maintain status quo

_ modify or eliminate the closure

Justification

The current closure balances concerns of overharvest with those of overgrazing. Closing the hunt to non-Federally qualified users when the NPCH population estimate is below 900 caribou provides a subsistence priority, while opening the hunt to all users when the NPCH exceeds 900 caribou helps keep the herd within carrying capacity of its habitat and prevents unnecessary restrictions on non-subsistence users.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Bristol Bay Subsistence Regional Advisory Council

Maintain status quo on WCR22-07. The Council admires how the Togiak National Wildlife Refuge manager uses the Nushagak Peninsula Caribou Herd Planning Committee and believes that the system is working. The Council agrees that maintaining the subsistence priority should continue.

Western Interior Subsistence Regional Advisory Council

Did not consider (but on the agenda) WCR22-07. The Council unanimously voted to remove from agenda. The Council stated that while some Western Interior region residents have a customary and traditional use determination for caribou in Unit 17, the Nushagak Peninsula is far away in the coastal area, and the likelihood of people from their region hunting there is slim to none.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Closure Review WCR22-07

If eliminated, this would allow non-federally qualified users (NFQU) to go caribou hunting on federal public land on the Nushagak Peninsula of Game Management Units (GMU) 17A and 17C.

Background

State hunting opportunities are limited because federal land comprises approximately 85% of the Nushagak Peninsula. A cooperative management plan has guided management decisions for several years and provides a framework for harvest based on herd abundance. This management structure and harvest regime rarely provides for a state opportunity because as, the population approaches 900 caribou, federal permits and bag limits are increased to reduce the population.

Impact on Subsistence Users

State subsistence users that are NFQUs in this area would not be impacted by the elimination of this closure because they will be unable to harvest a Nushagak caribou on federal land until the herd reaches 900 animals.

Impact on Other Users

If adopted there will be no opportunity for other Alaska residents to engage in caribou hunting in the RC503 hunt area.

Opportunity Provided by State

State customary and traditional use findings: The Alaska Board of Game (BOG) has not made a customary and traditional use finding for Nushagak caribou in GMU 17A&C.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by the Alaska Department of Fish & Game (ADF&G) or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

There is no ANS for Nushagak caribou in GMUs 17A&C. The season and bag limit for the Nushagak Peninsula caribou herd is:

Unit/Area	Bag Limit	Permit/Hunt	Open Season Resident[a]	Open Season Nonresident
17A, all drainages that terminate east of Right Hand Point	2 caribou	RC501	May be Announced	No Open Season
17C, Remainder	2 caribou	RC501	May be Announced	No Open Season

[a] Subsistence and General Hunts.

Conservation Issues

There are no conservation issues that would be created by the elimination of this closure.

Enforcement Issues

There are no enforcement issues presented by this proposal. Federal hunters will be required to hold federal permit FC1702.

Position

ADF&G **SUPPORTS** maintaining the closure at this time

WP22-42 Executive Summary	
General Description	Proposal WP22-42 requests the Federal Subsistence Board increase the harvest limit of moose from 2 to 3 in Unit 18 remainder. *Submitted by: The Yukon Kuskokwim Delta Subsistence Regional Advisory Council.*
Proposed Regulation	**Unit 18—Moose** *Unit 18, remainder—~~2~~ **3** moose, only one of which may be antlered. Antlered bulls may not be harvested from Oct. 1 through Nov. 30* *Aug. 1- Apr. 30*
OSM Conclusion	**Support**
Yukon-Kuskokwim Delta Subsistence Regional Advisory Council	**Support**
Western Interior Alaska Subsistence Regional Advisory Council	**Support**
Seward Peninsula Subsistence Regional Advisory Council	**Support**
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal
ADF&G Comments	**Support**
Written Public Comments	**None**

STAFF ANALYSIS
WP22-42

ISSUES

Proposal WP22-42, submitted by the Yukon Kuskokwim Delta Subsistence Regional Advisory Council (Council), requests the Federal Subsistence Board (Board) increase the harvest limit of moose from 2 to 3 in Unit 18 remainder (**Figure 1**).

DISCUSSION

The proponent states this request to increase the harvest limit by one additional moose in Unit 18 remainder is needed to continue subsistence uses and increase opportunity for sharing moose throughout the Yukon-Kuskokwim Delta region. Increasing the harvest limit will help to ensure long-term sustainability of the Lower Yukon River area moose population, which is currently too high to be supported by the local environment. If this moose population is not reduced, it is at risk of crashing due to over browsing of available forage. Additional harvest opportunity of one extra moose in Unit 18 remainder will support the Lower Yukon River communities' ability to provide for their families and community. It will also increase sharing opportunities with subsistence communities in other areas of the Yukon-Kuskokwim Delta that do not have as abundant of a moose population and are in need of subsistence food support. Increased harvest and sharing opportunity is especially needed in these times of low salmon returns on the Yukon and Kuskokwim Rivers and recent closures to the harvest of Mulchatna caribou.

Existing Federal Regulation

Unit 18—Moose

Unit 18, remainder—2 moose, only one of which may be antlered. Antlered bulls may not be harvested from Oct. 1 through Nov. 30	*Aug. 1- Apr. 30*

Proposed Federal Regulation

Unit 18—Moose

*Unit 18, remainder—~~2~~ **3** moose, only one of which may be antlered. Antlered bulls may not be harvested from Oct. 1 through Nov. 30*	*Aug. 1- Apr. 30*

Existing State Regulation

Unit 18 - Moose

Resident	*Remainder (includes Lower Yukon hunt area)*	*Two moose only one of which may be an antlered bull, taking calves or cows accompanied by calves is prohibited*	*Aug. 1 - Sept. 30*
		Or	*Oct. 1 – Nov. 30*
		Two antlerless moose	*Dec. 1 – Apr. 30*
		Or	
		Two moose	
Non resident		*One antlered bull*	*Sept. 1 – Sept. 30*
		Or	
		One antlerless moose	*Dec. 1 – Mar. 15*

Extent of Federal Public Lands

Federal public lands comprise approximately 66.7% of Unit 18 and consist of 64.0% U.S. Fish and Wildlife Service (USFWS) managed lands and 2.7% Bureau of Land Management (BLM) managed lands.

Customary and Traditional Use Determinations

Residents of Unit 18, Aniak, Chuathbaluk, Kalskag, and Lower Kalskag have a customary and traditional use determination for moose in Unit 18, that portion of the Yukon River drainage upstream of Russian Mission and that portion of the Kuskokwim River drainage upstream of (but excluding) the Tuluksak River drainage.

Residents of Unit 18, St. Michael, Stebbins, Kalskag, and Lower Kalskag have a customary and traditional use determination for moose in Unit 18, that portion north of a line from Cape Romanzof to

Kusilvak Mountain to Mountain Village, and all drainages north of the Yukon River downstream from Marshall.

Residents of Unit 18, Lower Kalskag, and Kalskag have a customary and traditional use determination for moose in the Unit 18 remainder area of this customary and traditional use determination.

Regulatory History

In November 2005, the Alaska Board of Game (BOG) adopted Proposal 4 in response to the rapid growth of the lower Yukon moose population. Action taken on the proposal modified the State harvest limit by allowing the harvest of antlered bulls only and established a winter season for antlered bulls and calves. During its November 2007 meeting, the BOG adopted Proposal 6, which lengthened the fall moose season for the lower Yukon and remainder areas of Unit 18 by 21 days and lengthened the winter season in the lower Yukon by 10 days.

At its March 2009 meeting, the BOG adopted Proposal 228, which liberalized the State harvest limit from antlered bulls to any moose for the Dec. 20–Jan. 20 season in the lower Yukon area of Unit 18. The BOG stated that the affected moose population increased to a size that could support the harvest of cows.

At its November 12, 2009 work session, the Board approved Special Action WSA08-13, which requested the harvest limit in the lower Yukon area of Unit 18 be increased to two moose per regulatory year, with one allowed in the fall and one in the winter.

At its November 13−16, 2009 meeting, the BOG adopted new regulations to extend the winter season from Jan. 20 to Feb. 28 and move the boundary between the lower Yukon and the remainder areas south, to a more discernible geographic landmark.

In 2010, the Yukon Delta National Wildlife Refuge (NWR) submitted Proposal WP10-56, which requested that the harvest limit in the lower Yukon area of Unit 18 (that portion north and west of a line from Cape Romanzof to Kusilvak Mountain to Mountain Village, excluding all Yukon River drainages upriver from Mountain Village) be changed to two moose per regulatory year. Hunters were allowed to harvest one antlered bull in the fall season and one moose in the winter season. Hunters that did not harvest a moose in the fall would be allowed to harvest two moose during the winter season. The proposal also requested that the Yukon Delta NWR manager be delegated the authority to restrict the harvest in the winter season to one antlered bull or one moose per regulatory year, after consultation with the Alaska Department of Fish and Game (ADF&G). The proposal was adopted by the Board with modification to extend the winter season to February 28.

Also in 2010, the Yukon Delta NWR submitted Proposal WP10-57, which requested a change in a portion of the regulatory boundary description for Unit 18, north and west of a line from Cape Romanzof to Kusilvak Mountain to Mountain Village, excluding all Yukon River drainages upriver from Mountain Village. This area was referred to as the lower Yukon hunt area. The proposal was adopted by the Board with modification to remove the Cape Romanzof to Kusilvak Mountain section and replace it with a descriptor for the Kashunuk River drainage.

In 2012, the Yukon Delta NWR submitted Proposal WP12-49, requesting the moose season in Unit 18, that portion north and west of the Kashunuk River including the north bank from the mouth of the river upstream to the old village of Chakaktolik, and west of a line from Chakaktolik to Mountain Village

excluding all Yukon River drainages upriver from Mountain Village, be revised from the fall and winter dates (Aug. 10 - Sept. 30 and Dec. 20 - Feb. 28) to Aug. 1 through the last day of February. The harvest limit was two moose, only one of which may be antlered. The harvest of an antlered bull would be limited to the dates of Aug. 1 – Sept. 30. The proposal was adopted with modification by the Board at its January 2012 meeting to allow for the harvest of an antlered bull starting on August 1 instead of September 1.

In 2014, the Council submitted Proposal WP14-23, which requested an extension of the moose season in Unit 18, that portion north and west of the Kashunuk River including the north bank from the mouth of the river upstream to the old village of Chakaktolik to Mountain Village and excluding all Yukon River drainages upriver from Mountain Village, from August to the last day of February, to Aug. 1 – Mar. 31. It also requested removal of the bull-only restriction from Aug. 1 –Sept. 30. The proposal was adopted with modification by the Board, which resulted in combining the lower Yukon portion of Unit 18 with Unit 18 remainder, establishing a single Yukon drainage hunt area. The modification also stipulated that antlered bulls may not be harvested Oct. 1 – Nov. 30. The harvest limit in Unit 18 remainder was also increased to two moose.

In 2018, the Board adopted Proposal WP18-29, submitted by the Orutsararmiut Native Council, which requested the moose season in Unit 18 remainder be lengthened from Aug. 1- Mar. 31 to Aug. 1- Apr. 30. The Council concurred with the analysis and agency reports that the moose population seemed to be doing very well in the area and supported providing additional subsistence opportunity through an extended season.

At its January 17−20, 2020 meeting, the BOG adopted Proposal 8 regulations to extend the winter season from Mar. 15 to Apr. 30. The BOG stated that the moose population was continuing to increase and suspected that the Paimiut area had surpassed carrying capacity. Extending the season to Apr. 30 would help manage the growing population (BOG 2020).

In 2021, the Board approved emergency special action WSA21-02, submitted by the Council, requesting the Board increase the harvest limit for moose in Unit 18 remainder from 2 moose to 3 moose for the rest of the 2020/21 hunting season, which ended on April 30, 2021. The Board approved this request as the moose population in the Unit 18 remainder hunt area exceeded management objectives and habitat carrying capacity. While increasing the harvest limit may not have been enough to slow the growth of the population, it increased opportunity for harvest by Federally qualified subsistence users and helped support sharing in an area that has had a decline in salmon and caribou harvest.

Biological Background

Moose began to migrate into the Yukon-Kuskokwim Delta during the mid- to late-1940s and have become an important subsistence resource for locals (Perry 2014). Moose rely on willow and shrub habitats for browsing and for cover from predators (Tape et al. 2016). The taller vegetation heights estimated in the northern and western portions of the state provide more suitable cover and increased forage availability above the snowpack for moose populations than was present in the past (Tape et al. 2016), yet most of the Yukon-Kuskokwim Delta is lowland treeless tundra and is not suitable as winter moose habitat. Consequently, much of the region supports only low to very low density moose populations. However, productive habitat does exist along river corridors, with approximately 4,500 mi^2 and 3,500 mi^2 of suitable moose habitat occurring along the Yukon and Kuskokwim Rivers, respectively (Perry 2014). The Yukon

River moose population currently occupies most of the available riparian habitat, is at moderate to high density, is growing, and has high calf production and yearling recruitment (Perry 2014).

ADF&G management goals for moose in Unit 18 include: allowing populations to increase to levels sustainable by the current habitat; maintaining healthy age and bull:cow structures; monitoring the population size, trend, and composition; maintaining a continual and sustainable bull harvest; improving harvest reporting; and minimizing user group conflicts related to moose (Perry 2014). Specific objectives for the unit are to allow the lower Yukon River moose populations to increase above 2,500 – 3,500 moose, maintaining a minimum of 30 bulls:100 cows, conduct seasonal composition surveys, and conduct winter censuses and recruitment surveys (Perry 2014).

Population and composition surveys are conducted in five survey areas in Unit 18 (**Figure 2**; Perry 2014, OSM 2021). The Lowest Yukon, Andreafsky, and Paimiut survey areas are located within the Unit 18 remainder hunt area. These survey areas were purposely kept small to allow for multiple areas to be surveyed annually.

Between 1988 and 2008, surveys to estimate population size were conducted in the Lowest Yukon survey area of Unit 18 (**Table 1**; OSM 2021). At that time, the survey area encompassed the riparian corridor along the main stem of the Yukon River downstream of Mountain Village (Perry 2014). In February 2017, the survey area was expanded to accommodate the widening distribution of moose. The results of the 2017 survey estimated the population to be 8,226 moose in the expanded survey area, or 4.7 moose/mi^2 (OSM 2021). By comparison, the moose population and density within the original survey area in 2017 was estimated to be 5,719 with 4.8 moose/mi^2, compared to 2.4 moose/mi^2 in 2008 (**Figure 3**; OSM 2021). The most recent survey was done in Feb./March 2021. The results of this survey estimated the current population to be 12,031 moose in the expanded survey area, at 6.89 moose/mi^2. This implies that the Lowest Yukon moose population in Unit 18 has grown at an annual rate of 10% per year from 2017 to 2021 (ADF&G 2021a). This is well above the States management objective of 2,500 – 3,500 moose for this area (Perry 2014).

In the adjacent Andreafsky survey area, which includes the Yukon River from Pilot Station downstream to Mountain Village (Perry 2014), surveys were most recently conducted in 2021. The population was estimated at 6852 moose. The density was estimated in combination with the Paimiut survey area at 3.68 moose/mi^2 (ADF&G 2021b). Like the moose population in the Lowest Yukon survey area, the population in the Andreafsky area has grown substantially since the early 2000s (**Figure 3**), but it remains at lower density compared to the Lowest Yukon population (OSM 2021).

Population estimates were conducted in the Paimiut survey area in February 2013 and was estimated 6,031 moose with a density of 3.84 moose/mi^2, which was an increase from the population estimate of 3,614 moose and density of 2.3 moose/mi^2 calculated in 2006 (**Table 1, Figure 3**; OSM 2021, Perry 2014). In 2021, the moose population within the Paimiut survey area was estimated at 4,786 moose (ADF&G 2021b).

Adequate survey conditions for fall composition surveys are only present every three or four years. Consequently, composition surveys are completed as conditions allow (Perry 2014). The most recent Lowest Yukon survey area composition data was collected in November 2016. The bull:cow and calf:cow ratios were calculated at 25 bulls:100 cows and 81 calves:100 cows, respectively. While the bull:cow ratio is below the management objectives for the unit, the cow:calf ratio is high and indicates a growing

population. Bull:cow ratios in the Andreafsky (63 bulls:100 cows in 2020) and Paimiut (57 bulls:100 cows in 2019) areas were more than double of those in the Lowest Yukon area and well above State management objectives (**Table 2**; ADF&G 2020).

Figure 1. Unit 18 remainder hunt area.

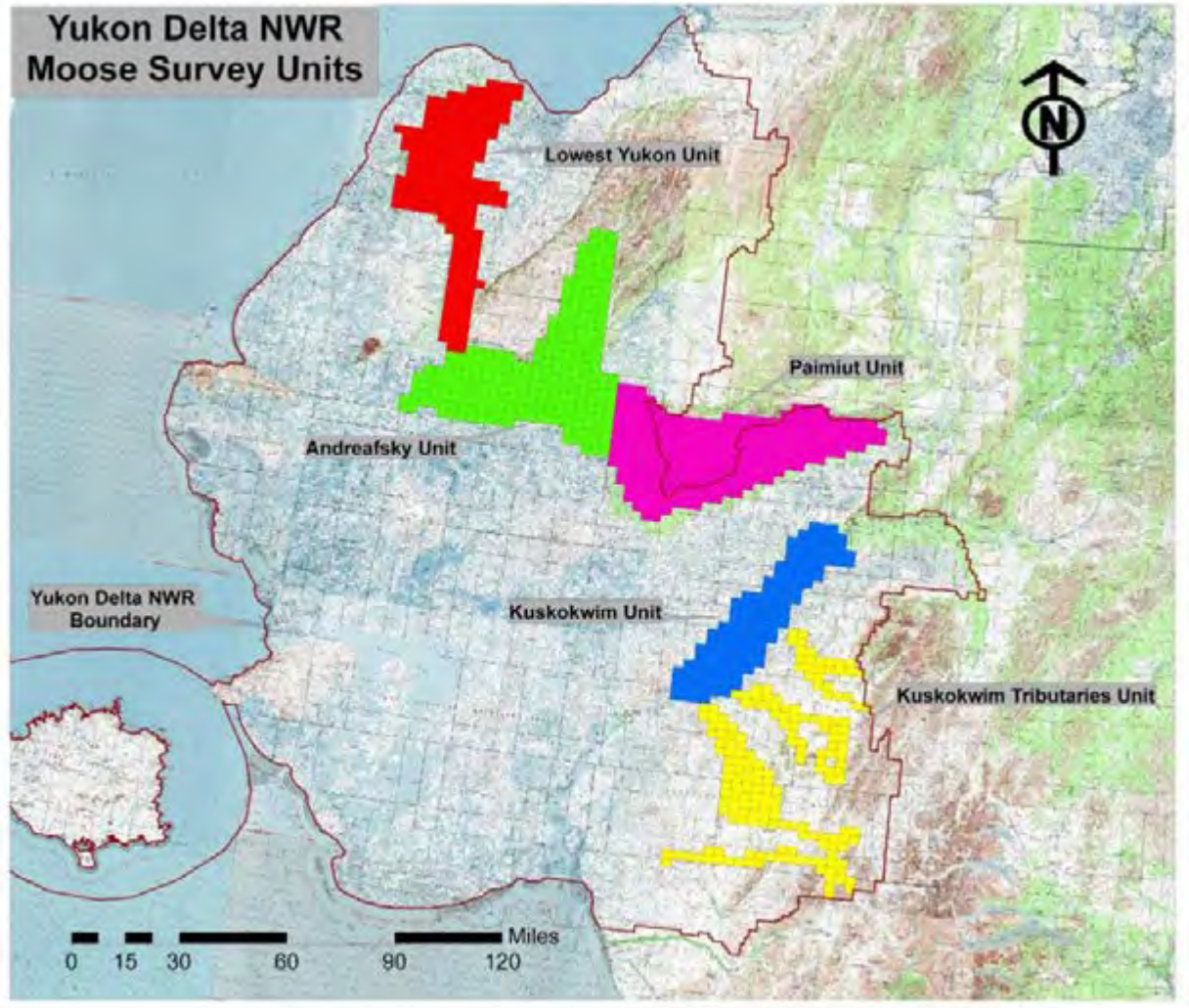

Figure 2. Yukon Delta National Wildlife Refuge Moose Survey Units (Rearden 2015 as cited in OSM 2021).

Table 1. Moose population estimates from spring surveys in the survey areas located within Unit 18 remainder (OSM 2021, ADF&G 2021a, ADF&G 2021b).

Survey Area	Year	Estimate at 95%CI	Density (mi^2)	Survey Technique
Lowest Yukon	1988	0	NA	Minimum count
	1992	28	0.02	Minimum count
	1994	65	0.04	Minimum count
	2002	674 ± 21.9%	0.59	Spatial method
	2005	1342 ± 21.0%	1.12	Spatial method
	2008	2,827 ± 11.98%	2.37	Spatial method
	2008	3,319 ± 16.08%	2.78	Spatial method w/ SCF
	2017	5,719± 12%	4.79	Geospatial
	2017*	8,226 ± 11%	4.71	Geospatial

Survey Area	Year	Estimate at 95%CI	Density (mi²)	Survey Technique
	2021	12,031 ± 33%	6.89	Geospatial
Andreafsky	1995	52 ± 74.0%	0.04	Gassaway method
	1999	524 ± 29.8%	0.23	Spatial method
	2002	418 ± 22.4%	0.26	Spatial method
	2012	2,748 ± 19.8%	1.72	Spatial method
	2012	3,170 ± 24.3%	1.99	Spatial method w/ SCF
	2021	6,852 ± 20.2%	3.68**	Geospatial
Paimiut	1992	994 ± 19.7%	0.64	Gassaway method
	1998	2,024 ± 12.93%	1.3	Gassaway method
	2002	2,382 ± 16.1%	1.52	Spatial method
	2006	3,614 ± 18.1%	2.3	Spatial method
	2013	5,598 ± 17.8%	3.56	Spatial method
	2013	6,031 ± 20.0%	3.84	Spatial method w/ SCF
	2021	4,786 ± 14.5%	3.68**	Geospatial

*Survey area was increased in 2017 in the Lowest Yukon area.

** Andreafsky and Paimiut density estimates done as one combined unit.

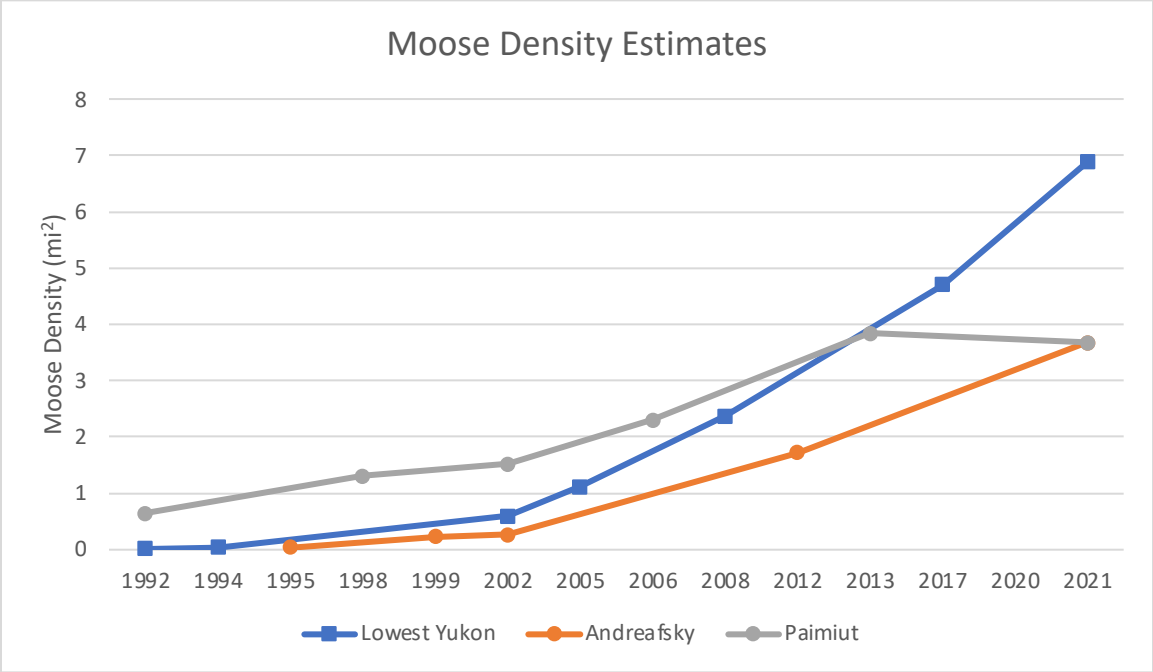

Figure 3. Moose density trend for Lowest Yukon, Andreafsky, and Paimiut survey areas.

Note: Andreafsky and Paimiut density estimates were combined in 2021.

Table 2. Composition survey data from the moose survey areas located within Unit 18 remainder (ADF&G 2020).

Area	Year	Bull: 100 Cows	Calf: 100 Cows
Lowest Yukon Survey Area	2010	30	69
	2013	40	48
	2016	25	81
Andreafsky Survey Area	2010	42	61
	2019	57	41
	2020	63	35
Paimut Survey Area	2013	40	48
	2016	58	54
	2019	57	40

Harvest History

ADF&G's harvest records for the general moose hunt in Unit 18 only includes Unit 18 remainder as moose harvest in the other hunt areas of Unit 18 are by registration permit. Over the past 10 years, the largest portion of the harvest has been by Alaska residents. Total reported harvest has increased roughly 26% from 587 moose in 2010 to 795 moose in 2019. While the number of hunters has stayed relatively the same in the past 10 years, the success rate for those hunters has increased from 52% to 73% (**Figure 4**, ADF&G 2021c).

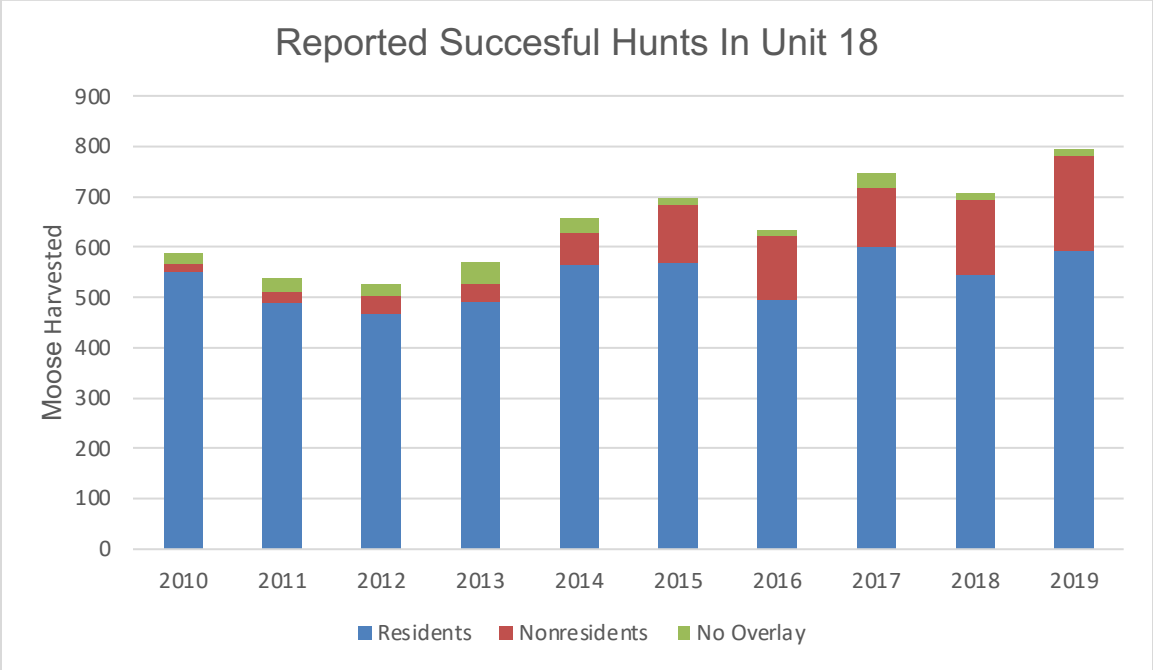

Figure 4. Reported general season moose harvested in Unit 18 (ADF&G 2021c).

Effects of the Proposal

If this proposal is adopted by the Board, the harvest limit for moose in the Unit 18 remainder hunt area will increase from two to three moose for Federally qualified subsistence users. No impacts are expected on non-Federally qualified users or the moose population, which exceeds management population objectives and is believed to exceed habitat carrying capacity. The requested increased harvest limit may slow the continued growth of this moose population, which would be a positive effect. In addition, the expanded harvest limit would increase opportunity for Federally qualified subsistence users and might promote further sharing of moose throughout the Yukon-Kuskokwim region and support subsistence families in need.

OSM CONCLUSION

Support Proposal WP22-42.

Justification

The moose population in the Unit 18 remainder hunt area far exceeds management objectives and is believed to exceed the habitat carrying capacity. Increasing the harvest limit from 2 to 3 moose may help limit the growth of this moose population and will provide additional opportunity for Federally qualified subsistence users.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Yukon-Kuskokwim Delta Subsistence Regional Advisory Council

Support WP22-42.

Justification

Increasing the moose harvest limit will be beneficial to subsistence communities. Especially in times of low salmon returns, additional moose will help to feed families through the winter. As the moose population in this area is very high and at risk of a population crash, any additional harvest may help to keep the moose population at a sustainable level. The Council supports the season and the harvest limit restriction of only one antlered moose with no bull harvest from Oct. 1 through Nov. 30 remaining the same, so that it is consistent with State regulations to avoid confusion.

Western Interior Alaska Subsistence Regional Advisory Council

Support WP22-42.

Justification

The Council believes that with the high population densities and low predation rate, increasing the harvest limit is appropriate. While the Council expressed concerns about the potential for overharvest, at this point, over browse is a possibility due to the very high moose population. The Council also supports this proposal to help provide additional subsistence opportunity.

Seward Peninsula Subsistence Regional Advisory Council

Support WP22-42

Justification

The Council supports this proposal because the moose population far exceeds the State management objective and may exceed the carrying capacity of the habitat. Not only will there be more subsistence opportunity with this proposal, but it may also help protect the habitat from degradation due to over-browsing by moose.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposal WP22-42

This proposal would increase the harvest limit of moose for federally qualified users (FQU) on federal public lands from 2 to 3 in Game Management Unit (GMU) 18 August 1 – April 30 only one of which may be antlered.

Background

Moose are recent colonizers for most of GMU 18, arriving within living memory. Much of the credit given for the establishment of these populations has been attributed to a moose hunting moratorium in the area below Mt. Village on the Yukon between 1988 to 1994. Since then, the population has grown considerably. All indictors, such as twining rates, calf to cow ratios, and habitat surveys, point to a continuation of this trend in the Lowest Yukon and Andreafsky survey areas. Populations within each survey area show growth over time with little to no moose in the early 2000s to healthy populations currently. Of the 3 areas we survey for moose, Paimiut on the upper Yukon has had moose the longest. The 2018 Paimiut survey shows that this area has started to decline. When we look at twinning rate, and browse removal rates, for the Paimiut survey area it looks like this might be an indication of resource limitation. In 1992, the estimated number of moose along the Yukon was approximately 1,000-1,200, most of those occurring in the upriver of Russian Mission in the Paimiut survey area. Currently, the Yukon supports over 23,669 moose with about half of those found in the Lowest Yukon survey area.

The Alaska Department of Fish and Game (ADF&G) and the Yukon Delta National Wildlife Refuge (YDNWR) collaborate to complete moose population surveys. There are three survey areas in the remainder portion of GMU 18. These three areas are described as the Paimiut survey area, including lands upstream of Marshall to the GMU 18/21E border; the Andreafsky survey area, including land around the Andreafsky River and Yukon River from Mountain Village to Marshall; and the Lowest Yukon survey area downstream of Mountain Village. The most recent survey information from February of 2021 indicates the moose population in all the survey areas has increased. In the Paimiut survey area, the population has increased from 3,793 to 4786 (2018-2021), while moose populations in the Andreafsky and Lowest Yukon survey areas have increased from 2,748 to 6,852 (2012-2121) and 8,226 to 12,031 (2017-2021), respectively. Reported harvest of moose in GMU 18 remainder has increased over the last 10 years as season and bag limits have continually been liberalized by state and federal regulations. As a result, annual harvest has increased by nearly 200 moose. Annual harvest might be stabilizing around 700 moose. (Figure 1).

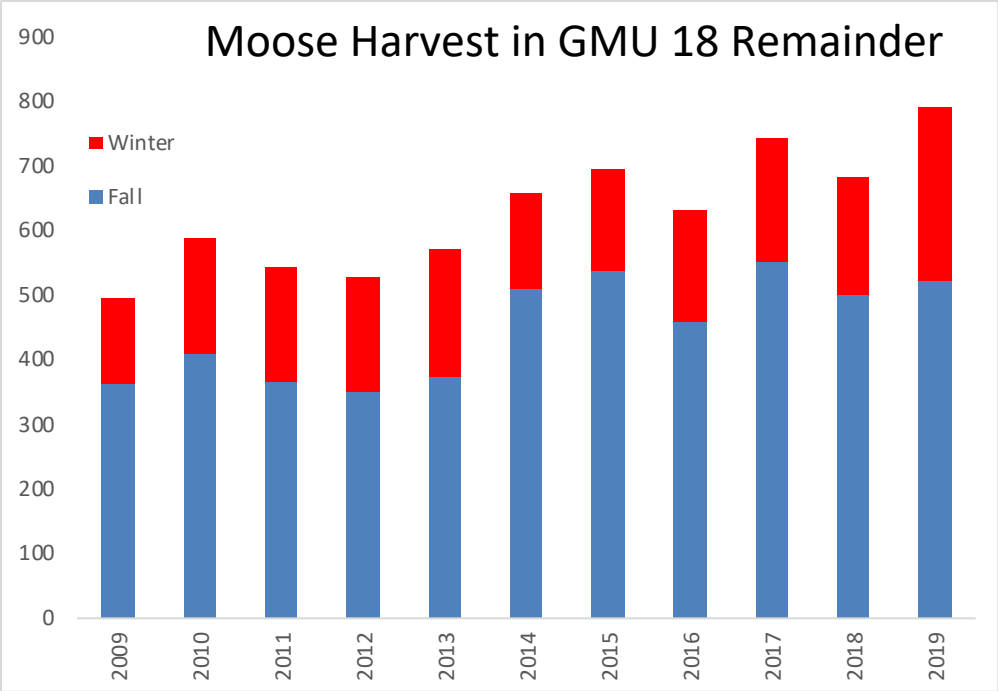


Figure 1. Annual moose harvest in GMU 18 Remainder.

Impact on Subsistence Users

If passed this proposal could provide some additional opportunity to FQUs, though little actual increase in harvest is expected. It is likely that residents of Yukon River communities have reached the amount desired for moose harvest and providing addition opportunity will result in little or no new harvest. Under current regulations, FQUs already have many opportunities to take moose in this area. Designated hunters are also allowed to take additional animals for other FQUs.

Impact on Other Users

There would not be a significant impact to non-federally qualified users (NFQU) resulting from this change in federal regulations. Because of the cost and logistics involved it is difficult for non-local hunters in any meaningful numbers to harvest moose in this hunt area. There is likely to be no effect on the moose population or the availability of moose to NFQUs.

Opportunity Provided by State

State customary and traditional use findings: The Alaska Board of Game (BOG) has made positive customary and traditional use findings for moose in GMU 18.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by Alaska Department of Fish & Game or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

The ANS for Moose in GMU 18 is 200-400 animals. The season and bag limit for this part of GMU 18 is:

GMU/Area Open Season (Permit/Hunt #)			
Bag limit Resident[a]	Bag limit Nonresident[a]		
Remainder (includes Lower Yukon hunt area)	Two moose only one of which may be an antlered bull, taking calves or cows accompanied by calves is prohibited August 1 to September 20.		
	Or Two antlerless moose October 1 – November 30 Or Two moose December 1 – April 30		
	One antlered bull Or One antlerless moose		September 1 – September 30 December 1 – March 15

Conservation Issues

With a moose population of 23,669 (2021) in the three survey areas in GMU 18 remainder combined, ADF&G has no biological concern with additional harvest. Hunt managers have lost the ability to control the moose population in this area. The moose population continues to grow despite the fact that it has the most liberal season and bag limits for moose in Alaska. The population is on a trajectory to overshoot the carrying capacity of the winter habitat. Finding ways to increase antlerless moose harvest opportunity will benefit hunters and may also help slow the growth rate of the population.

Enforcement Issues

There are no enforcement issues anticipated as a result of adopting this proposal.

Position

ADF&G **SUPPORTS** this proposal to allow additional harvest opportunity because there is no biological concern for the moose population in GMU 18 remainder. In addition, ADF&G would like to see the Federal Subsistence Board consider reducing user confusion by aligning state and federal regulations as much as possible and requests the following additional changes:

1. Aug. 1 – Sept. 30 for three moose, only one of which may be an antlered bull (a person may not take a calf, or a cow accompanied by a calf).

2. Oct. 1 – Nov. 30 for three antlerless moose (no antlered bulls).

3. Dec. 1 – April 30 for three moose (any moose).

WP22-46 Executive Summary	
General Description	Proposal WP22-46 requests that brown bear harvest limit for that portion of Unit 24B within Gates of the Arctic National Park be increased from one to two bears. *Submitted by: Gates of the Artic National Park Subsistence Resource Commission.*
Proposed Regulation	*Unit 24—Brown Bear* *Unit 24* **remainder** *— 1 bear by State registration permit.* — *Aug. 10 - June 30* *Unit 24B, that portion within Gates of the Artic National Park — 2 bears by State registration permit* — *Aug. 10 – June 30*
OSM Conclusion	**Support**
Western Interior Alaska Subsistence Regional Advisory Council	**Support**
Interagency Staff **Committee Comments**	While adoption of Proposal WP22-46 would provide additional opportunity for Federally qualified subsistence users also conversation concerns exist for this brown bear population. Brown bear densities and reproductive output within Gates of the Arctic National Park and Preserve (GAAR) are among the lowest in Alaska. Limited food resources and a short growing season are likely major factors contributing to these demographic patterns. Based on reported subsistence use within the region, there does not appear to be a subsistence need to justify doubling the harvest limit from 1 to 2 brown bears within the GAAR portion of Game Management Unit (GMU) 24B. According to harvest survey reports within Anaktuvuk Pass, only 4-10% of households use brown bears, and across GMU 24, on average, only 15 bears were harvested per year between 2016-2018 and on average only half of the harvest was by Alaska residents. Reported brown bear harvest has remained consistently low (<2.5%) over the last 20 years, not reflecting an increasing subsistence need, and low density and recruitment within the brown bear population across GMU 24B increase the risk of overharvest. The ISC acknowledges the concern for the conservation of the brown bear population within GAAR. This proposal contradicts the affected land management agency's mission where harvesting predators is not permitted when there is no documented subsistence need.
ADF&G Comments	**Support**
Written Public Comments	**3 Oppose**

STAFF ANALYSIS
WP22-46

ISSUES

Proposal WP22-46, submitted by Gates of the Artic National Park Subsistence Resource Commission (Commission), requests that brown bear harvest limit for that portion of Unit 24B within Gates of the Arctic National Park (GAAR) be increased from one to two bears.

DISCUSSION

The proponent submitted this proposal because residents of Anaktuvuk Pass have observed brown bear populations growing and believe the harvest to be far below sustainable yield. The Commission states that this proposal would afford Anaktuvuk Pass residents hunting brown bears additional harvest opportunity.

In 2020, the Commission submitted Proposal 72 to the Alaska Board of Game (BOG) to increase the brown bear harvest limit to two bears in Unit 24B under State regulations. The BOG adopted Proposal 72 at its March 2020 meeting (ADF&G 2021a).

Existing Federal Regulation

Unit 24—Brown Bear	
Unit 24—1 bear by State registration permit.	*Aug. 10 - June 30*

Proposed Federal Regulation

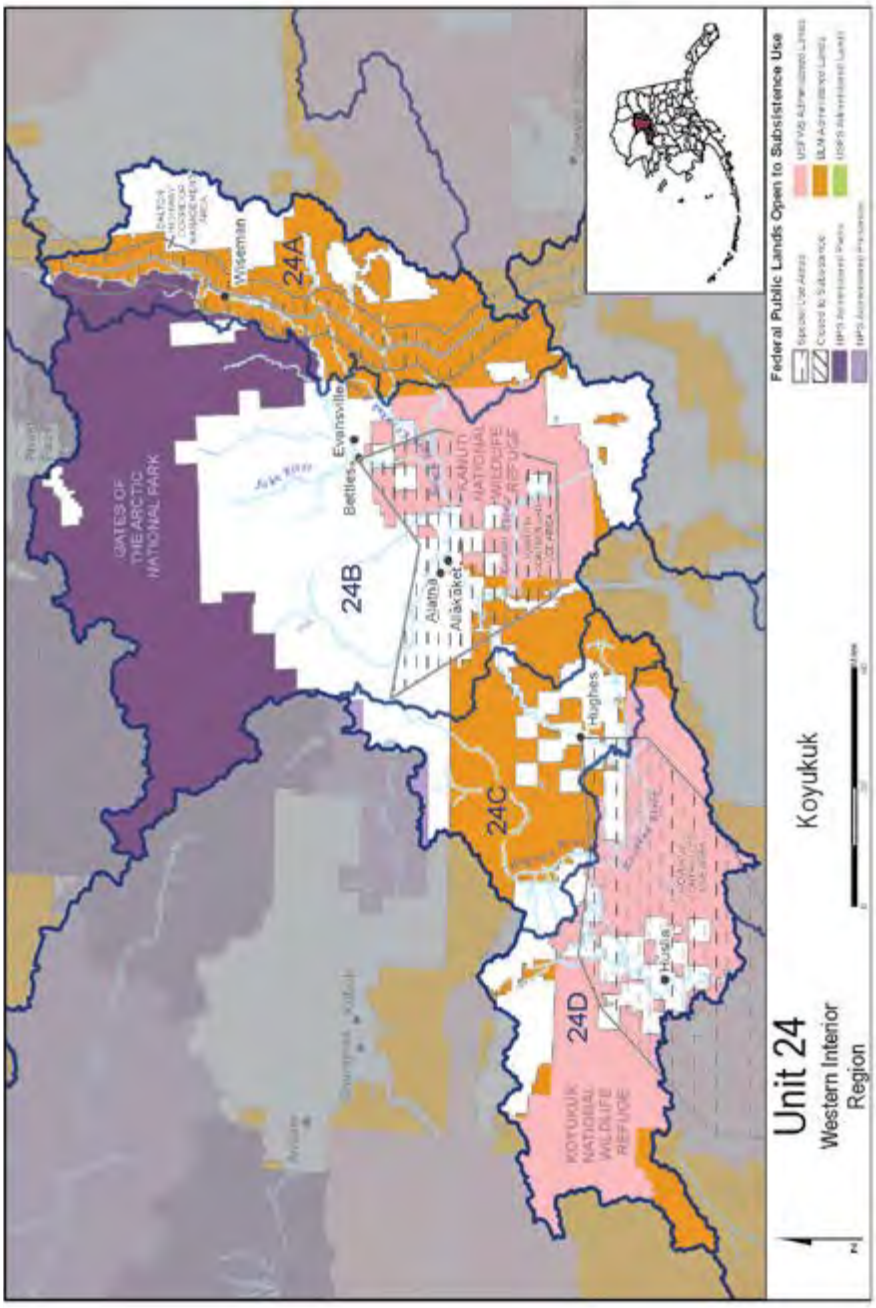
Unit 24—Brown Bear	
Unit 24 **remainder** *— 1 bear by State registration permit.*	*Aug. 10 - June 30*
Unit 24B, that portion within Gates of the Artic National Park — 2 bears by State registration permit	*Aug. 10 – June 30*

Existing State Regulation

Unit 24B—Brown Bear	
Residents: 2 bears every regulatory year*	*Aug. 10 - June 30*
Nonresidents: 1 bear every regulation year	*Aug. 10 – June 30*
In addition to general regulations, subsistence regulations apply to the following "Resident Only" hunt	
Residents: Two bears every regulatory year by permit available in Galena, Fairbanks, and McGrath beginning July 9 (RB601)*	*Aug. 10 – June 30*
**Notes: After sealing, hides with claws attached and skulls maybe sold.*	

Extent of Federal Public Lands

Unit 24B is composed of 58.6% Federal public lands and consists of 38.1% National Park Service (NPS), 14.4% U.S. Fish and Wildlife Service (USFWS), and 6.1% Bureau of Land Management (BLM) (**Map 1**).



Map 1. Unit 24

Customary and Traditional Use Determinations

Rural residents of Unit 24 have a customary and traditional use determination for brown bear in Unit 24.

Only residents of "resident zone communities" may hunt in national parks under Federal subsistence regulations. The resident zone communities of GAAR are the following: Alatna, Allakaket, Ambler, Anaktuvuk Pass, Bettles, Evansville, Hughes, Kobuk, Nuiqsut, Shungnak, and Wiseman.

Regulatory History

Proposal WP01-25 was adopted by the Federal Subsistence Board (Board) in 2001, extending the brown bear season end date from May 31 to June 15. This provided additional harvest opportunity to subsistence users and aligned Federal subsistence regulations with State regulations.

Proposal WP04-77 was adopted by the Board in 2004, extending the brown bear season from Sept. 1 – June 15 to Aug. 10 – June 15. This provided additional harvest opportunity to subsistence users and aligned Federal subsistence regulations with State regulations.

At its March 2020 meeting, the BOG adopted Proposal 72 to increase the resident State brown bear harvest limit in Unit 24B from one bear per year to two bears per year. The BOG concluded that there were no biological concerns. Assessing data from other units that had harvest limit of two bears, the expected increase in total bear harvest in Unit 24B would be 5 bears. This increase in harvest would still be below State management objectives.

Current Events

The Commission also submitted Wildlife Proposal WP22-56 to increase the brown bear harvest limit to two bears in Unit 26A, that portion within GAAR.

Biological Background and Harvest History

State management goals and objectives for brown bears in Unit 24 are as follows (Harper and McCarty 2013):

- Protect, maintain, and enhance the brown bear population and its habitat in concert with other components of the ecosystem.

- Manage a brown population that will sustain a three-year mean annual reported harvest of at least 20 bears in the northern portion of the unit (north of Allakaket) and at least 15 bears in the southern (remaining) portion of the unit, with at least 50% males in the reported harvest.

Unlike populations of brown bears in the contiguous 48 states, brown bears in Alaska are not considered threatened or endangered and continue to inhabit their historic range (BOG 2006).

Using extrapolated data from similar habitats and units, the estimated brown bear population for the northern and southern portions of Unit 24 are 450 bears and 180-320 bears, respectively. GAAR has an estimated density of 33.4 bears/1,000 km^2 (Schmidt 2021). Reproductive output within GAAR is among the lowest in Alaska. Limited food resources and a short growing season are likely contributing factors

to this pattern (Hilderbrand et al. 2019). However, the total estimated harvest has consistently been <2% of the estimated bear population per year (Schmidt 2021) with the sustainable harvest rate estimated at 5-6%. The harvest rate is well below the State's management objectives. The unit's brown bear population is thought to be stable or slowly increasing (Woolington 1998, BOG 2020).

Habitat

Global warming is occurring in the Arctic at more than twice the global rate. The magnitude and direction of change in temperature, snow-free days and plant productivity vary locally based on elevation, soil chemistry, geological history, hydrology and plant community structure (Hilderbrand et al. 2019). Habitat use by brown bears typically varies seasonally based on food availability (Suring et al. 1998). Brown bears often select for edge habitats that provide a heterogeneous mix of landscapes and food resources (Nielson et al. 2010).

Cultural Knowledge and Traditional Practices

Federally qualified subsistence users of brown bears in Unit 24B, that portion within GAAR include residents of the resident zone communities of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Hughes, and Wiseman, a combined total population estimated at 924 people in 2020 (ADOLWD 2021). Most of these communities are situated in the Koyukuk River drainage and most residents are of the Koyukon Athabascan cultural tradition. The *Nunamiut* of Anaktuvuk Pass, in contrast, are Inupiaq-speaking people whose hunting and fishing patterns differ from coastal-dwelling Inupiat who rely heavily on marine resources. Nunamiut depend more on inland resources, mostly caribou, Dall sheep, and to a lesser extent, nonsalmon fish (Holen et al. 2012).

Residents of Anaktuvuk Pass, situated within the boundaries of GAAR, are the primary harvesters of brown bears (*akłak*) within the Park.

Estimated harvests of brown bears by Anaktuvuk Pass residents, based on house-to-house harvest surveys, ranges from 2 brown bears in 1994 to 10 brown bears in 2011 (**Table 1**).

Table 1. The estimated harvest of brown bears by residents of Anaktuvuk Pass based on household harvest surveys. CI 95%, lower harvest estimate is the lower bound of the estimate or the reported harvest, whichever is larger (ADF&G 2021b).

Community Name	Study Year	Percentage of Households Using Brown Bears	Estimated Brown Bear Harvest	Lower Harvest Estimate	Upper Harvest Estimate
Anaktuvuk Pass	2014	4%	4	2	7
	2011	10%	10	7	16
	1998	Not asked	3	3	3
	1994	Not asked	2	2	2

Harvest History

In Unit 24, the three-year mean reported harvest is 15 bears (RY16-RY18), including 14 bears harvested on avera-ge in the northern portion of the unit (north of Allakaket) and one bear in the southern portion. Only 51% of the harvest was by Alaska residents. Using a conservative 5-6% harvest rate, it is estimated that a minimum annual harvest of 39-56 bears can be sustained for all of Unit 24 (BOG 2020).

Other Alternatives Considered

One alternative considered was to increase the brown bear harvest limit to two bears in all of unit 24B, which would include Kanuti National Wildlife Refuge (NWR) and some BLM lands and would align Federal and State regulations. While OSM considers this modification outside the scope of the current proposal, it is an option for the Regional Advisory Councils to consider. No impacts to the brown bear populations are expected from this modification as Federally qualified subsistence users can already harvest two bears on these Federal public lands under State regulations per BOG's adoption of Proposal 72 in 2020.

Effects of the Proposal

Changing Federal regulations within GAAR to coincide with recently adopted State regulations is not expected to have a substantial impact to current harvest levels and should have minimal impact on the brown bear population given the low levels of harvest in the area.

If adopted, this proposal would align Federal regulations within GAAR with State harvest limits, which would simplify regulations and lead to less confusion for users in Unit 24B. It would also provide greater hunting opportunity for Federally qualified subsistence users of brown bear in Unit 24 living in the resident zone communities of GAAR. However, adoption of this proposal as submitted would retain the more restrictive harvest limit of one bear per year on other Federal public lands within Unit 24B, specifically Kanuti NWR and BLM lands, although Federally qualified subsistence users can already harvest two bears on these Federal lands under more liberal State regulations.

OSM CONCLUSION

Support Proposal WP22-46

Justification

Current harvest rates are well below the State recommended sustainable harvest for Unit 24. Alaska residents can already harvest two bears in Unit 24B under State regulations. Increasing the harvest limit from one bear to two bears in Unit 24B, within GAAR for Federally qualified subsistence users is not expected to increase harvest rates above the minimal sustainable level and would increase harvest opportunity for Federally qualified subsistence users.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Western Interior Alaska Subsistence Regional Advisory Council

Support WP22-46.

Justification

The Council states that brown bears are a vital subsistence resource, especially when caribou aren't available, and that the brown bear population within Gates of the Arctic National Park is currently quite high. This proposal also provides additional subsistence opportunity.

INTERAGENCY STAFF COMMITTEE COMMENTS

While adoption of Proposal WP22-46 would provide additional opportunity for Federally qualified subsistence users also conversation concerns exist for this brown bear population.

Brown bear densities and reproductive output within Gates of the Arctic National Park and Preserve (GAAR) are among the lowest in Alaska. Limited food resources and a short growing season are likely major factors contributing to these demographic patterns. Based on reported subsistence use within the region, there does not appear to be a subsistence need to justify doubling the harvest limit from 1 to 2 brown bears within the GAAR portion of Game Management Unit (GMU) 24B. According to harvest survey reports within Anaktuvuk Pass, only 4-10% of households use brown bears, and across GMU 24, on average, only 15 bears were harvested per year between 2016-2018 and on average only half of the harvest was by Alaska residents. Reported brown bear harvest has remained consistently low (<2.5%) over the last 20 years, not reflecting an increasing subsistence need, and low density and recruitment within the brown bear population across GMU 24B increase the risk of overharvest.

The ISC acknowledges the concern for the conservation of the brown bear population within GAAR. This proposal contradicts the affected land management agency's mission where harvesting predators is not permitted when there is no documented subsistence need.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposal WP22-46

This proposal would increase the brown bear harvest limit for federally qualified users (FQU) hunting under federal regulations in Game Management Unit (GMU) 24B from one to two bears.

Background

The 20-year trend in the harvest data indicated that brown bear harvest in the Galena Area (including GMU 24B) was stable even though bag limits, seasons and methods were liberalized during this period. Males were harvested at a higher rate than females and average ages of the harvested bears remained stable indicating that the population in the Galena Area was not over-exploited.

Two-bear bag limits occur in GMUs 19A, 19D, 20E, 21 and 24B. GMUs 19D, 21C and 21D also have fall brown bear baiting in addition to a spring brown bear baiting and a 2-bear bag limit, which are the most liberal brown bear seasons and bag limits in Region III. The harvest data from these GMUs were used to determine potential additional harvest if this proposal is adopted. The reported annual harvest since RY12 for those GMUs show that most hunters do not take more than 1 bear per year. Three of 35 hunters in 19A, 0 of 24 hunters in 19D (which is not connected by road to large population centers), and 6 of 109 hunters in 20E (where road and trail access are good) harvested 2 bears/year.

The Alaska Department of Fish and Game (ADF&G) estimated a population of 450 bears in northern GMU 24 (north of Allakaket) and 320–480 in the remainder of the unit (south of Allakaket), based on extrapolated densities of similar habitats from other surveys. Based on estimated sustainable harvest rate of 5–6% in GMU 24, a minimum annual harvest of 39–56 bears can be sustained for all of GMU 24. The 3-year mean harvest from RY16-RY18 in northern GMU 24B was 14 bears (64% male). There has been one brown bear (male) reported harvested in the southern portion of GMU 24B during RY16-RY18. Based on this harvest history, harvest is not anticipated to increase to unsustainable levels.

Impact on Subsistence Users

Because federally qualified users (FQU) can already hunt under more liberal state regulations, there would be no practical effect of this change.

Impact on Other Users

Because federally qualified users can already hunt under more liberal state regulations, there would be no practical effect of this change.

Opportunity Provided by State

State customary and traditional use findings: The Alaska Board of Game (BOG) has made positive customary and traditional use findings for brown bears in GMU 24.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by ADF&G or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting

regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

The ANS for Brown Bear in GMUs 23, 24 and 26 combined is 25–35 animals. The season and bag limit for GMU 24B are as follows:

- No resident locking-tag required.
- Evidence of sex must remain naturally attached to the hide.
- Harvest of cubs or females accompanied by cubs is not allowed
- Bears killed in defense of life or property must be skinned and the hide (with claws and evidence of sex attached) and skull turned over to ADF&G.

Open to	Unit/ Area	Bag limit & Special Instructions	Open Season
Residents	24B	Two bears by RB601 permit available at ADF&G offices beginning July 11. • Meat salvage REQUIRED for human consumption • Permit must be obtained in advance • Hide and skull salvage NOT required • Sealing not required, unless removed from subsistence area or tanned. • If sealed, the skin of the head & front claws are removed & kept by ADF&G. • No aircraft use allowed. • Subject to Failure to Report penalties.	Aug 10-June 30
Residents	24B	Two bears • Hide and skull salvage required • Sealing required within 30 days of kill. • Hides (with claws attached) and skulls may be sold after sealing	Aug 10-June 30
Nonresidents	24B	One bear • Hide and skull salvage required • Sealing required within 30 days of kill.	Aug 10-June 30

Conservation Issues

ADF&G does not have any biological concerns with brown bear harvest in Unit 24B and based on harvest history, we do not anticipate that there would be any additional brown bear harvest and so harvest would not increase to unsustainable levels.

Enforcement Issues

ADF&G does not foresee any additional enforcement issues with this proposal.

Position

The ADF&G **SUPPORTS** this proposal. As previously stated, FQUs can and do currently hunt brown bears in GMU 24B under the more liberal state regulations. With that said, ADF&G has a history of supporting the alignment of state and federal regulations to reduce user confusion.

WRITTEN PUBLIC COMMENTS

[EXTERNAL] Limit take

Luci Beach <lucibeach@gmail.com>
Mon 7/19/2021 8:49 PM
To: AK Subsistence, FW7 <subsistence@fws.gov>
Cc: lucibeach @ gmail. com <lucibeach@gmail.com>

There seems to be an unreasonable war on Alaska's predators. We should not be so excessivel with bag limits of brown bears.

ie

Given the low brown bear density and productivity in the park/preserve, and possible excessive take, increasing the bag limit to two bears is not a good idea. And if the Board adopts the SRC's proposal, in addition to the adverse effect on park bears the 2018 precedent will be enhanced. We could see future wildlife proposals for two bears in the other parks, monuments, and preserves where subsistence is permitted and where one bear is the rule.

Sincerely,
Luci Beach

[EXTERNAL] Wp22-46 and wp22-56

james kowalsky <jimkowalsky@yahoo.com>
Mon 7/19/2021 10:49 PM
To: AK Subsistence, FW7 <subsistence@fws.gov>

Please consider these comments from Alaskans FOR Wildlife on the Resource Council's proposals to increase the killing of grizzly from one to two in Gates of the Arctic National Park and Preserve.
The Alaskans For Wildlife notes the documented low reproductive rates of the grizzly in the arctic as sufficient reason to strongly oppose the proposals for increased killing.
We join the opposition of agencies to ask that these proposals be denied, as unsupported and unsupportable.
We urge that instead a clear measure of stewardship be clearly demonstrated in the results of deliberations over how grizzlies and other resident wildlife are considered and managed to the view of a public who are expected to support subsistence.
Thank you for consideration of these views.
Sincerely,
Jim Kowalsky
Chair
Alaskans FOR Wildlife
Fairbanks, Alaska
907 488 2434
PO Box 81957
Fairbanks,Alaska. 99708
907 488 2434
<alaskansforwildlife.org>

[EXTERNAL] Comments on proposed changes to Federal Subsistence Hunting Regulations, specifically grizzly bears in GAAR

Bill Sherwonit <akgriz@hotmail.com>

Mon 7/19/2021 8:21 PM

To: AK Subsistence, FW7 <subsistence@fws.gov>

To Theo Matuskowitz,
I wish to comment on proposed regulation changes that would increase the harvest/kill of brown/grizzly bears in Gates of the Arctic National Park and Preserve. I believe the proposals are WP22-46 and WP22-56, but I'm not absolutely certain about that.

I wish to express my strong opposition to any increase in the annual take/kill of brown/grizzly bears within Gates of the Arctic National Park and Preserve (GAAR). Based on information given to me, there's already some evidence that overharvesting of grizzly bears is occurring in parts of Gates (along some rivers). Because of the low density of grizzlies in GAAR, even slight overharvest can have significantly harmful impacts. The bears should be managed conservatively and the proposed increase does just the opposite of that.

While I don't live in the region or lead a subsistence lifestyle, I have a long-running relationship with GAAR and surrounding areas that reaches back to the 1970s (yes, even before the park existed). Since the mid-1980s I have made several trips into Gates as an "adventure traveler" and the presence of grizzly bears is among the wild values of the park and preserve that means the most to me. I adamantly oppose any regulation changes that would liberalize the kill of grizzly bears and place that population of bears at risk, however small it may seem.

Thank you for considering my comments and perspectives,
Bill Sherwonit
2441 Tulik Drive
Anchorage, AK 99517

WP22–48 Executive Summary	
General Description	Proposal WP22-48 requests modification of the boundary between two hunt areas in Unit 22A. *Submitted by: Southern Norton Sound Fish and Game Advisory Committee.*
Proposed Regulation	**Unit 22A—Moose** *Unit 22A—that portion north of* ***the Egavik Creek drainage*** ~~*and including the Tagoomenik and Shaktoolik River drainages*~~*—1 bull.* *Aug. 1 – Sept. 30* *Federal public lands are closed to hunting except by federally qualified users hunting under these regulations* Unit 22A, that portion in the Unalakleet drainage and all drainages flowing into Norton Sound north of the Golsovia River drainage and south of ***and including the Egavik Creek drainage*** ~~*Tagoomenik and Shaktoolik River drainages*~~*—1 bull by Federal registration permit.* *Aug. 15-Sept. 14* *Federal public lands are closed to the taking of moose, except that residents of Unalakleet, hunting under these regulations, may take 1 bull by Federal registration permit, administered by the BLM Anchorage Field Office with the authority to close the season in consultation with ADF&G*
OSM Conclusion	**Support**
Seward Peninsula Subsistence Regional Advisory Council Recommendation	**Support**
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	**Support**
Written Public Comments	**None**

STAFF ANALYSIS
WP22-48

ISSUES

Proposal WP22-48, submitted by the Southern Norton Sound Fish and Game Advisory Committee (AC), requests modification of the boundary between two hunt areas in Unit 22A.

DISCUSSION

The proponent requests to shift the boundary between "Unit 22A, that portion north of and including the Tagoomenik and Shaktoolik River drainages" (Unit 22A North) and "Unit 22A, in the Unalakleet drainage and all drainages flowing into Norton Sound north of the Golsovia River drainage and south of the Tagoomenik and Shaktoolik River drainages" (Unit 22A Central) from the Tagoomenik and Shaktoolik River drainages north to the Egavik Creek drainage (**Maps 1-2**). As a result of the change, the Tagoomenik and Shaktoolik River drainages would become part of the Unit 22A North hunt area.

The proponent states that the foothills near Shaktoolik have always been a traditional hunting area for the residents of Shaktoolik and not Unalakleet. (Note: Currently, a Federal lands closure in Unit 22A Central limits hunting on Federal public lands to residents of Unalakleet). The proponent additionally notes that changing the boundary to Egavik Creek drainage would align the Federal moose hunt areas with recently changed State regulations.

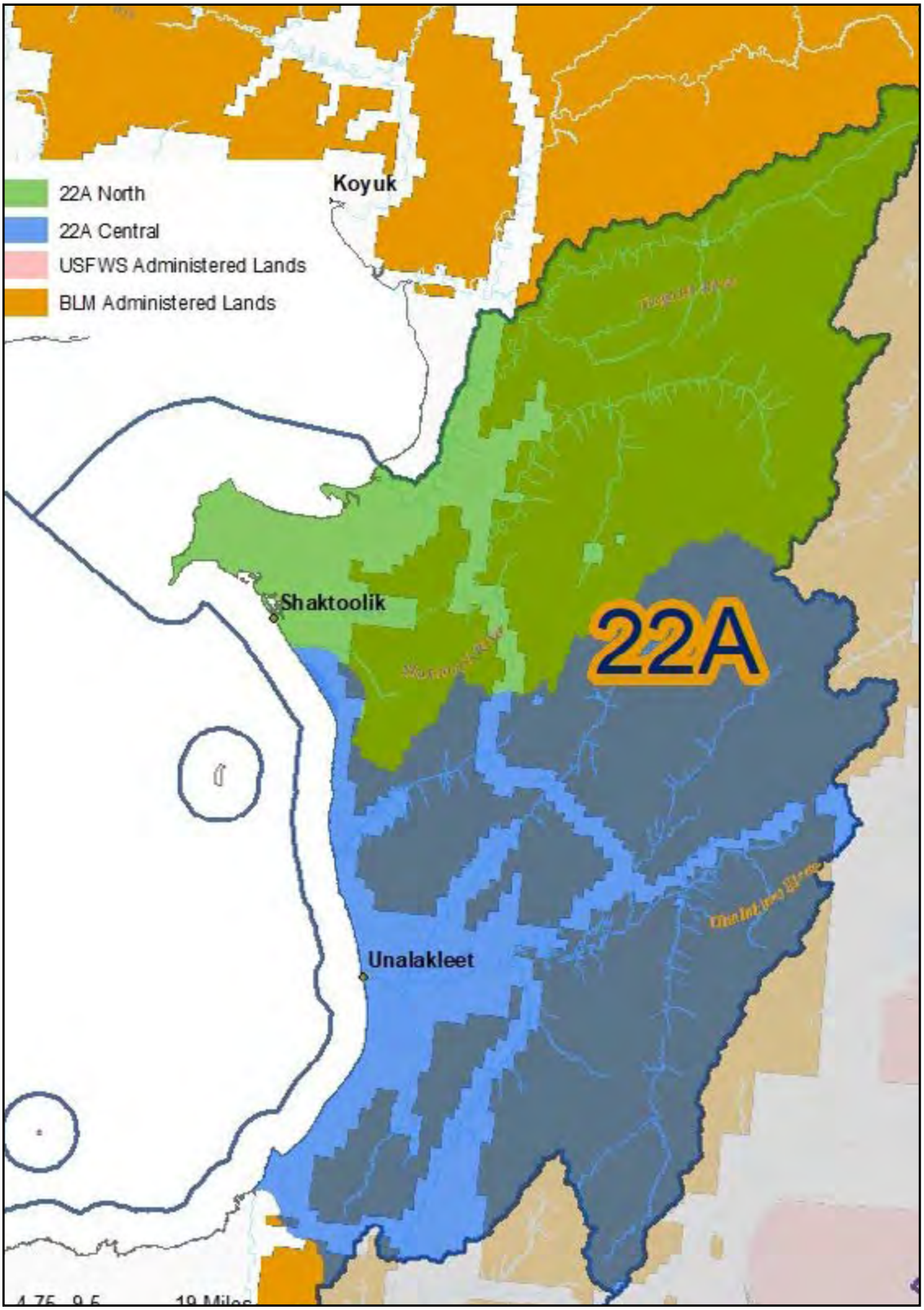
Note: This is a deferred special action request that was submitted by the proponent in January 2020.

Existing Federal Regulation

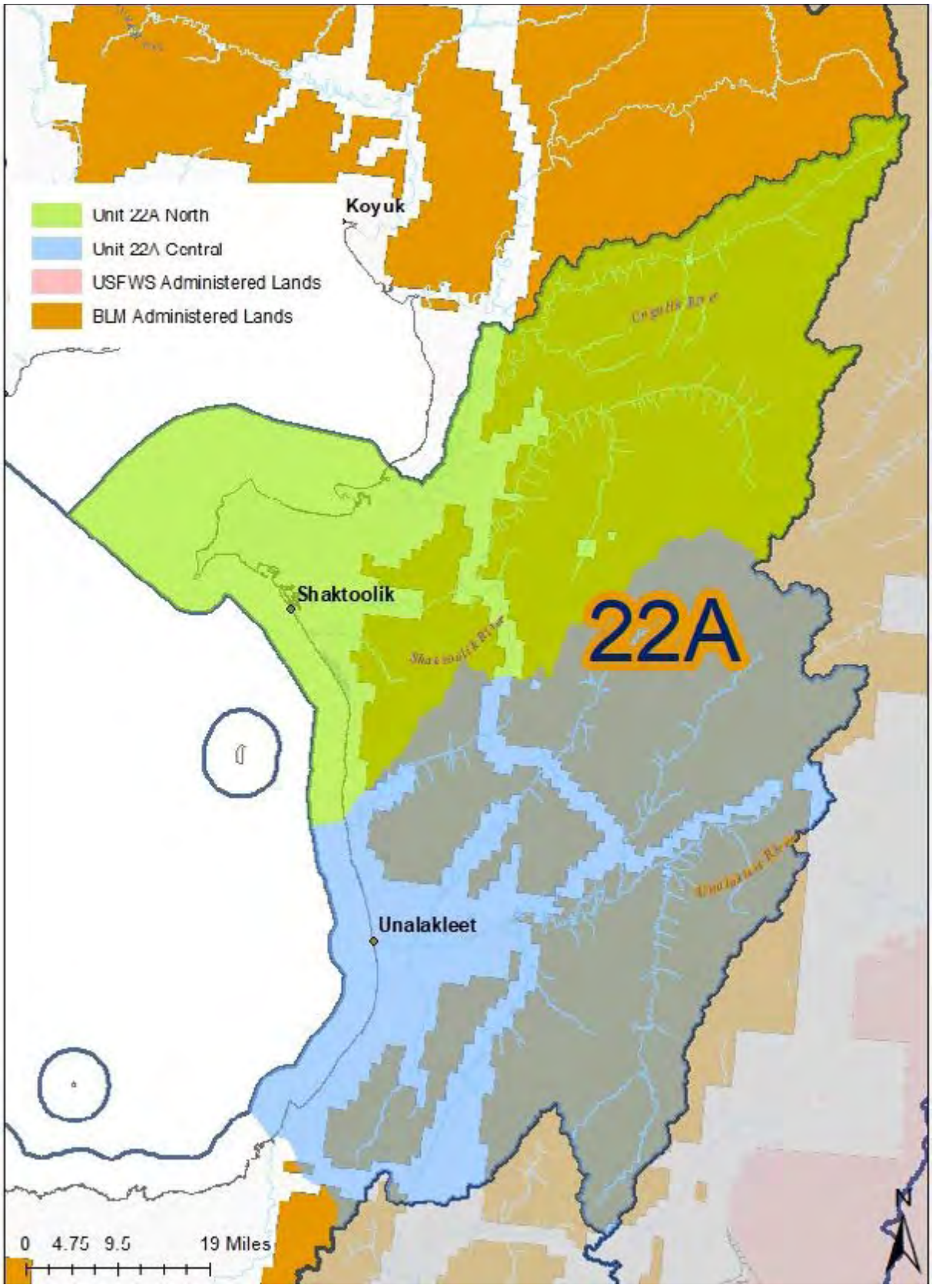
Unit 22A—Moose

Unit 22A—that portion north of and including the Tagoomenik and Shaktoolik River drainages—1 bull. Federal public lands are closed to hunting except by federally qualified users hunting under these regulations	*Aug. 1 – Sept. 30*
Unit 22A, that portion in the Unalakleet drainage and all drainages flowing into Norton Sound north of the Golsovia River drainage and south of the Tagoomenik and Shaktoolik River drainages—1 bull by Federal registration permit.	*Aug. 15 ─ Sept. 14*

Federal public lands are closed to the taking of moose, except that residents of Unalakleet, hunting under these regulations, may take 1 bull by Federal registration permit, administered by the BLM Anchorage Field Office with the authority to close the season in consultation with ADF&G.



Map 1. Map of current boundary line between Units 22A North and Central.



Map 2. Map of proposed boundary change between Units 22A North and Central.

Proposed Federal Regulation

Unit 22A—Moose	
Unit 22A—that portion north of **the Egavik Creek drainage** ~~*and including the Tagoomenik and Shaktoolik River drainages*~~*—1 bull.*	*Aug. 1 – Sept. 30*
Federal public lands are closed to hunting except by federally qualified users hunting under these regulations	
Unit 22A, that portion in the Unalakleet drainage and all drainages flowing into Norton Sound north of the Golsovia River drainage and south of **and including the Egavik Creek drainage** ~~*Tagoomenik and Shaktoolik River drainages*~~*—1 bull by Federal registration permit.*	*Aug. 15 ─ Sept. 14*
Federal public lands are closed to the taking of moose, except that residents of Unalakleet, hunting under these regulations, may take 1 bull by Federal registration permit, administered by the BLM Anchorage Field Office with the authority to close the season in consultation with ADF&G	

Existing State Regulation

Unit 22A−Moose			
Unit 22A, north of the Egavik Creek drainage	*Residents: One bull*	*HT*	*Aug. 1 – Sept. 30*
	Nonresidents: One bull with 50 inch antlers or antlers with 4 or more brow tines on at least one side	*HT*	*Sep. 1 – Sept. 20*
Unit 22A, Unalakleet River drainage and all drainages flowing into Norton Sound north of Golsovia River drainage and south of and including the Egavik Creek drainage	*Residents: One bull by permit available online at* http://hunt.alaska.gov *and in person in Unalakleet beginning Aug. 3. Harvest quota to be announced. Season will be closed by emergency order when quota is reached.*	*RM841*	*Sept. 1-30*
	OR		
	Residents: One antlered bull by permit available online at http://hunt.alaska.gov *and in person at license vendors in Unalakleet (a season may be announced Dec. 1-Jan. 31)*	*RM844*	*May be announced*
	Nonresidents		*No open season*

Extent of Federal Public Lands/Waters

Unit 22A is comprised of 68% Federal public lands and consists of 56% Bureau of Land Management (BLM) and 12% U.S. Fish and Wildlife Service (USFWS) managed lands.

The area between the Tagoomenik and Shaktoolik River drainages and the Egavik Creek drainage is comprised of 12,800 acres of BLM managed land.

Customary and Traditional Use Determinations

Rural residents of Unit 22 have a customary and traditional use determination for moose in Unit 22.

Regulatory History

Over the past two decades, changes to regulations have localized hunt seasons and limits to particular areas within Unit 22. Prior to 2003, State and Federal regulations in Unit 22A consisted of one hunt area for moose, which consisted of the entire subunit. In 2003, the Alaska Board of Game (BOG) made several regulatory changes for moose in Unit 22. One of these changes divided Unit 22A into three distinct hunt areas, and seasons and harvest limits were adjusted to account for localized patterns of harvest. The same changes were made in Federal regulation through Special Action WSA03-14, approved by the Board in December 2003.

In 2004, the Council submitted Proposal WP04-70, requesting, in part, retention of the temporary changes made through Special Action WSA03-14, including establishing three distinct moose hunt areas in Unit 22A. The Board adopted Proposal WP04-70 with modification, resulting in alignment of State and Federal moose seasons, hunt areas and harvest limits in Unit 22A.

In 2006, the Board adopted Proposal WP06-39, closing Federal public lands in Unit 22A Central to moose hunting by both non-Federally qualified users and Federally qualified subsistence users. The Unit 22A Central closure to all users was modified in 2008 when the Board adopted Proposal WP08-36/37 with modification to allow residents of Unalakleet to harvest one bull moose during an Aug. 15–Sep. 14 season. As part of the analysis for this proposal, a Section 804 analysis was conducted in Unit 22A Central, which determined that residents of Unalakleet were the most dependent on moose in the area (OSM 2021a).

In January 2020, the BOG adopted Proposal 38 as amended, which extended the resident fall and winter seasons in Unit 22A Central. The amendment changed the boundary between the Unit 22A North and Unit 22A Central hunt areas to the Egavik Creek drainage instead of the Tagoomenik River drainage. The Village of Shaktoolik and Southern Norton Sound AC supported the amendment to change the hunt area boundary to allow Shaktoolik residents to hunt near the Tagoomenik River without influence from the RM841 hunt and to better align with traditional hunting areas.

Current Events

On January 24, 2020, the Southern Norton Sound AC Chair submitted a special action request to the Board requesting that Federal regulations be aligned with recently changed State regulations (Proposal 38 above). The request was signed by the Chair of the Southern Norton Sound AC, as well as the Village presidents of Shaktoolik and Unalakleet. The two communities agreed that the current hunt area boundary is too far north, so that an area of foothills traditionally used by Shaktoolik for moose hunting has been off limits to them under Federal regulations (but was recently corrected under State regulations).

On February 20, 2020, the Board responded to the Southern Norton Sound AC, stating: “the Board will defer this request and consider it during the 2022-2024 regulatory cycle. No further action is required on

your part unless you would like to withdraw this request from future consideration."

At their March 2021 meeting, the Seward Peninsula Regional Advisory Council discussed the deferred request, and Office of Subsistence Management staff confirmed that it would be considered as a proposal during the 2022-2024 regulatory cycle (SPRAC 2021).

Wildlife Proposal WP22-49, submitted by Lance Kronberger, requests that the Federal public lands closure for moose in Unit 22A North be rescinded Sep. 1 – Sep. 20, to coincide with the State's nonresident moose season.

Wildlife Closure Review, WCR22-09b, reviews the closure to moose hunting in Unit 22A Central, except by residents of Unalakleet.

Cultural Knowledge and Traditional Practices

The Seward Peninsula region has been inhabited by humans for at least 12,000 years. The Inupiaq, Siberian Yupik, and Central Yup'ik people of the area have a deeply rooted practice of subsistence hunting, fishing and gathering of wild resources. Moose did not start migrating into the Seward Peninsula until the 1940s. As moose increased in the region during the second half of the 20th century, harvest of the animals grew.

The Unit 22A community of Shaktoolik is located on the eastern shore of Norton Sound, 125 miles east of Nome, and identifies as primarily Inupiat (Kawerak 2019). In 2019, Shaktoolik had an estimated population of 272 (ADLWD 2020). The village of Unalakleet is located approximately 35 miles south of Shaktoolik. In 2019, Unalakleet had an estimated population of 721 (ADLWD 2020).

A 2009 Shaktoolik subsistence survey showed that 35% of surveyed households attempted to harvest moose, and 13% of surveyed households harvested them. Moose accounted for 18% of the total subsistence harvest by surveyed households that year, resulting in about 18 pounds of edible meat per person (ADF&G 2021). During the 2009 survey year, Shaktoolik harvested all their moose in August and September (Braem 2012).

A subsistence survey conducted in Unalakleet from 2002 to 2003 showed that 38% of surveyed households attempted to harvest moose, and 12% of surveyed households harvested them. Moose was used by 67% of surveyed households (Georgette et al. 2017). Unalakleet households harvested most of their moose between August and October (Georgette et al. 2017). During the study period, moose harvest accounted for about 4% of surveyed Unalakleet households' total subsistence harvest, resulting in 6.5 pounds of edible meat per person (ADF&G 2021).

Thomas (1982) documented the preferred hunting area for moose among surveyed Shaktoolik residents, which including lower and upper portions of the Shaktoolik River. This use area information has not been updated in a published subsistence survey report since. Hunting in foothills provided an opportunity to scout for moose from higher elevations (Thomas 1982). Historically, residents of Shaktoolik traveled 25 miles to the south to Egavik, which was occupied until the 1940s, to take part in other subsistence activities (Thomas 1982).

Effects of the Proposal

If this proposal is adopted, the hunt area boundary between Unit 22A North and Unit 22A Central would be changed from the Tagoomenik and Shaktoolik River drainages to the Egavik Creek drainage. This boundary change would align Federal and State hunt area boundaries.

This change would also better align with traditional hunting areas of Federally qualified subsistence users. Currently, residents of Shaktoolik cannot hunt on Federal public lands south of their village between the Shaktoolik River and Egavik Creek, which are readily accessible by ATV, due to the Federal lands closure in Unit 22A Central. If this proposal is adopted, Shaktoolik residents would be able to harvest moose by harvest ticket on Federal public lands in this area under State and Federal regulations. Residents of Unalakleet would still be able to harvest moose on the Federal public lands in this area, but by harvest ticket rather than by Federal or State registration permit. Moose harvest may increase in Unit 22A North as Shaktoolik residents have increased opportunity to hunt there. However, it is not expected to substantially affect the moose population in the area. Additionally, if the closure in Unit 22A Central is modified through WCR22-09b, Shaktoolik residents may be able to hunt moose on the Federal lands between the Shaktoolik River and Egavik Creek regardless of whether or not this proposal is adopted (but by Federal registration permit rather than by State harvest ticket).

OSM CONCLUSION

Support Proposal WP22-48.

Justification

Adoption of this proposal would better align hunt areas with traditional hunting areas of Federally qualified subsistence users, increase hunting opportunity for Federally qualified subsistence users, and is not expected to affect the moose population. Additionally, it would give Federal users the same access opportunities to areas as State users and would align Federal and State hunt area boundaries.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Seward Peninsula Subsistence Regional Advisory Council

Support WP22-48**.** The Council supports the proposal as the change would better align current hunt area boundaries with traditional hunting areas. This proposal would also increase hunting opportunity for Federally qualified subsistence users in the Shaktoolik area with no impact on the moose population. It would also align Federal and State hunt area boundaries.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposal WP22-48

This proposal would align the federal moose hunt area boundaries with those currently described in state regulations for Game Management Unit (GMU) 22A.

Background

The intent stated by the proponents of this proposal is to reduce regulatory complexity and align GMU 22A moose hunt areas under both state and federal regulations with traditional hunting areas recognized by residents of Shaktoolik and Unalakleet.

Discussions with community representatives from Shaktoolik in the fall of 2019 indicated that the state and federal moose hunting regulations restricted moose hunting opportunity for residents of Shaktoolik in an important subsistence area locally known as the “foothills”. This concentrated hunting effort along the Shaktoolik River and limited hunter success during the open season for moose (August 1- September 30). Residents of Shaktoolik requested that ADF&G provide additional moose hunting opportunity through an emergency order season extension. A season extension was provided through emergency order 05-08-19 which opened moose hunting in GMU 22A North October 9-October 15, 2019 although no additional harvest was reported during the extended season. GMU 22A moose hunt area definitions in state regulations were modified through an amendment to proposal 38 submitted by the Southern Norton Sound Advisory Committee during the 2020 Western and Arctic Board of Game (BOG) meeting. As a result, that portion of GMU 22A south of the Tagoomenik river drainage and north of the Egavik Creek Drainage, the area locally known as the “foothills”, was included in the GMU 22A North hunt area.

GMU 22A moose hunt areas are currently described in federal regulations as; GMU 22A, north of and including the Tagoomenik and Shaktoolik River drainages (GMU 22A North) and GMU 22A, in the Unalakleet drainage and all drainages flowing into Norton Sound north of the Golsovia River drainage and south of the Tagoomenik and Shaktoolik River drainages (GMU 22A Central). The proponent seeks to modify these hunt areas to align them with the current hunt areas described in state regulation by

including that portion of GMU 22A south of the Tagoomenik river drainage and north of the Egavik Creek Drainage in the GMU 22A North hunt area.

The GMU 22A North hunt area and the GMU 22 Central hunt area currently have closures in effect that restricts hunting on federal public lands. The current hunt area boundaries, as defined in the federal regulations, include the "foothills" as part of the 22A Central hunt area. The federal lands closure in this area restricts hunting on federal public land to all but residents of Unalakleet. As a result, Shaktoolik hunters are prohibited through federal regulations from hunting in an area locally recognized as a traditional subsistence hunting area.

Hunt area specific abundance information is not available for the GMU 22A North hunt area. ADF&G relies on moose abundance and composition surveys completed in the Central portion of the GMU to provide information on the status of the moose population in the Northern portion of the GMU. The moose population in the central portion of GMU 22A is believed to have grown 14% annually 2003-2021 with a current estimated abundance of 766 moose (90% CI: 143-888). Post hunt fall composition surveys were completed in the central portion of GMU 22A in late November of 2016 and 2020. Bull:cow ratio estimates were well above the management objective of 30 bulls:100cows. The moose population in the GMU 22A North hunt area are believed to have experienced similar growth with high bull:cow ratios.

Impact on Subsistence Users

Adoption of the proposal would align the hunt area description in the state and federal regulations with each other, as well as the traditional hunting areas recognized by residents of both Unalakleet and Shaktoolik. Inclusion of the "foothills" area as part of the GMU 22A North hunt area would eliminate a federal registration permit requirement for moose hunting in the area as well as a federal lands closure that restricts harvest in the area to only residents of Unalakleet. This change would allow all federally qualified users (FQU) to harvest moose from the foothills area including residents of Unalakleet and Shaktoolik.

Impact on Other Users

No changes to the opportunity for non-federally qualified users (NFQU) would result from this regulatory change.

Opportunity Provided by State

State customary and traditional use findings: The BOG has made positive customary and traditional use findings for Moose in GMU 22.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by ADF&G or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

The ANS for Moose in GMU 22 is 250- 300 animals. The season and bag limit for GMU 22A North and GMU 22A Central is:

GMU 22 Moose Harvest Regulations

Unit/Area	**Bag Limit**	**Open Season (Permit/Hunt #)**
Unit 22A, that portion north of the Egavik River drainage	Resident[a], 1 Bull	Aug 1-Sept 30 (GM000)
	Nonresident *1 Bull with 50-inch antlers or antlers with4 or more brow tines on one side*	Sept 1-Sept 20 (GM000)
Unit 22A, that portion in the Unalakleet River drainage and all drainages flowing into Norton Sound-north of the Golsovia River drainage and south of and including the Egavik Creek river drainage.	*Resident 1 Bull, by registration permit*	*Sept 1-Sept 30 (RM841)*
	Resident 1 Antlered Bul *by registration permit*	Season May be Announced Dec 1 – Jan 31 (RM844)
	Nonresident	No Open Season

[a] Subsistence and General Hunts.

Conservation Issues

The proposed changes to the hunt area boundary are not anticipated to create any conservation issues.

Enforcement Issues

Any current enforcement issues would likely be alleviated by the alignment of state and federal regulations.

Position

ADF&G **SUPPORTS** this proposal as it aligns state and federal hunt areas for moose.

WCR22–09c Executive Summary	
Closure Location and Species	Unit 22A remainder—Moose
Current Regulation	**Unit 22A–Moose** *Unit 22A, remainder—1 bull. However, during the period Jan.1-Feb. 15, only an antlered bull may be taken.* *Aug. 1-Sep. 30.* *Jan. 1-Feb. 15* *Federal public lands are closed to the taking of moose, Oct. 1-Aug. 31, except by Federally qualified subsistence users*
OSM Conclusion	**Maintain status quo**
Seward Peninsula Subsistence Regional Advisory Council Recommendation	**Maintain status quo**
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	**Maintain status quo**
Written Public Comments	**None**

FEDERAL WILDLIFE CLOSURE REVIEW
WCR22-09C

Closure Location: Unit 22A remainder (**Figure 1**)—Moose

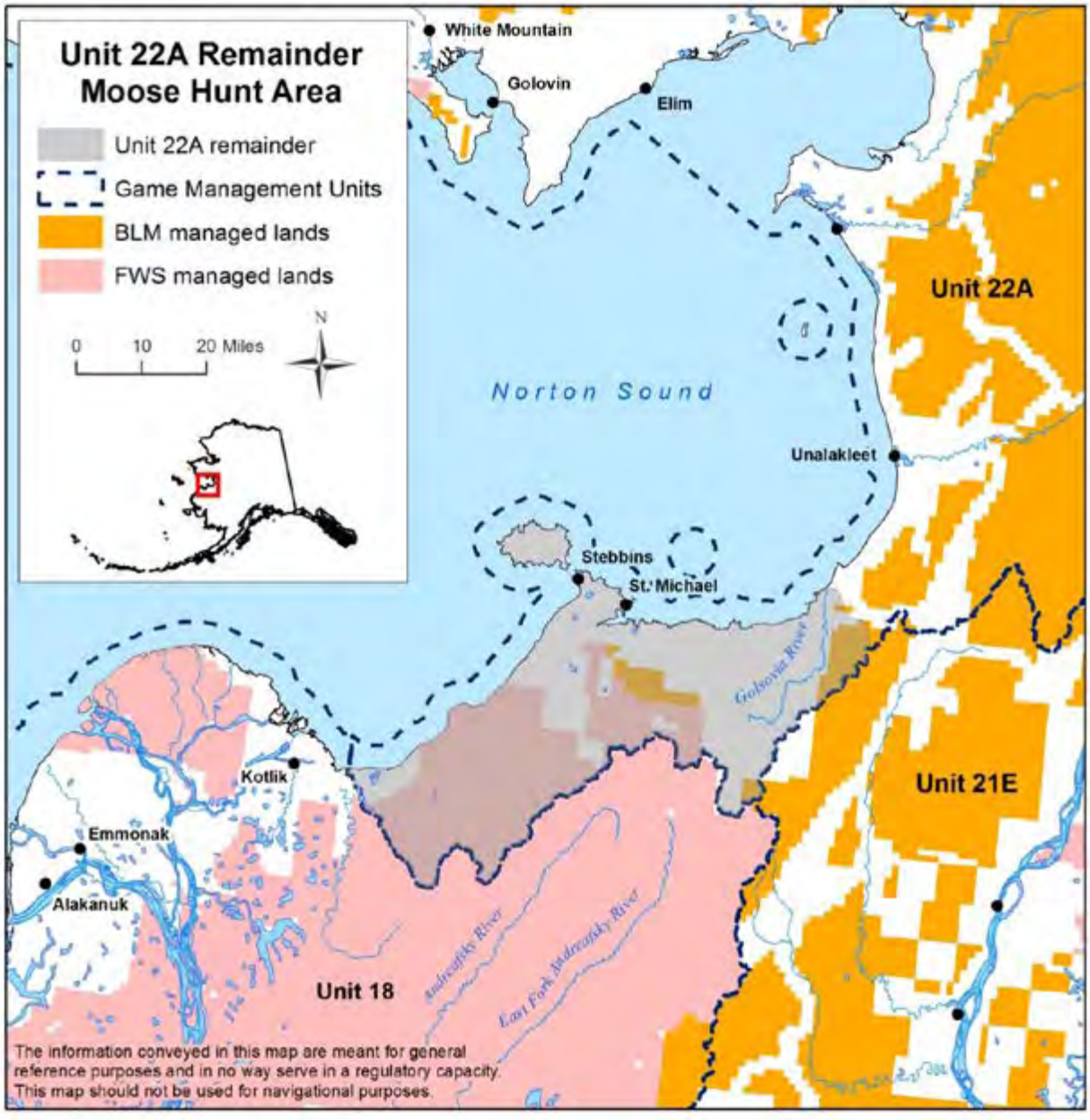

Figure 1. Unit 22A remainder moose hunt area.

Current Federal Regulation

Unit 22A−Moose

Unit 22A, remainder—1 bull. However, during the period Jan.1-Feb. 15, only an antlered bull may be taken.	*Aug. 1-Sep. 30.* *Jan. 1-Feb. 15*

Federal public lands are closed to the taking of moose, Oct. 1-Aug. 31, except by Federally qualified subsistence users

Closure Dates: Oct. 1 ─ Aug. 31

Current State Regulation

Unit 22A−Moose

Unit 22A, remainder	***Residents: One bull***	***HT***	***Aug. 1-Sept. 30***
	OR		
	Residents: One antlered bull	***HT***	***Jan. 1-31***
	Nonresidents: One bull with 50-inch antlers or antlers with 4 or more brow tines on at least one side	***HT***	***Sept. 1-30***

Regulatory Year Initiated: 1995

Extent of Federal Public Lands

Unit 22A remainder is comprised of 50% Federal public lands and consists of 43% U.S. Fish and Wildlife Service (USFWS) and 7% Bureau of Land Management (BLM) managed lands **(Figure 1)**.

Customary and Traditional Use Determination

Rural residents of Unit 22 have a customary and traditional use determination for moose in Unit 22.

Regulatory History

Prior to 1995, Federal public lands in Unit 22A were open to moose harvest by all users. In 1995, the Seward Peninsula Subsistence Regional Advisory Council (Council) submitted Proposal P95-42, requesting that the 1995 fall moose season in Unit 22A be extended from Aug. 1 – Sep. 30 to Aug. 1 – Oct. 10. The Federal Subsistence Board (Board) adopted this proposal with modification to extend the season, as proposed and to close Federal public lands for the Oct. 1 – 10 portion of the season to all users except residents of Unit 22A (FSB 1995a).

The Alaska Department of Fish and Game (ADF&G) subsequently submitted a Request for Reconsideration, R95-11, asserting that the Oct. 1 – 10 Federal public lands closure was not substantiated and that the season extension violated established principles of wildlife management. The Board reversed their decision on P95-42, concurring that the season extension was not consistent with the maintenance

of a healthy moose population. The Board recognized that residents of Unit 22A traditionally harvested moose in October but were concerned that the October season extension overlapped the rut and could have led to an unsustainable harvest. As a result of the Board's decision, the fall moose season was open Aug. 1 – Sep. 30. The Board also acted to close Federal public lands in Unit 22A to the harvest of moose to all users except residents of Unit 22A during the Dec. 1 – Jan. 31 season (FSB 1995b).

Proposal P96-50 was submitted by the Council in 1996 to ensure continuation of the Aug. 1 – Sep. 30 season in Unit 22A, as well as to request closure of Federal public lands to the harvest of moose except by Federally qualified subsistence users during this season. The Board rejected this proposal (FSB 1996) but retained the Aug. 1 – Sep. 30 season.

Proposal P98-86, submitted by the Council, requested the harvest limit be changed from one antlered bull to one moose for the Aug. 1 – Sep. 30 and Dec. 1 – Jan. 31 seasons. The Board adopted this proposal with modification to change the harvest limit to one bull, which provided additional harvest opportunity, particularly during the winter season when many bulls are antlerless, while protecting cows (OSM 1998).

In 2003, the Alaska Board of Game (BOG) made several regulatory changes for moose in Unit 22. In Unit 22A, three distinct hunt areas were established, and seasons and harvest limits were adjusted to account for localized patterns of harvest. Prior to these changes, the State resident season was Aug. 1 – Sep. 30 and Dec. 1 – Jan. 31 and the harvest limit was one bull throughout Unit 22A. The BOG's actions: 1) closed the winter season in Unit 22A North (north of and including the Tagoomenik and Shaktoolik River drainages); 2) shortened the fall season to Aug. 15 – Sep. 25 and closed the winter season in Unit 22A Central (Unalakleet River drainage area); and 3) shortened the winter season to Dec. 1 – 31 and changed the harvest limit for the winter season to one antlered bull in Unit 22A remainder (Persons 2004). These changes were scheduled to become effective in regulatory year 2004/05. However, data showing steep declines in the Unit 22A moose population prompted ADF&G to issue Emergency Order 05-05-03 in November 2003, which implemented the new regulations immediately. Due to the timing of the Emergency Order, only the winter seasons were affected. The same changes to the winter seasons were made in Federal regulation through Special Action WSA03-14, approved by the Board in December 2003.

In 2004, the Council submitted Proposal WP04-70, requesting, in part, retention of the temporary changes made through Special Action WSA03-14. Specifically, the proposal requested: 1) changing the harvest limit from one bull to one antlered moose throughout Unit 22A; 2) eliminating the winter seasons in Unit 22A North and Central; 3) shortening the fall season from Aug. 1 – Sep. 30 to Aug. 15 – Sept. 30 in Unit 22A Central; and 4) closing Federal public lands throughout Unit 22A to the harvest of moose in all seasons, except by residents of Unit 22A (OSM 2004). The Board adopted Proposal WP04-70 with modification to set the harvest limit at one bull for the fall seasons and one antlered bull for the winter season in Unit 22 remainder and further reduced the Unit 22A Central season, to Aug. 15 – Sep. 25 (OSM 2021b). These changes resulted in alignment of Federal and State moose seasons and harvest limits in Unit 22A.

Due in part to low population and recruitment estimates, portions of Unit 22A were affected by temporary regulatory changes in 2005 that were subsequently adopted into Federal regulation by Board action in 2006. In Unit 22A remainder, harvest seasons were shifted from Dec. 1 – 31 to Jan. 1 – 31 in 2005 with the Board's approval of Special Action WSA05-12/13 and in 2006 with the adoption of Proposal WP06-38 (OSM 2021b). These changes provided communities more harvest opportunity, due to more favorable hunting conditions later in the winter but were not expected to affect the moose population due to the

scarcity of mature antlered bulls at this time of year. The modified season in Unit 22A mirrored State regulation changes associated with the adoption of State Proposal 6 and Emergency Order 05-08-05 in 2005.

Proposal WP10-80, submitted by the Stebbins Community Association, requested that the winter moose season in Unit 22A remainder be shifted from Jan. 1 – 31 to Jan. 15 – Feb. 15. The Board adopted the proposal with modification to extend the season to February 15 but keep the January 1 start date. The modification provided additional harvest opportunity to Federally qualified subsistence users (OSM 2021b).

In the past decade, inclement weather has affected winter moose harvest in Unit 22A remainder and resulted in multiple special action requests to extend seasons. Special Action WSA07-08, submitted by the Stebbins Community Association, requested that a Feb. 1 – Mar. 1, 2008 bull season be added in Unit 22A remainder to provide additional harvest opportunity. The Board approved the special action but modified the season to Feb. 27 – Mar. 5 because a decision could not be made in time to accommodate the original request. Special Action WSA08-17 extended the winter bull moose season on Federal public lands within Unit 22A remainder an additional two weeks (Feb. 7 – 20) in 2009. The season extension was approved by the Board to provide additional harvest opportunities for Federally qualified subsistence users after a period of inclement weather and high gas prices prevented users from hunting moose (OSM 2021b). The winter of 2011/2012 was unusually cold and prevented many Federally qualified subsistence users from harvesting moose during the Jan. 1 – Feb. 15 season in Unit 22A remainder. In February 2012, Special Action WSA11-09 was approved by the Board (OSM 2021b) and Emergency Order 05-06-12 was issued by the State to provide a 14-day extension to the winter moose season to provide additional harvest opportunity.

In 2017, Temporary Special Action WSA17-01, submitted by Lance Kronberger of Eagle River, requested that the Federal public lands closure in Unit 22A remainder be rescinded Sep. 1 – 30, 2017. The proponent asserted that the moose population in this hunt area had grown considerably, due in part to the rapid growth of the Unit 18 moose population. The Board rejected this request on the grounds that conservative management of the Unit 22A remainder moose population was still warranted but acknowledged that continued review of the issue was prudent to ensure that the closure remained justifiable.

The request to open Federal public lands in Unit 22A remainder during the State's nonresident season was resubmitted by Mr. Kronberger as Proposal WP18-37. The Board adopted the proposal with modification to open Federal public lands to all Federally qualified subsistence users. Previously, moose hunting was open only to residents of Unit 22A. In their deliberation, the Board expressed the difficulty of the decision, noting the absence of clear biological evidence in support of full rescission of the closure. They opted for the more conservative incremental liberalization, but again expressed an interest in additional population level information that might support rescission of the closure in the future.

In April 2020, the Board adopted Proposal WP20-42 to rescind the closure to non-Federally qualified users from Sept. 1-30, while maintaining the closure for the remainder of the year. The Board commented that while current biological information for Unit 22A remainder was lacking, adjacent units had medium-high density moose populations with good bull:cow ratios. Additionally, Unit 22A remainder is extremely remote and the number of non-Federally qualified users accessing the hunt area is likely low. Guiding on the USFWS lands within the hunt area is limited to one guide with a maximum harvest

of eight bulls per year. Federally qualified subsistence users still have a priority in the hunt area due to a longer season, and the potential for user conflicts and overharvest remains low.

In August 2020, the Board approved a revised closure policy, which stipulated all closures will be reviewed every four years. The policy also specified that closures, similar to regulatory proposals, will be presented to the Councils for a recommendation and then to the Board for a final decision. Previously, closure reviews were presented to Councils who then decided whether to maintain the closure or to submit a regulatory proposal to modify or eliminate the closure.

Closure last reviewed: 2020– WP20-42

Justification for Original Closure (ANILCA Section 815 (3) criteria):

> *Nothing in this title shall be construed as – (3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on public lands (other than national parks and monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in section 816, to continue subsistence uses of such populations, or pursuant to other applicable law…*

The Board believed there was a conservation concern due to the observed decline in the moose population, along with poor calf recruitment, in Unit 22A. With concurrence from ADF&G, the Board chose to limit the harvest to residents of Unit 22A (FSB 1995a).

Council Recommendation for Original Closure:

The Council supported Proposal P95-42, extending the season dates from Aug. 1–Sep. 30 to Aug. 1–Oct. 10. The Board made the modification to close the October portion of the season to all users, except residents of Unit 22A, as suggested by the State. The Council did not have the opportunity to make a recommendation on this modification; however, the Council Chair was supportive of the amendment as nonlocal use of the area during October was low (FSB 1995a).

State Recommendation for Original Closure:

ADF&G opposed Proposal 42 because the proposal did not indicate users were not being accommodated by current regulations and the 10-day season extension could result in increased harvest that could adversely impact the low-density moose population. ADF&G stated that if the Board were to approve the proposal, they should restrict harvest within the 10-day season extension to residents of Unit 22A (FSB 1995a).

Biological Background

Prior to 1930, moose were scarce on the Seward Peninsula, but became a resident species by the late 1960s. Moose populations increased during the 1970s and peaked during the 1980s (Gorn 2012). There were several severe winters during the 1990s, which may have contributed to population declines during that time (Nelson 1995). Populations within Unit 22 have not recovered to peak levels of the 1980s, with brown bear predation on moose calves suspected to be a contributing factor (Gorn 2012). In 2020, ADF&G estimated the total Unit 22 moose population to be 6,775 moose, which is within State

management objectives. ADF&G also considered the status of the Unit 22A moose population to be increasing (ADF&G 2020).

Unit 22A remainder is the southernmost of three moose hunt areas in Unit 22A and includes the portion of Unit 22A south of and including the Golsovia River drainage (**Figure 1**). In Unit 22, regular moose surveys are limited to select drainages. Population estimates do not exist for Unit 22A remainder, and composition data has been updated infrequently (Gorn and Dunker 2014). The single contemporary metric for Unit 22A remainder is a recruitment survey conducted in 2018 in the Pitmiktalik and Golsovia river drainages. That survey indicated a recruitment rate of 10%, which was characterized as low by local biologists (SPRAC 2019).

Given the limited biological information available for Unit 22A remainder, this analysis will rely on recent population estimates in adjacent areas, including the Unit 22A Central hunt area to the northeast, Unit 21E to the southeast, and Unit 18 to the south.

Unit 22A Central

Spring surveys were conducted between 1989 and 2021 to estimate the size of the moose population in Unit 22A Central (**Table 1).** The population in this area has been increasing since 2003 and was estimated to be 766 moose (± 16%), or 0.32 moose/mi2, in 2021. This estimate approaches the upper bound of the Unit 22A management goal of 600 – 800 moose. In addition to estimates of population size, spring surveys generated age class estimates. The percent of short yearlings, or ten-month-old calves, is an estimate of recruitment, and was 10% in 2021 (Table 1). This was lower than recruitment estimates in the previous decade but was characterized as adequate by the Unit 22 Area Biologist (SPRAC 2017).

Fall composition surveys were conducted between 2003 and 2020 in the Unalakleet drainage (Table 2). The bull:cow ratio increased substantially between 2006 and 2016, remaining high in 2020 at 122 bulls:100 cows. This unusually high bull:cow ratio is above the goal of at least 30 bulls:100 cows and raises questions about the influences of local harvest patterns and moose movements. Local biologists believe that this issue warrants further investigation (BOG 2017, SPRAC 2017).

Unit 21E

Moose are present throughout Unit 21E. Prior to 2000, population trends were difficult to assess due to changing survey areas and methodologies (Boudreau 2002). However, local residents reported declining populations beginning in the mid-1990s and the BOG established an intensive management plan to reduce predators for Unit 21E in 2010 (ADF&G 2016).

Surveys conducted between 2000 and 2012 indicate that the population in this area was relatively stable during this period, varying between 0.9 and 1.2 moose/mi^2 **(Table 3)**. The most recent survey was conducted in 2019, when the moose population was estimated to be 8,607 moose, or 2.1 moose/ mi2, within the Wolf Control Focus Area (WCFA), which comprises ~80% of the historical survey area. The population is believed to be stable and exceeds the intensive management objective of 1.0 moose/mi2 (Peirce 2014; Peirce 2017, pers. comm.; Burch 2019, pers. comm.). To date, wolf control has not been initiated in Unit 21E (ADF&G 2016).

Bull:cow ratios in Unit 21E were high between 2008 and 2011 (Table 4), exceeding the management objective of 25 – 30 bulls:100 cows. In 2011, the last time composition surveys were conducted, the calf:cow ratio was 47 calves:100 cows, exceeding the management objective of 30 – 40 calves:100 cows.

It is unknown to what degree moose dispersal is influencing local moose densities in this area. Given the recent growth of the Unit 21E moose population, dispersal into Unit 22A could be occurring above historical levels and may be contributing to observations by locals and guides that there have been more moose in Unit 22A in recent years.

Unit 18

Moose began to immigrate into the Yukon-Kuskokwim Delta during the mid- to late-1940s and have become an important subsistence resource for locals. Most of the Yukon-Kuskokwim Delta is lowland treeless tundra and is not suitable as winter moose habitat. Consequently, much of the region supports only low to very low-density moose populations. However, productive habitat does exist along river corridors. The Yukon River population currently occupies most of the available riparian habitat, is at moderate to high density, is growing and has high calf production and yearling recruitment (Perry 2014). Several moose survey areas exist in Unit 18, with the Lowest Yukon and Andreafsky areas being the most relevant to this analysis.

Between 1988 and 2008, surveys to estimate population size were conducted in the Lowest Yukon survey area of Unit 18 **(Table 5)**. At that time, the survey area encompassed the riparian corridor along the main stem of the Yukon River downstream of Mountain Village (Perry 2014). The population grew significantly during that time, coincident with a six-year harvest moratorium in the area. In February 2017, a survey was conducted in an expanded survey area to accommodate the widening distribution of the moose. The results of that survey estimated the population to be 8,226 moose in the expanded survey area, or 4.7 moose/mi2. For comparison purposes, the moose density within the original survey area was calculated to be 4.8 moose/mi2 in 2017, compared to 2.4 moose/mi2 in 2008. The population has continued to grow substantially since 2017, with 2021 population and density estimates of 12,031 moose and 6.9 moose/mi2, respectively. This is above the State management objective of 2,500 – 3,500 moose for this area (Perry 2014).

In addition to surveys aimed at estimating population size, composition surveys have been conducted periodically (**Table 6**). In the Lowest Yukon survey area in 2016, the bull:cow ratio was 25 bulls:100 cows, which is below the management objective of 30 bulls:100 cows and a notable decline since 2013. Calf:cow ratios in this survey area have been consistently high between 2004 and 2013 and are indicative of a growing moose population (Perry 2006, 2008, 2014; Rearden 2015, Oster 2020).

The adjacent Andreafsky survey area includes the Yukon River from Pilot Village downstream to Mountain Village (Perry 2014). In 2021, the moose population in this survey area was estimated at 6,852 moose (**Table 5**). Like the moose population in the Lowest Yukon survey area, the population in the Andreafsky area has grown substantially since the early 2000s, but it remains at lower density compared to the Lowest Yukon population. Bull:cow ratios in the Andreafsky area were much higher than those in the Lowest Yukon area, at 63 bulls:100 cows according to the latest survey results in 2020 (**Table 6**). High calf:cow ratios in 2011 declined to 35 calves:100 cows in 2020, but this lower ratio is still indicative of a stable moose population (Perry 2006, 2008, 2014; Rearden 2015, Oster 2020).

The degree to which moose dispersal from Unit 18 is influencing moose density in southern Unit 22 is unknown. However, given the high moose density and continuing growth of the Yukon and Andreafsky populations, it is likely that some migration is occurring. Local biologists report that, in Unit 18, moose can be found anywhere there are willows present (Rearden 2017, pers. comm.). This suggests that movement through the riparian corridors of the Andreafsky drainages into Unit 22A is likely. During

its April 2020 meeting, the Board received public testimony that moose have been observed traveling between Units 18 and 22A, and that the rolling hills and low passes that separate these units makes for easy moose travel (FSB 2020).

Table 1. Population and age class estimates for moose in the Unit 22A Central hunt area (Unalakleet river drainage) during spring, 1989 – 2021 (Gorn and Dunker 2014, SPRAC 2017, Dunker 2021, pers. comm.).

Year	Population estimate (moose)	Density estimate (per mi²)	% Short yearlings	Survey method
1989	*325*	*0.29*	*16*	*Gassaway*
2003	*75*	*0.04*	*15*	*Geospatial*
2005	*123*	*0.15*	*8*	*Geospatial*
2008	*339*	*0.14*	*18*	*Geospatial*
2012	*545*	*0.24*	*19*	*Geospatial*
2017	*840*	*0.35*	*12*	*Geospatial*
2021	*766*	*0.32*	*10*	*Adaptive Cluster*

Table 2. Composition estimates for moose in the Unit 22A Central hunt area during fall, 2003 – 2020 (Gorn and Dunker 2014, SPRAC 2017, Dunker 2021, pers. comm.).

Survey Area	Year	Bulls: 100 Cows	Calves: 100 Cows	Total moose observed
Golsovia River	*2003*	*50*	*67*	*26*
Unalakleet River	*2003*	*69*	*20*	*66*
Unalakleet River	*2006*	*69*	*34*	*78*
Unalakleet River	*2016*	*124*	*30*	*250*
Unalakleet River	*2020*	*122*	*34*	*297*

Table 3. Population estimates for moose in Unit 21E, 2000 – 2019 (Peirce 2014, Peirce 2017, pers comm.; Burch 2019, pers. comm.).

Year	Population estimate ± 90% Confidence Interval (moose)	Density estimate (per mi²)	Survey method
2000	*5,151 ± 13%*	*1.0*	*Gassaway*
2005	*4,673 ± 17%*	*0.9*	*Geospatial*
2009	*6,218 ± 17%*	*1.2*	*Geospatial*
2012	*5,710 ± 16%*	*1.1*	*Geospatial (w/ SCF[a])*
2012[b]	*5,398 ± 19%*	*1.3*	*Geospatial (w/ SCF[a])*
2016[b]	*8,372 ± 18%*	*2.0*	*Geospatial (w/ SCF[a])*

Year	*Population estimate ± 90% Confidence Interval (moose)*	*Density estimate (per mi²)*	*Survey method*
2019[b]	*8,607 ± 27%*	*2.1*	*Geospatial (w/ SCF[a])*

[a] Sightability Correction Factor

[b] Results reported for the WCFA, which is smaller than the historical survey area. The WCFA differed slightly in size among survey years.

Table 4. Composition estimates for moose in Unit 21E during fall, 2008 – 2011 (Peirce 2014). Data from the 2009 survey, which was only partially completed, is not shown.

Year	*Bulls: 100 Cows*	*Calves: 100 Cows*	*Total moose observed*
2008	*62*	*37*	*186*
2010	*61*	*51*	*287*
2011	*64*	*47*	*201*

Table 5. Population estimates for moose in portions of Unit 18, 1988 – 2021 (Rearden 2015 and 2017, pers. comm., ADF&G 2021a and 2021b).

Survey area	Year	Population estimate ± 95% Confidence Interval (moose)	Density estimate (per mi²)	Survey method
Lowest Yukon	1988	0	NA	Minimum count
	1992	28	0.0	Minimum count
	1994	65	0.0	Minimum count
	2002	674 ± 21%	0.6	Geospatial
	2005	1,342 ± 21%	1.1	Geospatial
	2008	2,827 ± 11%	2.4	Geospatial
	2008	3,319 ± 16%	2.8	Geospatial (w/ SCF[a])
	2017	8,226 ± 11%	4.7	Geospatial
	2021	12,031 ± 33%	6.9	Geospatial
Andreafsky	1995	52 ± 74%	0.0	Gassaway
	1999	524 ± 29%	0.2	Geospatial
	2002	418 ± 22%	0.3	Geospatial
	2012	2,748 ± 19%	1.7	Geospatial
	2012	3,170 ± 24%	2.0	Geospatial (w/ SCF)
	2021	6,852 ± 20%		Geospatial

Table 6. Composition estimates for moose in portions of Unit 18, 2004 – 2020 (Perry 2006, 2008, 2014; Rearden 2015, Oster 2020).

Survey Area	*Year*	*Bulls: 100 Cows*	*Calves: 100 Cows*
Lowest Yukon	***2004***	***-***	***64***
	2005	***37***	***92***
	2010	***30***	***69***
	2013	***40***	***48***
	2016	***25***	***81***
Andreafsky[a]	***2002***	***-***	***22***
	2005	***-***	***42***
	2010	***42***	***64***
	2011	***40***	***67***
	2019	***57***	***41***
	2020	***63***	***35***

Cultural Knowledge and Traditional Practices

The Seward Peninsula region has been inhabited by humans for at least 12,000 years (Magdanz et al. 2007). The Inupiaq, Siberian Yupik, and Central Yup'ik people of the area have a deeply rooted practice of subsistence hunting, fishing, and gathering of wild resources. Until European contact in the early 19th century, many of these groups were semi-nomadic, moving with the seasons based on the availability of wild resources (Ray 1984).

There are two communities located within Unit 22A remainder, Stebbins and Saint Michael. Both are Central Yup'ik communities with strong family connections to the Yup'ik communities of the Yukon Delta and Lower Yukon River. Stebbins and Saint Michael have a mixed economy of wage labor jobs, fishing, and subsistence.

Stebbins is located on the southern shore of Norton Sound, 120 miles southeast of Nome. The Yup'ik name for the village is Tapraq, while the name Stebbins first appeared in 1900 (ADCCED 2019a). The community is in the Nome Census Area and encompasses 36 square miles of land and two square miles of water (ADCCED 2019a). Stebbins was incorporated in 1969 and had an estimated population of 645 people in 2017 (ADLWD 2018). The community is accessible by air or water and there is a 10.5-mile road connecting Stebbins with Saint Michael (Magdanz et al. 2007).

Saint Michael is also located on the southern shore of Norton Sound, on the opposite side of Saint Michael Island from Stebbins, 123 miles southeast of Nome. In 2017, Saint Michael had an estimated population of 389 people (ADLWD 2018). A trading post called Redoubt St. Michael was built by the Russian-American Company in 1833 in the area that is now Saint Michael. A U.S. military post was established in 1897. This area also became an important area during the gold rush as a gateway to the Yukon River, with as many as 10,000 people living there during the gold rush (Kawerak 2019).

Large land mammals were not abundant in the Seward Peninsula area during the 1800s. Moose did not start immigrating into the area until the mid-1900s, and while caribou were hunted traditionally, their numbers declined in the mid-1800s (Dau 2000). Reindeer were introduced from Siberia in 1892 under a Federal program initiated by Sheldon Jackson, in part to provide more meat for the Inupiat people in the area (Dau 2000). Historically, people in the Seward Peninsula area hunted a variety of species. As moose moved into the region, opportunistic harvest of the animals grew.

In 2013, the most recent year for which comprehensive subsistence survey data is available for Stebbins, moose comprised 6% of per capita overall wild food harvest. The ADF&G subsistence survey showed that 18.4% of Stebbins households attempted to harvest moose, with 12.6% being successful. Through significant sharing, 65.5% of households used moose (Mikow 2017).

The most recent subsistence survey for Saint Michael was conducted by Kawerak for the 2006 study year. During that period, 20% of households attempted to harvest moose, and 16% were successful. With sharing, 49% of households used moose (Ahmasuk and Trigg 2007).

There is more information available on moose hunting practices in Stebbins than Saint Michael. In 2013, ADF&G Division of Subsistence documented a wide search area for moose, with residents traveling as far as the Yukon River communities of Alakanuk and Emmonak for their hunting (Figure 2; Mikow 2017). This may indicate difficulty finding moose locally, as well as reflecting cultural connections with these Yukon River communities. Search areas for moose documented by Mikow (2017) include Federal public lands in the vicinity of both Stebbins and Saint Michael.

Of the moose harvested by Stebbins households, 77% occurs in August and September (spread evenly over the two months). A second period of moose hunting occurs in December and January and comprises 23% of the community's harvest of the species. However, lack of snow cover due to late freeze-up, low snowfall and thinner ice on rivers, has made access to moose difficult and hazardous for hunters during recent winter hunting seasons (SPRAC 2017). The challenge posed by changing weather conditions was documented in ADF&G interviews conducted in Stebbins in 2014:

"Several key respondents explained that weather in recent years has made it difficult for hunters to take advantage of the winter hunt, a perspective that was echoed in a number of survey comments. Because of late freeze-up and lower snowfall, travel across the landscape has become difficult and at times, treacherous. Scant snow cover hampered travel by snowmachine and thinner ice made crossing rivers dangerous" (Mikow 2017:225).

Difficulty accessing moose in winter may increase pressure on residents to find moose in the fall. Of Stebbins households, 26% reported needing more moose in 2013, the most recent survey year (Mikow 2017).

Caribou are not reliably available enough to mitigate challenges to accessing moose. Of those households reporting under-harvest of large mammals in 2013, 12% indicated that they needed more caribou. The closest winter range of the Western Arctic herd is 50 miles away from Stebbins. This contrasts with 20 years ago, when caribou were closer to the community during winter months. Subsistence harvest for moose and caribou has historically been supplemented by use of reindeer, but freezing rain conditions now often result in widespread scattering of the herds (Mikow 2017).

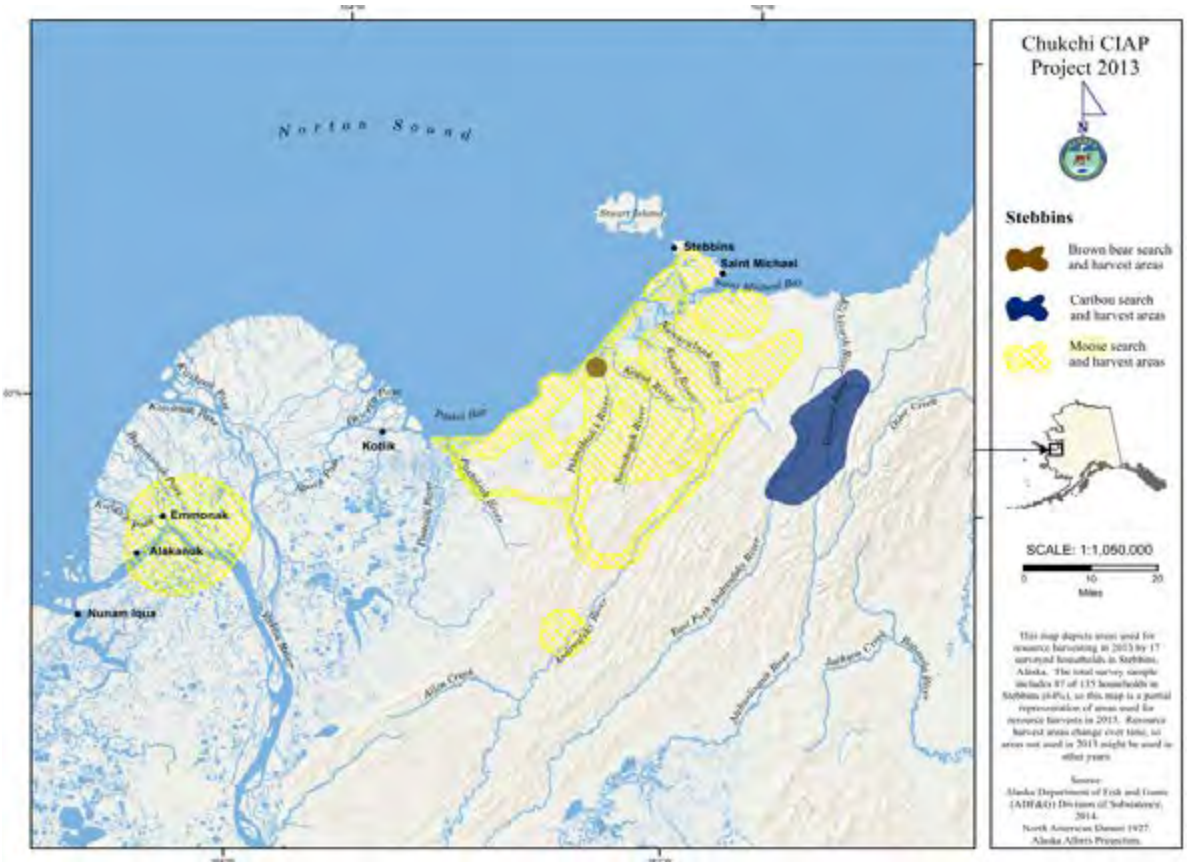

Figure 2. Large land mammal hunting areas, Stebbins, 2013. Moose search area for the year in yellow. Search and harvest areas reflect the practices of those individuals interviewed for a single year and should not be taken as a comprehensive indication of the extent of subsistence search and use areas by the community. (Credit: Mikow 2017.)

Harvest History

Most of the reported harvest within Unit 22A is attributable to local residents, defined here as Federally qualified subsistence users. On average, reported harvest was 9 moose annually for the 2003 – 2020 regulatory years. During this period, 49% of the reported moose harvest was taken by local residents, while nonlocal residents of Alaska harvested 11%, and nonresidents harvested 35% of the total reported harvest (ADF&G 2021c). For the most recent five years, 2016 – 2020, reported harvest has been higher, averaging 13 moose annually. For those years, local residents took a smaller percentage of the reported harvest (33%) while non-residents took a larger percentage (45%) (ADF&G 2019; OSM 2021a).

Reported moose harvest in Unit 22A is not evenly distributed among the three hunt areas. This observation cannot be explained solely based on human population size and expected harvest pressure. For instance, the Unit 22A Central hunt area is home to 36% of Unit 22A residents, but accounts for 58% of the total reported harvest. In contrast, the remaining two hunt areas (Unit 22A North and Unit 22A remainder) contain 64% of the human population but account for only 40% of the total moose harvest (ADLWD 2018; ADF&G 2021c; OSM 2021a). One likely explanation for this disparity is the difference among hunt areas in permit requirements and associated reporting rates. Specifically, Unit 22A Central requires a State or Federal registration permit, which includes penalties for non-reporting, while the remaining hunt areas require a harvest ticket that includes no such penalties.

This suggests that reported harvest (**Figure 3**) does not sufficiently represent actual harvest within Unit 22A remainder. This is likely particularly true among local users. However, additional insight into local use can be gained by considering results from household surveys. For instance, in 2005 residents of Stebbins and St. Michael reported harvesting 5 and 2 moose, respectively (ADF&G 2019). However, harvest data obtained from community surveys conducted by Kawerak, the regional Native Association, indicate that 26 moose were harvested by residents of Stebbins and 17 moose were harvested by residents of St. Michael that year (Ahmasuk and Trigg 2007). More recently, in 2013, Stebbins residents reported no moose harvest, but household surveys indicate that 20 moose were taken, primarily in August and September (Mikow 2017). Annual community harvest data is only sporadically available for any given community, but typically exceeds reported harvest for the years it is available. Acknowledging that community harvest data is a snapshot and that trends over time may be more revealing, these community surveys are an important supplement to reported harvest when estimating total harvest among local users.

Reported harvest is likely to be a relatively reliable accounting of harvest among nonresident hunters. Assuming so, nonresident harvest is increasing. During 2003 – 2008, an average of 2 moose were taken annually by nonresidents, while between 2015 – 2020, an average of 6 moose were taken annually. In 2018, nonresident harvest was 15 moose, more than double that of any other previous year (ADF&G 2019) (**Figure 3**).

Guide and Transporter Use

Guides are regulated by the Alaska Big Game Commercial Services Board. To operate within a specific guide use area, a guide must be registered in that guide use area and it must be within a game management unit in which they are licensed to conduct hunts. In addition, guides must be authorized to operate within a given area by the public or private landowner (ADCCED 2019b). In Guide Use Area 22-07, which encompasses Unit 22A remainder, there are five active guides (ADCCED 2019b) though the closure currently precludes commercial use of Federal public lands within this area.

The bulk of the Federal public lands within Unit 22A remainder are managed by the Yukon Delta National Wildlife Refuge (Refuge) (**Figure 1**). The Refuge maintains an exclusive guide concession for the Andreafsky portion of the Refuge, which includes southern Unit 22A and adjacent areas in Unit 18. This concession, which is awarded to a single competitor every ten years, is currently held by the proponent of Proposal WP20-42. Prior to 2020, he guided clients on Federal and non-Federal lands adjacent to the closed area and was limited to 8 moose annually. Beginning in 2020, he could guide clients on the Federal public lands within Unit 22A remainder from Sept. 1-30, which corresponds with the State's non-resident moose season. Transporters are also authorized to work in the Andreafsky area. There is no limit on the number of transporters that can operate in a given area, though there are limits on the number of people they may take in (Rearden 2019, pers. comm.).

BLM, which also manages lands within Unit 22A remainder, requires guides to secure permits to operate on Federal public lands. Unlike the Refuge guide use program, the BLM program does not limit the number of permits issued to guides. Currently, six guides are permitted on BLM lands in Unit 21E, where conditions are reported to be crowded. This has generated interest in operating out of Unit 22A (Seppi 2017 and 2019, pers. comm.). Currently, none of the guides authorized by the Big Game Commercial Services Board to operate in Guide Use Area 21-01 (the area adjacent to Unit 22A remainder) are authorized to work in Guide Use Area 22-07, though all five guides that are already authorized to work in 22-07 could pursue a BLM permit. Under BLM rules, transporters are not required to secure permits prior to operating on public BLM lands (Seppi 2017 and 2019, pers. comm.).

At its April 2019 meeting, the Council expressed concern about the potential impacts of guided moose hunting on moose migration into Unit 22A.

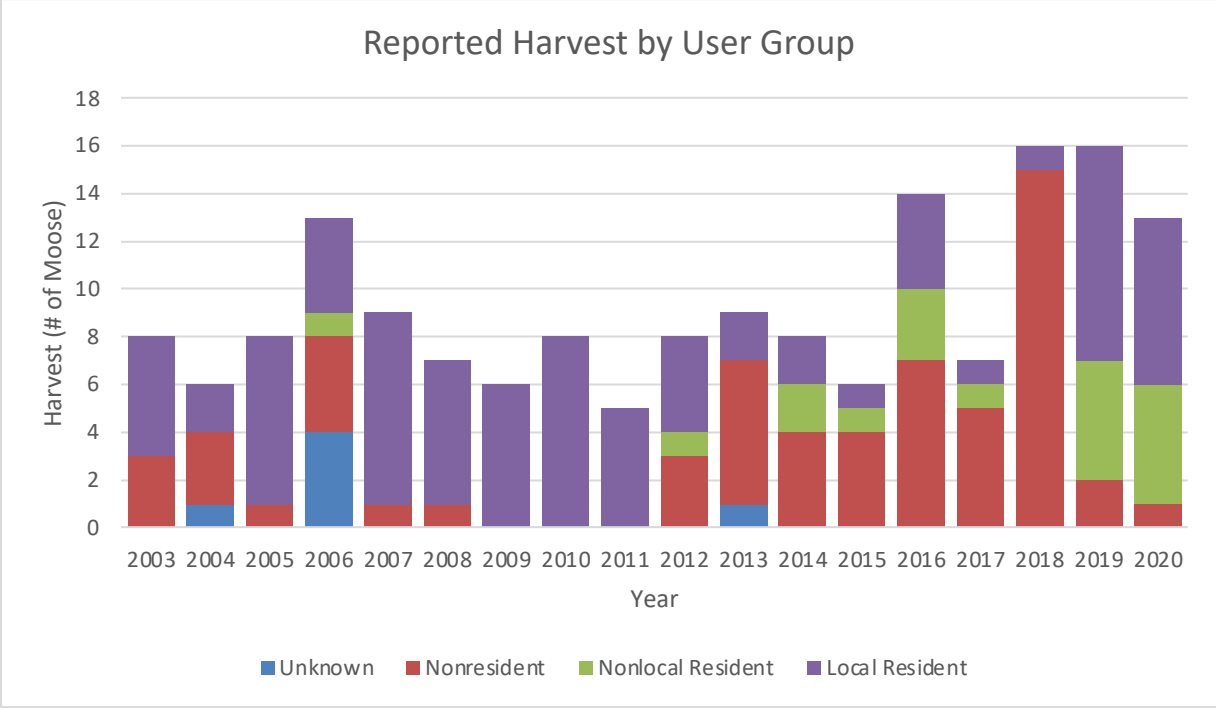

Figure 3. Reported moose harvest by user group in the Unit 22A remainder hunt area, 2003 – 2020 (ADF&G 2019, Dunker 2021, pers. comm.).

Other Alternative Considered

Another alternative to consider would be to fully rescind the closure. While there is no specific population data for Unit 22 remainder, the metrics from adjacent units show the population around this unit is above management objectives. This closure was originally established because of a conservation concern, which data indicates is no longer a concern. Rescinding the closure may not have any negative effects on local rural residents in the area, as most of the non-Federally qualified harvest occurs from sport hunters utilizing the only authorized guide in the area. Incremental openings have occurred since 2017 without having a negative impact on the moose population. This option was not considered because local subsistence users report having difficulty in harvesting enough moose for their needs.

Effects

If the closure is completely rescinded, non-Federally qualified users would be able to hunt moose on Federal lands in Unit 22A remainder throughout the entirety of the State moose season. Currently, non-Federally qualified users may only hunt moose in this area from Sept. 1-30, which coincides with the State's non-resident season. Over the last 5 years, the average nonlocal harvest is 21% and the average nonresident harvest has been 45%. Therefore, completely rescinding the closure would likely have little impact on total reported harvest.

However, as the rescission of the closure during September only occurred in 2020, more time is needed to assess the impacts of that change on the moose population and subsistence users. Based on biological

metrics from adjacent units, the moose population in Unit 22A remainder is likely increasing and can withstand increases in harvest. Indeed, the moose population in Unit 18 is very high and increased cow harvest is recommended to help prevent the population from exceeding carrying capacity. The apparent dispersal of moose from Unit 18 minimizes conservation concerns for the Unit 22A remainder population. Additionally, only one guide with a maximum harvest of eight bull moose is permitted on the national wildlife refuge lands within Unit 22A remainder, which comprise 86% of the Federal lands in that hunt area.

The effects of the 2020 modification to the closure on subsistence users is currently unknown. While this closure was originally enacted for reasons of conservation, subsistence users have reported difficulty in harvesting enough moose to meet their needs. Due to the remoteness of the unit, opening Federal lands in September has the potential to further disperse non-Federally qualified users throughout the area and away from traditional hunting areas, reducing user conflicts. However, the converse is also a possibility due to the potential for more non-Federally qualified users accessing the unit either through transporters or self-supported hunts.

OSM CONCLUSION:

x maintain status quo

_ modify or eliminate the closure

Justification

Metrics from adjacent moose population suggest that the Unit 22A remainder moose population may be growing and can withstand the potential increases in harvest resulting from the 2020 rescission of the closure during September. However, more time is needed to assess the impacts of this regulation change on the population and subsistence users.

Maintaining the status quo until additional information is available is the most conservative approach and provides an assurance that subsistence use continues to be prioritized. In addition, fully rescinding the closure is likely to result in increased pressure from non-Federally qualified users and may result in increased guide and transporter use of the area. Given the temporal and spatial use patterns of local moose hunters, increased commercial traffic may result in increased conflict in this area. This may be exacerbated by the challenges Federally qualified subsistence users face in gaining access to harvestable moose.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Seward Peninsula Subsistence Regional Advisory Council

Maintain status quo on WCR22-09c. The Council felt that since population metrics from adjacent units were used to extrapolate moose population estimates for Unit 22A remainder, that more time is required to assess the impacts from the regulatory changes in 2020. Maintaining status quo would be a conservative approach until more information is available on the moose population, harvest and effects of the 2020 changes.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposal WCR22-09c

If the closure outlined in WCR22-09c were eliminated, non-federally qualified users (NFQU) would have the opportunity to harvest moose on federal public lands in Game Management Unit (GMU) 22A, Remainder Oct. 1-Aug. 31**.**

Background

Hunt-area-specific estimates of abundance and composition are not available for GMU 22A Remainder. Historically, survey results from neighboring GMUs and hunt areas have been used to make inferences about the moose population in GMU 22A Remainder.

Recent abundance information from GMU 18 in the Yukon and Andreafsky River drainages, GMU 21E and GMU 22A Central, indicate that the density of moose from neighboring areas ranges from 0.35 moose/mi2 to 6.9 moose/mi2. These areas are immediately adjacent to the 22A Remainder hunt area and present a broad range of moose densities, which makes it difficult to make inferences about the abundance of moose in GMU 22A Remainder.

Composition survey results from the Andreafsky River drainage and GMU 22A Central indicate that the bull:cow ratio in these areas is well above the population objective of 30 bulls:100 cows.

Total reported harvest by non-resident, resident NFQUs, and FQUs averaged 10 bulls per year, 2 bulls per year, and 3 bulls per year respectively from RY2016 to RY2020. No identifiable increase in harvest resulted from the modification of the closure in 2020; however, additional time will be needed to effectively evaluate the effects of this regulatory change.

A portion of the harvest, primarily by residents of the GMU, is not reported to ADF&G through the moose harvest ticket reporting system. Unreported harvest from the GMU 22A Remainder hunt area is accounted for through the completion of household subsistence surveys in the communities of Stebbins and St Michael between 2002 and 2013. Survey results indicate that residents of Stebbins and St Michael

harvest 20-26 and 5-17 moose per year, respectively. Without the specific harvest location information provided through harvest ticket hunt reports not all this harvest can be attributed to the 22A remainder hunt area. Community harvest patterns and discussions with community residents indicate that a portion of the unreported harvest may be from GMU 18.

Impact on Subsistence Users

Elimination of the federal lands closure Oct. 1-Aug. 31 may result in an increase in the harvest of moose by resident hunters from communities outside of GMU 22.

Impact on Other Users

Eliminating the federal lands closure Oct. 1-Aug. 31 is not likely to result in an increase in harvest by non-resident hunters since this period is outside of the non-resident hunting season.

Opportunity Provided by State

State customary and traditional use findings: The Alaska Board of Game (BOG) has made a positive customary and traditional use finding for moose in GMU 22.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by ADF&G or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

The ANS for moose in GMU 22 is 250-300 animals. The season and bag limit for GMU 22A Remainder is:

GMU/Area	Bag Limit	Open Season (Permit/Hunt #)	
GMU 22A, remainder	***Residents: One bull***	***HT***	***Aug. 1-Sept. 30***
	Residents: One antlered bull	***HT***	***Jan. 1-31***
	Nonresidents: One bull with 50-inch antlers or antlers with 4 or more brow tines on at least one side	***HT***	***Sept. 1-30***

Conservation Issues

There are no conservation concerns with the lifting of this closure.

Enforcement Issues

There are no enforcement issues with the lifting of this closure.

Position

ADF&G **SUPPORTS** maintaining the closure at this time. While all indications point to the ability of this moose population to absorb any potential additional harvest, time is needed to evaluate the effects of the recent modification to the existing closure that was made at the last FSB wildlife cycle meeting.

WCR22-16 Executive Summary	
Closure Location and Species	Unit 22E—Moose
Current Regulation	**Unit 22E−Moose** *Unit 22E—1 antlered bull.* *Aug. 1-Mar. 15* *Federal public lands are closed to the taking of moose except by Federally qualified subsistence users hunting under these regulations*
OSM Conclusion	**Maintain status quo**
Seward Peninsula Subsistence Regional Advisory Council Recommendation	**Maintain status quo**
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	**Maintain status quo**
Written Public Comments	**None**

FEDERAL WILDLIFE CLOSURE REVIEW
WCR22-16

Closure Location: Unit 22E **(Figure 1)**—Moose

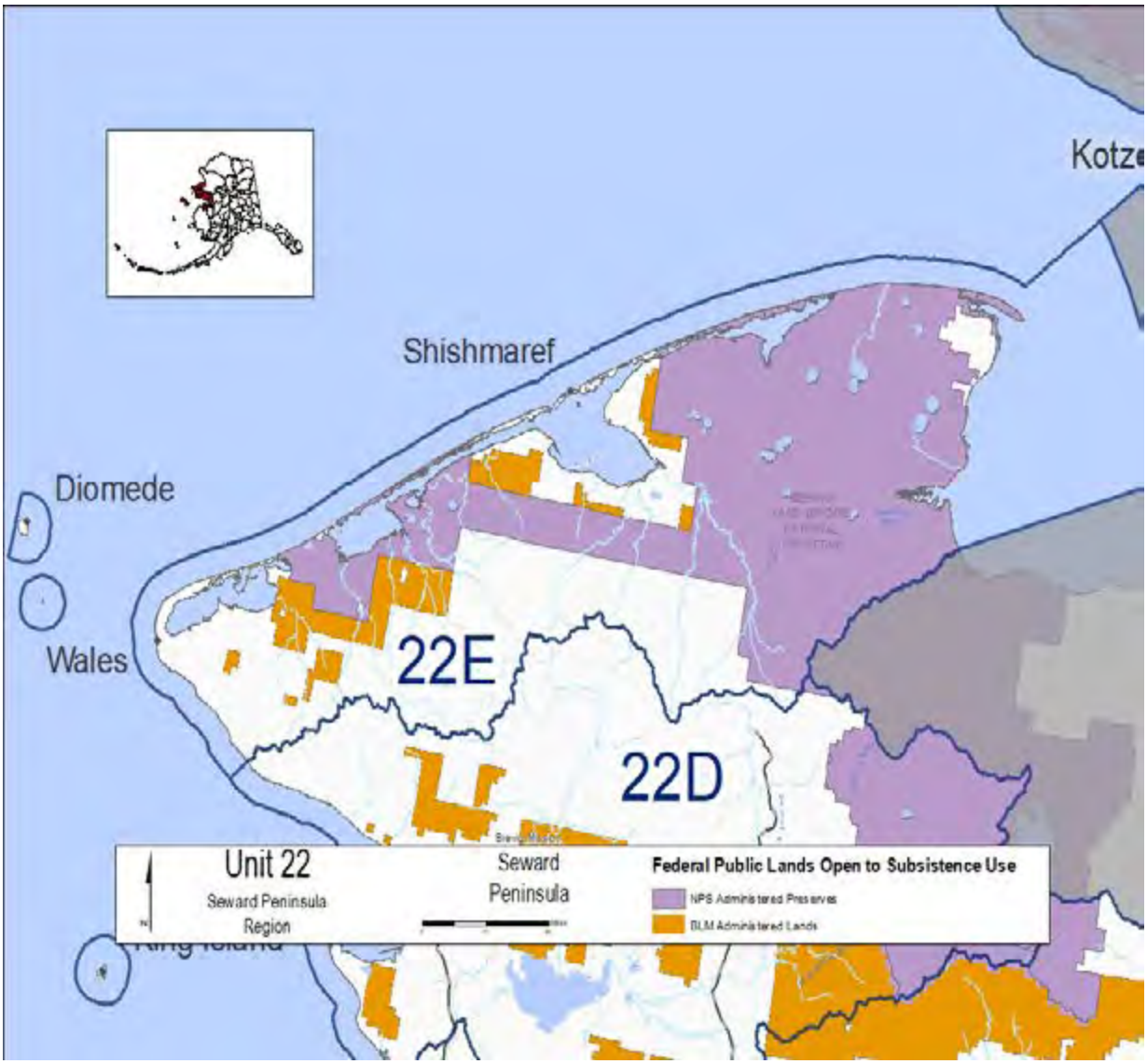

Figure 1. Unit 22E moose hunt area.

Current Federal Regulation

Unit 22E−Moose

Unit 22E—1 antlered bull. *Aug. 1-Mar. 15*

Federal public lands are closed to the taking of moose except by Federally qualified subsistence users hunting under these regulations

Closure Dates: Year-round

Current State Regulation

Unit 22E−Moose		
Residents: One bull	*HT*	*Aug. 1-Dec. 31*
OR		
Residents: One antlered bull	*HT*	*Jan. 1-Mar. 15*
Non-residents: One bull with 50-inch antlers or antlers with 4 or more brow tines on at least one side by permit available online at http://hunt.alaska.gov or in person in Nome beginning July 24. Harvest quota to be announced. Season closed by emergency order when quota is reached	*RM855*	*Sept. 1-14.*

Regulatory Year Initiated: 2002

Extent of Federal Public Lands

Unit 22E is comprised of approximately 62% Federal public lands and consists of 55% National Park Service (NPS) and 7% Bureau of Land Management (BLM) managed lands.

Customary and Traditional Use Determination

Rural residents of Unit 22 have a customary and traditional use determination for moose in Unit 22.

Regulatory History

In 2002 the Federal Subsistence Board (Board) adopted Proposal WP02-34. In Unit 22E, this action restricted moose harvest to bulls only, reduced the season from Aug. 1 – Mar. 31 to Aug. 1 – Dec. 30 and closed Federal public lands to the harvest of moose, except by Federally qualified subsistence users. This proposal addressed conservation concerns for the moose population and to provide for the continuation of subsistence uses of moose on Federal public lands in Unit 22.

The Alaska Board of Game (BOG) also adopted new regulations for moose in Unit 22E in 2002, changing the harvest limit from one moose to one antlered bull, shortening the season by three months and closing the nonresident season.

In the summer of 2003, the Native Village of Wales submitted a Temporary Special Action Request, WSA03-09, to change the harvest season for moose and muskox taken for the Kingikmiut Dance Festival from Nov. 15 – Dec. 31 to Jan. 1 – Mar. 15. This Temporary Special Action was approved by the Board in October 2003. The Native Village of Wales subsequently submitted Proposal WP04-69 to permanently change the harvest season for moose and muskox taken for the Kingikmiut Dance Festival, as described above. The proposal was adopted by the Board at its May 2004 meeting.

In 2008, the BOG adopted a proposal that established a resident winter season for one antlered bull Jan. 1 – Jan. 31, as well as a nonresident registration hunt with a 10-bull harvest quota. These changes

were a result of an increasing moose population as determined by Alaska Department of Fish and Game (ADF&G).

In 2010, the Board adopted Proposal WP10-79, which changed the harvest limit from one bull to one antlered bull and extended the season from Aug. 1 – Dec. 31 to Aug. 1 – Mar. 15 in Unit 22E. These changes were requested to provide more harvest opportunity for Federally qualified subsistence users and to eliminate the inadvertent harvest of cow moose.

At its February 2011 meeting the Seward Peninsula Regional Advisory Council (Council) voted unanimously to submit a proposal requesting that the closure of Federal public lands to moose harvest by non-Federally qualified subsistence users be rescinded in Unit 22E based on the recovery of the population. However, no proposal was submitted during the regulatory cycle.

At its January 2014 meeting, in response to an increasing moose population, the BOG extended the Unit 22E winter resident moose season from Jan. 1 – Jan. 31 to Jan. 1 – Mar. 15.

In 2015, the Council reviewed Wildlife Closure Review WCR14-16 and voted to submit a proposal for the upcoming wildlife regulatory cycle to rescind the closure given the recovery of the Unit 22E moose population.

In 2016, the Board rejected Proposals WP16-46 and WP16-47, both submitted by the Council. Proposal WP16-46 requested rescinding the moose hunting closure to non-Federally qualified users in Unit 22E. While the Unit 22E moose population had increased above State management objectives, the adjacent moose population in Unit 22D had declined. New information suggested the apparent population increase in Unit 22E may have been due to redistribution of moose during low snow years. Therefore, the Council opposed, and the Board rejected Proposal WP16-46. Proposal WP16-47 requested establishing an antlerless moose season from July 15 ─ Dec. 31 in Unit 22E. The Board rejected Proposal WP16-47 due to conservation concerns as part of the consensus agenda.

In August 2020 the Board approved a revised closure policy, which stipulated all closures will be reviewed every four years. The policy also specified that closures, similar to regulatory proposals, will be presented to the Councils for a recommendation and then to the Board for a final decision. Previously, closure reviews were presented to Councils who then decided whether to maintain the closure or to submit a regulatory proposal to modify or eliminate the closure.

Closure last reviewed: 2016 – WP16-46

Justification for Original Closure (ANILCA Section 815 (3) criteria):

> *Nothing in this title shall be construed as – (3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on public lands (other than national parks and monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in section 816, to continue subsistence uses of such populations, or pursuant to other applicable law…*

Federal public lands were closed by the (Board) due to conservation concerns for the declining moose population and to provide Federally qualified subsistence users an opportunity to harvest the limited number of moose on Federal public lands in Unit 22E. The Board adopted Proposal WP02-34 which

shortened the moose season, revised the harvest to bulls only and restricted the harvest to Federally qualified subsistence users within Units 22D and 22E based on conservation concerns for the moose population and to provide for the continuation of subsistence uses of moose on Federal public lands in the units.

Council Recommendation for Original Closure:

The Council supported WP02-34, as modified by OSM, stating that the modified proposal would provide sufficient opportunity for subsistence users, while taking the most conservative approach to preserving the moose population.

State Recommendation for Original Closure:

The State supported Proposal WP02-34 as modified by OSM to revise the moose season, harvest limit and restrict harvest to Federally qualified subsistence users in Units 22D and 22E.

Biological Background

Moose migrated into the Seward Peninsula in the 1930s and by the late 1960s became a resident species due to suitable habitat in Unit 22. Moose populations increased during the 1970s and peaked in the mid-1980s (Gorn 2010). Density independent factors, specifically severe winters, were believed to have caused the population to decrease during the early 1990s (Nelson 1995). Populations within Unit 22 have never recovered to the peak levels of the 1980s. Brown bear predation on calves is considered the main limiting factor on Unit 22 moose populations (Gorn 2010).

State management goals for moose in Unit 22E include (Gorn and Dunker 2014, Dunker 2021, pers. comm.):

- Unit 22 unit-wide: maintain a combined population of 5,100 – 6,800 moose
- Unit 22E: increase and stabilize the population at 600-800 moose
- Maintain a minimum bull:cow ratio of 30 bulls:100 cows in Units 22A, 22B, 22D, and 22E.

Between 2001 and 2020, moose populations in Unit 22E ranged from 169-701 moose (Gorn and Dunker 2014, Dunker 2021, pers. comm.) (**Table 1). The population was well above the State management goals (Gorn 2010) and believed to be stable in 2015, although at very low density (< 0.5 moose/ mi**^{2}) (Gorn 2015, pers. comm., SPRAC 2015b). However, moose move between Unit 22E and the Agiapuk River Drainage in Unit 22D where moose populations declined in 2015. Therefore, the apparent population increases in Unit 22E may be due to the redistribution of moose between areas, possibly because of a low snow year (SPRAC 2015b). A moose population survey of Units 22E and 22D was planned in March 2018 but did not occur due to inclement weather (Seppi 2018, pers. comm.). In 2020, ADF&G estimated the total Unit 22 moose population to be 6,775 moose, which is within State management objectives. ADF&G also considered the status of the Unit 22E moose population to be increasing/stable in 2020 (ADF&G 2020).

Calf:cow ratios of < 20 calves:100 cows, 20-40 calves:100 cows, and > 40 calves:100 cows may indicate declining, stable, and growing moose populations, respectively (Stout 2012). Calf:cow ratios in 2016 and 2019 suggest the Unit 22E moose population is stable (**Table 2**). Between 2003 and 2020, the percentage

of short yearlings (10-month-old moose) ranged from 10-19% and appeared to be stable (Gorn 2014, Dunker 2021, pers. comm.). Between 2014 and 2019, bull:cow ratios exceeded State management objectives, ranging from 33-40 bulls:100 cows (Table 2) (Gorn 2014, SPRAC 2015b, Dunker 2021, pers. comm.).

Table 1. Abundance estimates and ratios of short yearlings:100 adults for moose in Unit 22E (Gorn and Dunker 2014, Dunker 2021, pers. comm.).

Year	Estimated Abundance	Short Yearlings:100 adults
2001	169	8
2003	504	23
2006	587	22
2011	669	11
2014	701	16
2020	662	16

Table 2. Bull:cow and calf:cow ratios for moose in Unit 22E (Gorn 2014, Dunker 2021, pers. comm.).

Year	Bulls:100 Cows	Calves:100 cows
2014	40	
2016	38	21
2019	33	16

Harvest History

ADF&G estimates an average of 250-300 moose are harvested from all of Unit 22 each year, and that the harvestable surplus for regulatory year (RY) 2019 was 313 moose and 326 moose for RY20 (ADF&G 2020 & Dunker 2021, pers. comm.). In Unit 22E specifically, resident harvest is difficult to document due to underreporting and because only general harvest tickets are required. In 2017, ADF&G estimated a 6-8% harvest rate for moose in Unit 22E, while the estimated harvestable amount is only 4-6% of the population (ADFG 2017). A State registration permit (RM855) is required for non-residents, which results in accurate harvest numbers for nonresidents. All harvest under State regulations has occurred on non-Federal lands since 2002 due to the Federal lands closure.

Reported moose harvest has been relatively low in Unit 22E, averaging 18 moose annually between 2004 and 2019 (**Table 3, Figure 1**). Moose harvest is known to be underreported in the region. Reported harvest and estimates of unreported harvest from household subsistence surveys estimate total harvest to be approximately 8% of the total Unit 22E population (Dunker 2021, pers. comm.). Local residents (Federally qualified subsistence users), defined as those with a customary and traditional use determination, accounted for 47.5% of the reported harvest between 2004 and 2019 (**Table 3**). However, accounting for unreported harvest, local harvest averaged an estimated 86% of the total Unit 22 between 2004 and 2014, while nonlocal resident harvest averaged only 8% for the same period. Annual nonresident harvest has increased substantially since 2008, when the State opened a nonresident season. Between 2015 and 2019, nonresident harvest averaged 12 moose, accounting for 51% of the reported moose harvest during that time (ADF&G 2015, 2021).

Table 3. Reported moose harvest in Unit 22E, 2004-2019 (ADF&G 2015, 2021)

Regulatory Year	Local Resident Harvest*	Nonlocal Resident Harvest	Nonresident Harvest (RM855)	Unknown Residency Harvest	Total Harvest
2004	9	0	0	0	9
2005	8	1	0	0	9
2006	4	2	0	1	7
2007	15	2	0	0	17
2008	10	4	1	3	18
2009	11	4	1	5	21
2010	8	4	1	3	14
2011	3	3	2	4	12
2012	5	1	1	7	14
2013	4	2	10	4	20
2014	8	5	7	0	20
2015	7	0	12	2	21
2016	11	2	13	0	26
2017	9	0	15	1	25
2018	12	4	13	0	29
2019	10	1	9	0	20

*Local residents include all Federally qualified users with C&T (all residents of Unit 22)

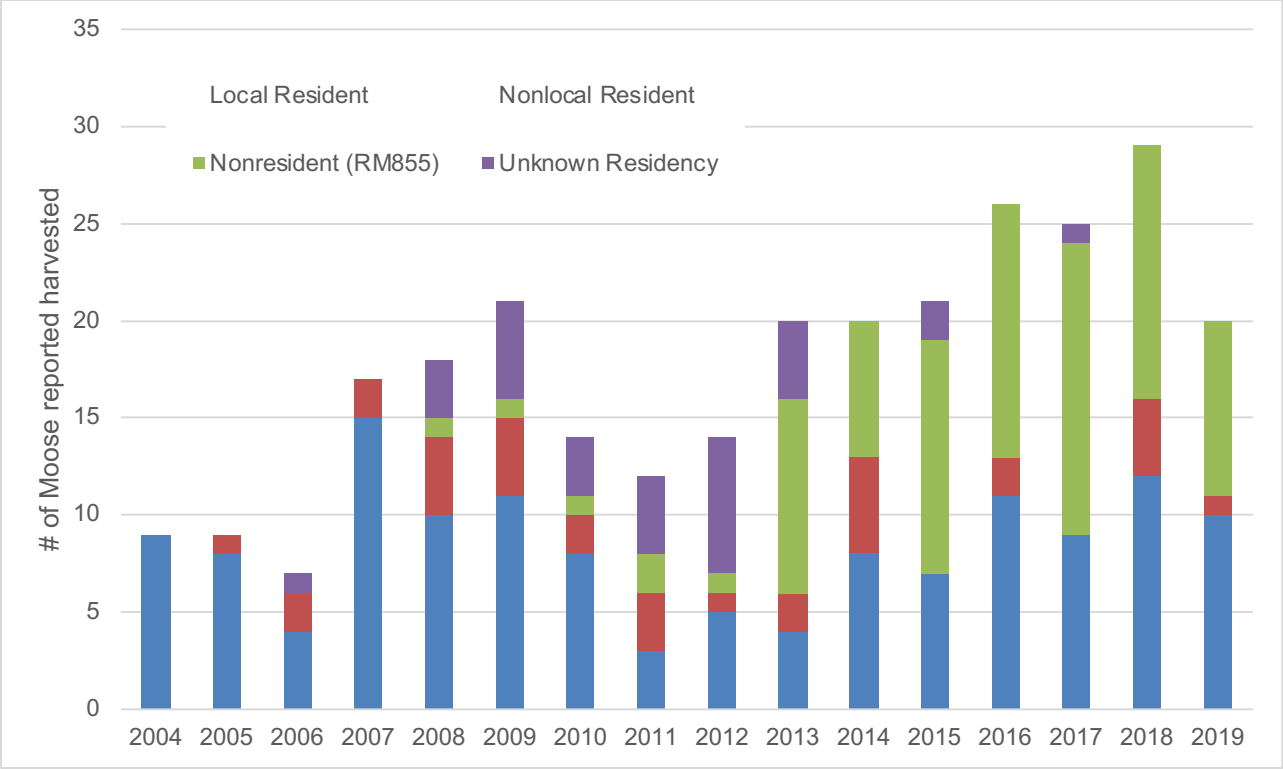

Figure 1. Reported moose harvest in Unit 22E by user group (ADF&G 2015, 2021).

Other Alternatives Considered

Another alternative to consider would be to fully rescind the closure because the original conservation concern appears to be completed. Population estimates and bull:cow ratios for moose in Unit 22E are within ADF&G management objectives. Although, comments received during the review period stated concern over rescinding the closure and the effect that may have on Federally qualified subsistence users who would have more competition from sport hunters in the area.

Effects

If the closure is rescinded, all users could hunt moose on Federal public lands in Unit 22E. This could increase total moose harvest within the subunit, especially from non-resident harvest, which has substantially increased since 2013. Unit 22E is one of four subunits on the Seward Peninsula that requires only a harvest ticket (with no harvest quota) and no registration permit (managed by harvest quotas that are met or exceeded each year). If the closure is rescinded, pressure from nonlocal residents may cause user conflicts and increased harvest pressure.

ADF&G considers the Unit 22E moose population to be stable to increasing and the population is within State management objectives of 600-800 moose set in 2017. Bull:cow ratios are also adequate and exceed objectives. However, these metrics may be influenced by redistribution of the Unit 22D moose population, which has been declining.

OSM CONCLUSION:

x maintain status quo

_ modify or eliminate the closure

Justification

The Unit 22E moose population has increased to within State management objectives since 2017. However, in the same timeframe there has been a decline in the moose population in Unit 22D. More investigation into the cause of this shift is needed before decisions affecting populations can be made. Harvest rate may become an issue if the closure is rescinded. If the closure is rescinded, pressure from nonlocal residents may cause user conflicts and increased harvest pressure.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Seward Peninsula Subsistence Regional Advisory Council

Maintain status quo on WCR22-16. The Council feels there is not enough information on the population increase in Unit 22E to determine whether it is from immigration or herd reproduction. More investigation is needed before any decision affecting the population should be made.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Closure Review WCR22-16

If the closure outlined in WCR22-16 is eliminated, non-federally qualified users (NFQUs) could harvest moose on federal public lands within Game Management GMU 22E.

Background

A minimum count of 163 moose was obtained for the GMU 22E moose population in the spring of 2001. In 2003 the results of a Geospatial Population Estimator (GSPE) survey completed in the area estimated the moose abundance at 504 moose (90% CI: 465-551). Moose abundance estimates for the 22E hunt area averaged 655 moose from 2006 to 2020 and suggest that the population has been stable following the initial increase in abundance observed in the early 2000s.

Average annual reported nonresident and resident harvest from RY2016 to RY2020 was 13 and 14 bulls respectively. A portion of resident harvest from the area is not reported to the department through the harvest ticket reporting system. Estimates of unreported harvest in GMU 22E are derived from household subsistence surveys in the communities of Shishmaref and Wales.

The combined estimate of reported and unreported harvest for the area averaged 54 bulls per year from RY2016 to RY2020, resulting in a realized harvest rate of 8%. Fall composition surveys completed in the area in 2013, 2016, and 2019 resulted in bull:cow ratio estimates of 41, 38, and 33 bulls:100 cows, respectively. These estimates indicate the bull:cow ratio is currently above the management objective of 30 bulls:100 cows.

Impact on Subsistence Users

If this closure were eliminated FQUs may see a slight increase in Alaska resident NFQUs.

Impact on Other Users

Registration moose hunt RM855 provides hunting opportunity for non-resident hunters in the area. The hunt is managed with a harvest quota and ADF&G uses its discretionary permit authority to limit harvest through emergency order closures and limits on the number of permits issued for the hunt. These controls

make it unlikely that elimination of the federal lands closure in GMU 22E would result in an increase in harvest by non-resident hunters.

Elimination of the federal lands closure could provide additional opportunity for Alaskan NFQUs hunting under resident regulations in GMU 22E. An increase in hunting opportunity may result in an increase in the harvest of moose by this user group.

Opportunity Provided by State

State customary and traditional use findings: The Alaska Board of Game (BOG) has made a positive customary and traditional use finding for moose in GMU 22.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by ADF&G or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

The ANS for Moose in GMU 22 is 250-300 animals. The season and bag limit for GMU 22E is:

GMU/Area	Bag Limit	Open Season (Permit/Hunt #)	
GMU22E	Residents: One bull	HT	Aug. 1-Dec. 31
OR			
GMU22E	Residents: One antlered bull	HT	Jan. 1-Mar. 15
GMU22E	Non-residents: One bull with 50-inch antlers antlers with 4 or more brow tines on at least one side by permit available online at http://hunt.alaska.gov July 7 at 9am,	RM855	Sept. 1-14

[a] Subsistence and General Hunts.

Special instructions: Permits for the non-resident registration permit hunt RM855 are available on a first-come first-served basis. A limited number of permits are available for the hunt. The number of permits available is announced annually.

Conservation Issues

Unreported local harvest from GMU 22E makes it challenging to determine the total harvest annually. The current estimated level of harvest is likely at the upper end of what is sustainable for a low-density moose population. A household subsistence survey was scheduled to be completed in the community of Shishmaref in 2021, and ADF&G is awaiting the results of this survey. This information along with the

results of composition surveys completed in the area will be used to further evaluate the level of harvest in GMU 22E.

Enforcement Issues

There are no foreseeable enforcement issues with the elimination of this closure.

Position

ADF&G **SUPPORTS** maintaining the closure at this time until more updated harvest data can be obtained to determine if additional harvest is warranted.

WP22-50 Executive Summary	
General Description	Proposal WP22-50 requests the beaver harvest limit be changed from 50 and 30 beaver in Unit 23, Kobuk and Selawik River drainages and Unit 23 remainder, respectively, to no harvest limit in both trap areas. *Submitted by: Northwest Arctic Subsistence Regional Advisory Council*
Proposed Regulation	**Unit 23—Beaver Trapping** *Unit 23, the Kobuk and Selawik River drainages—~~50 beaver~~* ***No limit*** ***July 1-June 30*** ***Unit 23, remainder—~~30 beaver~~ No limit*** ***July 1-June 30***
OSM Conclusion	**Support** Proposal WP22-50 with **modification** to combine Unit 23 trap areas. The modified regulations should read: **Unit 23—Beaver Trapping** ***Unit 23,~~ the Kobuk and Selawik River drainages—50 beaver~~ No limit*** ***July 1-June 30*** ~~*Unit 23, remainder—30 beaver*~~ ~~*July 1-June 30*~~
Western Interior Alaska Subsistence Regional Advisory Council	**Support with OSM modification**
Seward Peninsula Subsistence Regional Advisory Council	**Support with OSM modification**
Northwest Arctic Subsistence Regional Advisory Council	**Support**
North Slope Subsistence Regional Advisory Council	**Support**
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	**Support**
Written Public Comments	**None**

STAFF ANALYSIS
WP22-50

ISSUES

Proposal WP22-50, submitted by the Northwest Arctic Subsistence Regional Advisory Council, requests the beaver harvest limit be changed from 50 and 30 beaver in Unit 23, Kobuk and Selawik River drainages and Unit 23 remainder, respectively, to no harvest limit in both trap areas.

DISCUSSION

The proponent states that the proposed changes would align Federal beaver trapping regulations with the more liberal State regulations, as well as provide increased harvest opportunity for Federally qualified subsistence users.

Existing Federal Regulation

Unit 23—Beaver Trapping	
Unit 23, the Kobuk and Selawik River drainages—50 beaver	*July 1-June 30*
Unit 23, remainder—30 beaver	*July 1-June 30*

Proposed Federal Regulation

Unit 23—Beaver Trapping	
Unit 23, the Kobuk and Selawik River drainages—~~50 beaver~~ ***No limit***	***July 1-June 30***
Unit 23, remainder—~~30 beaver~~ No limit	***July 1-June 30***

Existing State Regulation

Unit 18, 22, and 23—Beaver Trapping	
Residents and Non-residents: No Limit	*No Closed Season*

Extent of Federal Public Lands

Federal public lands comprise approximately 70.53% of Unit 23 and consists of 9.14% U.S. Fish and Wildlife Service (FWS), 21.77% Bureau of Land Management (BLM), and 39.61% National Park Service (NPS).

Customary and Traditional Use Determinations

The Federal Subsistence Board has not made a customary and traditional use determination for beaver in Unit 23. Therefore, all rural residents of Alaska may harvest this species in this unit.

Regulatory History

There has been a general trend to liberalize trapping and hunting regulation in Unit 23. Federal regulations for beaver trapping in Unit 23 Kobuk and Selawik River drainages (Unit 23 Kobuk/Selawik) and Unit 23 remainder were adopted from State regulations in 1990. The season for both trap areas ran from Nov. 1-June 10. The harvest limits for Unit 23 Kobuk/Selawik and Unit 23 remainder were 50 and 30 beaver per season, respectively.

In 1992, Proposal P92-096 was submitted requesting an increase of harvest limits for beaver in Unit 23 remainder from 50 beaver to a harvest limit of 75 beaver per season. The intent of the proposal was to reduce the number of beaver and the associated dams that were thought to be impacting whitefish. The proposal was not based on subsistence need, but on a desire to control one animal population for the benefit of another. Federal subsistence management regulations govern the take and use of wildlife for subsistence uses only and, as a result, the proposal was rejected as outside the authority of the Federal Subsistence Board (Board).

In 1993, the Board adopted Proposal P93-009 requesting to place the dates of all seasons in which beavers could be taken with firearms within the same sections to make the regulations easier to read. Adopting the proposal did not change subsistence seasons, harvest limits, or methods and means.

In 1999, the Alaska Board of Game (BOG) during their fall meeting adopted a year-round hunting season for beaver in Unit 23 with no harvest limit or sealing requirement. In addition, the trapping season was extended to year-round with no harvest limit and no sealing requirement. At the spring 2000 BOG meeting, beaver was defined as a 'fur animal' and adopted in regulation. The designation of beaver as a 'fur animal', as well as a 'furbearer', allows take under hunting and trapping regulations, respectively. These regulations went into effect July 1, 2000.

In 2007, the Board adopted Proposal WP07-51 requesting a hunting season for beaver in Unit 23 with no closed season, and no harvest limit. The intent of the proposal was to accommodate subsistence hunting during the spring, summer and fall for food and fur and to align Federal and State regulations.

Biological Background

State management goals and objectives for furbearers in Unit 23 are as follows (Harper and McCarthy 2013):

- Maintain viable numbers of furbearers to provide for subsistence, commercial and recreational uses of furbearers.
- Monitor harvest through the fur sealing program, annual hunter/trapper questionnaires and community-based harvest assessments
- Actively work to increase the number of license vendors and fur sealers in Unit 23
- Improve compliance with current sealing requirements through increased public communication and education.

Arctic landscapes are in transition due to changes in the climate. Increased warmth in the summers and longer growing seasons are contributing to increasing tundra productivity and shrub-dominated vegetation. Beavers have increasingly moved into tundra areas during the past 20 years. The abundance of beaver colonization into the tundra is increasing beavers' influences on waterbodies (Jones et al 2020).

Beaver numbers remain high in Unit 23, particularly in the Selawik and Kobuk river drainages. In these drainages, beavers fully occupy high quality habitat and widely occur in marginal areas, as well. Local residents are concerned about beavers damming streams important for subsistence fishing and about the threat of giardia in their drinking water (Harper and McCarthy 2013).

Harvest History

Current harvest data is limited because few people have sealed pelts since the Alaska Department of Fish and Game (ADF&G) made beaver sealing requirements voluntary for Unit 23 in 2000 (**Figure 1**). The most recent community harvest surveys in the ADF&G Community Subsistence Information System is 2014 (**Table 1**, ADF&G. 2021), which demonstrates that the reported harvest greatly underestimates actual harvest (ADF&G 2010, 2012, 2013a, 2013b, Parr 2016, 2017, 2018, Spivey 2019, 2020). The data suggests that beaver harvesting varies greatly by year and community.

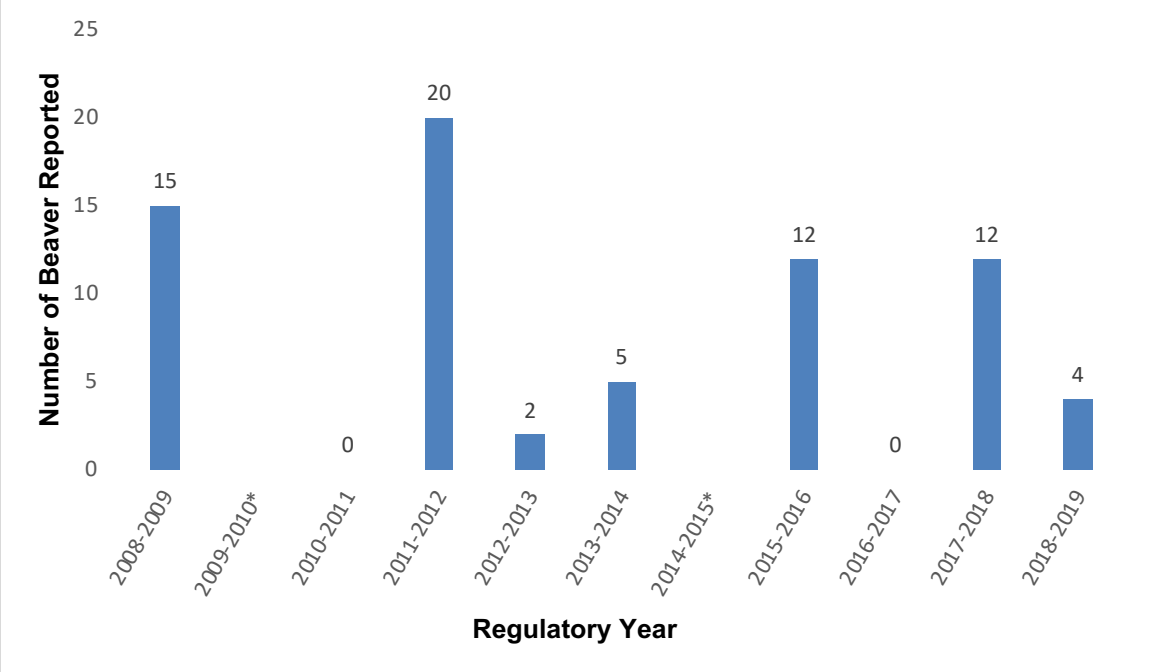

Figure 1. Number of beavers reported harvested in Unit 23 (ADF&G 2010, 2012, 2013a, 2013b; Parr 2016, 2017, 2018; Spivey 2019, 2020). *No report was written for 2009/10, 2014/2015.

Table 1. ADF&G Community subsistence harvest reported in Unit 23 (ADF&G 2021)

Year	*Community*	*Reported Harvest*
2010	***Kivalina***	***0***
2010	***Noatak***	***4***
2011	***Selawik***	***120***
2012	***Ambler***	***116***
2012	***Kobuk***	***56***
2012	***Noovik***	***110***
2012	***Shungnak***	***68***
2013	***Deering***	***0***
2014	***Kotzebue***	***85***
2014	***Point Hope***	***0***

Effects of the Proposal

If this proposal is adopted, the beaver harvest limit would change from 50 and 30 beaver per season in Unit 23 Kobuk/Selawik and Unit 23 remainder, respectively, to no harvest limit in both trap areas.

No impacts to the beaver population or user groups is expected as Federally qualified subsistence users can already trap an unlimited number of beavers on most (non-National Park) Federal lands under the more liberal State regulations. Additionally, adoption of this proposal would align Federal and State regulations, reducing the regulatory complexity for users.

OSM CONCLUSION

Support Proposal WP22-50 with modification to combine Unit 23 trap areas.

The modified regulations should read:

Unit 23—Beaver Trapping	
Unit 23, ~~the Kobuk and Selawik River drainages—50 beaver~~ ***No limit***	***July 1-June 30***
~~*Unit 23, remainder—30 beaver*~~	~~*July 1-June 30*~~

Justification

Beaver populations appear stable at high levels (or expanding) in Unit 23, and harvest levels do not appear to be having any negative impacts on beaver populations. Federally qualified subsistence users are already able to trap on most Federal public lands under the more liberal State regulations. Adopting this proposal would provide Federally qualified subsistence users with additional harvest opportunities for beaver trapping under Federal regulations. Combining Unit 23 Kobuk/Selawik and Unit 23 remainder trap areas would help simplify Federal regulations. Additionally, Federal and State regulations for beaver trapping in Unit 23 would be aligned, reducing regulatory complexity.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Western Interior Alaska Subsistence Regional Advisory Council

Support WP22-50 **as modified by OSM**

Justification

The Council states that some residents of the area use beavers for meat, particularly before the caribou migrate into the area.

Seward Peninsula Subsistence Regional Advisory Council

Support WP22-50 as modified by OSM

Justification

The Council supports this proposal because beaver are populous and expanding further northward. They are concerned the dams created by beaver will have a negative impact on salmon and salmon streams. This proposal would aid in keeping beaver populations in check, thereby helping salmon populations.

Northwest Arctic Subsistence Regional Advisory Council

Support WP22-50

Justification

The Council reported that beavers are extremely abundant across the region and are continuing to expand their range way up into river tributaries. Beaver dams are negatively affecting fish, fishing access, and water quality. Additional beaver harvest opportunity supports subsistence and may help to keep the beaver population in check.

North Slope Subsistence Regional Advisory Council

Support WP22-50

Justification

Beaver are extremely abundant in Unit 23 and their range keeps expanding. The Council fully supports increased subsistence opportunity to harvest the superabundant beaver population in Unit 23.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposal WP22-50

This proposal requests that the federal bag limit for beaver in Game Management Unit (GMU) 23, Kobuk and Selawik drainages and GMU 23 remainder be changed from 50 and 30 beaver per year to no yearly bag limit for federally qualified users (FQU).

Background

Beavers are widespread in GMU 23, particularly along the major river systems. The Alaska Board of Game (BOG) opened a year-round season and removed harvest limits and sealing requirements in 1999 for GMU 23.

Impact on Subsistence Users

There would be an increase in opportunity for those FQUs hunting and trapping in National Parks in GMU 23.

Impact on Other Users

There are no foreseeable impacts on other users.

Opportunity Provided by State

State customary and traditional use findings: The BOG has made positive customary and traditional use findings for beaver in all GMUs with a harvestable surplus.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by ADF&G or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

The ANS for beaver statewide is 90 percent of the harvestable surplus.

The season and bag limit for this part of GMU is:

GMU 18, 22, and 23—Beaver Trapping

Residents and Non-residents: No Limit *No Closed Season*

Conservation Issues

Harvest of furbearers across rural Alaska is far below historic levels. Beaver populations in GMU 23 are influenced by natural factors much more than human harvest. This liberalization may result in additional harvest but not near the harvest that was realized historically.

Enforcement Issues

Aligning state and federal regulations should reduce enforcement issues.

Position

ADF&G **SUPPORTS** the proposal to align the state and federal beaver bag limit in GMU 23.

WCR22–27 Executive Summary	
Closure Location and Species	**Unit 23, Cape Krusenstern National Monument - Muskox**
Current Regulation	**Unit 23−Muskox** *Unit 23, Cape Krusenstern National Monument—1 bull by Federal permit. Cape Krusenstern National Monument is closed to the taking of musk oxen except by federally qualified subsistence users but not residents of Point Hope* *Aug. 1-Mar. 15.*
OSM Conclusion	Modify or eliminate the closure
Northwest Arctic Subsistence Regional Advisory Council Recommendation	Modify or eliminate the closure as recommended by OSM
North Slope Subsistence Regional Advisory Council Recommendation	Modify or eliminate the closure as recommended by OSM
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	Eliminate the closure
Written Public Comments	None

FEDERAL WILDLIFE CLOSURE REVIEW
WCR22-27

Closure Location: Unit 23, Cape Krusenstern National Monument (CAKR) - Muskox

Current Federal Regulation

Unit 23−Muskox	
Unit 23, Cape Krusenstern National Monument—1 bull by Federal permit. Cape Krusenstern National Monument is closed to the taking of musk oxen except by federally qualified subsistence users but not residents of Point Hope	*Aug. 1-Mar. 15.*

Closure Dates: Year-round

Current State Regulation

Not applicable. National monuments are not open to hunting under State regulations.

Regulatory Year Initiated: 2005

Extent of Federal Public Lands

CAKR is comprised 100% of Federal public lands and consists of 100% National Park Service (NPS) managed lands.

Customary and Traditional Use Determination

Residents of Unit 23 east and north of the Buckland River drainage have a customary and traditional use determination for muskox in Unit 23 remainder (which includes CAKR).

Residents of the NANA region are considered resident zone communities of CAKR. These communities include Kotzebue, Selawik, Noorvik, Kiana, Shungnak, Ambler, Kobuk, Noatak, Kivalina, Buckland, and Deering.

Regulatory History

In 2003, the National Park Service prepared an Environmental Assessment under the National Environmental Policy Act, and its Regional Director signed a Finding of No Significant Impact, designating all lands within the Northwest Alaska Native Association (NANA) Region as the resident zone for Cape Krusenstern National Monument (36 C.F.R. § 13.802 [2015]). With this 2003 decision, the current resident zone communities are Kotzebue, Selawik, Noorvik, Kiana, Shungnak, Ambler, Kobuk, Noatak, Kivalina, Buckland, and Deering.

Prior to 2005, CAKR did not have an open muskox season. In 2005, Proposal WP05-19, submitted by the Cape Krusenstern Subsistence Resource Commission and NPS, requested the establishment of a season and allocation of muskox within CAKR to provide opportunity for families with "permanent subsistence camps" within CAKR. The Federal Subsistence Board adopted Proposal WP05-19 with modification, limiting the hunt to resident zone community members with permanent residence within CAKR or the

immediately adjacent Napaktuktuk Mountain area, south of latitude 67°05' N and west of longitude 162°30' W and delegating authority to the Western Arctic National Parklands (WEAR) superintendent to set the season closing date and annual harvest quotas. This action included a Section 804 prioritization, resulting in closure of the muskox hunt to some Federally qualified subsistence users.

In 2011, The Northwest Arctic Subsistence Regional Advisory Council (Council) supported maintaining the closure to non-Federally qualified users based on population concerns at its March 2011 meeting (WCR10-27). The Council agreed to revisit the closure when further data regarding the population became available.

In 2016, the Board adopted Proposal WP16-50 as modified by OSM as part of the consensus agenda. Proposal WP16-50 removed the 804 restriction, expanding the pool of users eligible to hunt muskox within CAKR to all resident zone community members who are also Federally qualified subsistence users. This regulatory change provided more opportunity for Federally qualified subsistence users, while maintaining the permit and harvest quota, resulting in no biological effects to the muskox population.

Closure last reviewed: 2016 – WP16-50

Justification for Original Closure (ANILCA Section 815 (3) criteria):

> *Nothing in this title shall be construed as – (3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on public lands (other than national parks and monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in section 816, to continue subsistence uses of such populations, or pursuant to other applicable law…*

Because of the small allowable harvest, and the resident zone community requirements for parklands which restrict subsistence use of resources to local residents in national monuments and parks, the Board used Section 804 criteria to limit users to those with permanent residence within CAKR or the adjacent Napaktuktuk Mountain area. This criterion narrowed the eligibility for Federal permits to three families and an allocation of two Federal permits.

Council Recommendation for Original Closure:

The Council recommended supporting Proposal WP05-19 with modification to provide permits only to resident zone community members with permanent residence within CAKR or immediately adjacent to the Napaktuktuk Mountain area, south of latitude 67°05'N and west of longitude 162° 30'W.

State Recommendation for Original Closure:

The State supported WP05-19 as modified to provide permits to only permanent residents who lived year-round in the Monument or the immediately adjacent Napaktuktuk Mountain Area.

Biological Background

The Alaska Department of Fish and Game (ADF&G) translocated 36 muskoxen near Cape Thompson in 1970, with an additional 34 animals released in the same area in 1977 (Westing 2011). Muskox have occupied CAKR since at least 1979 and occupy habitat from the mouth of the Noatak River north to Cape

Lisburne (NPS 2014). Muskox in the Cape Thompson area appear to occupy relatively discrete, "core areas" separate from the muskox population on the Seward Peninsula, although muskox are also widely scattered throughout the remainder of Unit 23 in groups of 1-4 individuals (Westing 2011).

NPS has the following management objectives for muskoxen within their lands (NPS 2014):

1. Maintain a viable population of muskoxen in Cape Krusenstern National Monument and Noatak National Preserve in perpetuity.
2. Provide subsistence opportunity for harvesting muskoxen when sustainable.
3. Defer to state harvest regulations when sustainable and not in conflict with NPS regulations.

Arctic Network Inventory and Monitoring Program (ARCN NPS) Muskox vital sign objectives (Schmidt, Robinson, and Miller 2018):

1. Determine late winter muskoxen sex composition in the Cape Thompson populations.
2. Determine late winter muskoxen age composition in the Cape Thompson populations.
3. Estimate late winter muskoxen abundance in the Cape Thompson populations.
4. Determine late winter muskoxen distribution in the Cape Thompson populations.

Additionally, ADF&G management objectives for muskoxen within Unit 23 (Hughes 2016) include:

1. Survey the Cape Thompson population at least once every 3 years.
2. Assess population level range expansion.
3. Monitor the sex and age composition of the Cape Thompson muskoxen population.
4. Minimize the effects of development (e.g., mines and roads), hunting, and tourism on muskoxen and their habitat.

Muskox in CAKR are part of the Cape Thompson muskox population. Since 1987, aerial population surveys have occurred in the "core count area" which extends from the mouth of the Noatak River to Cape Lisburne within about 20 miles of the Chukchi Sea coast. However, muskox have expanded their range since reintroduction and have increasingly been observed outside of the core count area. In 2011, 2016, and 2020 ADF&G and NPS completed a population-wide survey that included the core count areas as well as potential habitat in Unit 26A and Unit 23 north of the Kobuk River (Hughes 2016, 2020 pers. comm., NPS 2017) (**Figure 1**).

From 1970-1998, the Cape Thompson muskox population grew 8% annually, while between 1998 and 2005, the population grew 2% annually. Since 2005, the population within the core count area has declined, although this is likely due to range expansion into other areas (Hughes 2016, NPS 2017). Between 2011 and 2020, the population within the core count area stabilized, averaging 234 muskoxen. In 2020, the population estimate was 226 muskoxen (**Figure 1**).

The recruitment rate (measured as the proportion of short yearlings in the population) and proportion of mature bulls in the core count area has been stable since 2015 further indicating no population growth. In spring 2019, short yearlings and mature bulls comprised 13% and 16% of the population, respectively. No spring composition survey occurred in 2020 due to constraints from weather, time, and the COVID-19 pandemic (Hughes 2020, pers. comm.).

Given the gregarious nature of muskox, mature bulls are important for predator defense, foraging, and group cohesion in addition to breeding (Schmidt and Gorn 2013). For example, mature bulls may protect groups of females with calves against predators, effectively increasing calf survival and recruitment. Therefore, muskox may be more sensitive to selective harvest of mature males than other species (Schmidt and Gorn 2013).

Muskox reduce movements during the winter to conserve energy. Muskox depend on areas with low snow cover as they cannot forage in deep, hard-packed snow, using body-fat reserves and conservative behavior to survive winters. Therefore, disturbance to muskox groups during the winter by hunters or predators could decrease survival through increased energetic requirements and movement to unsuitable habitat (Nelson 1994, Hughes 2016).

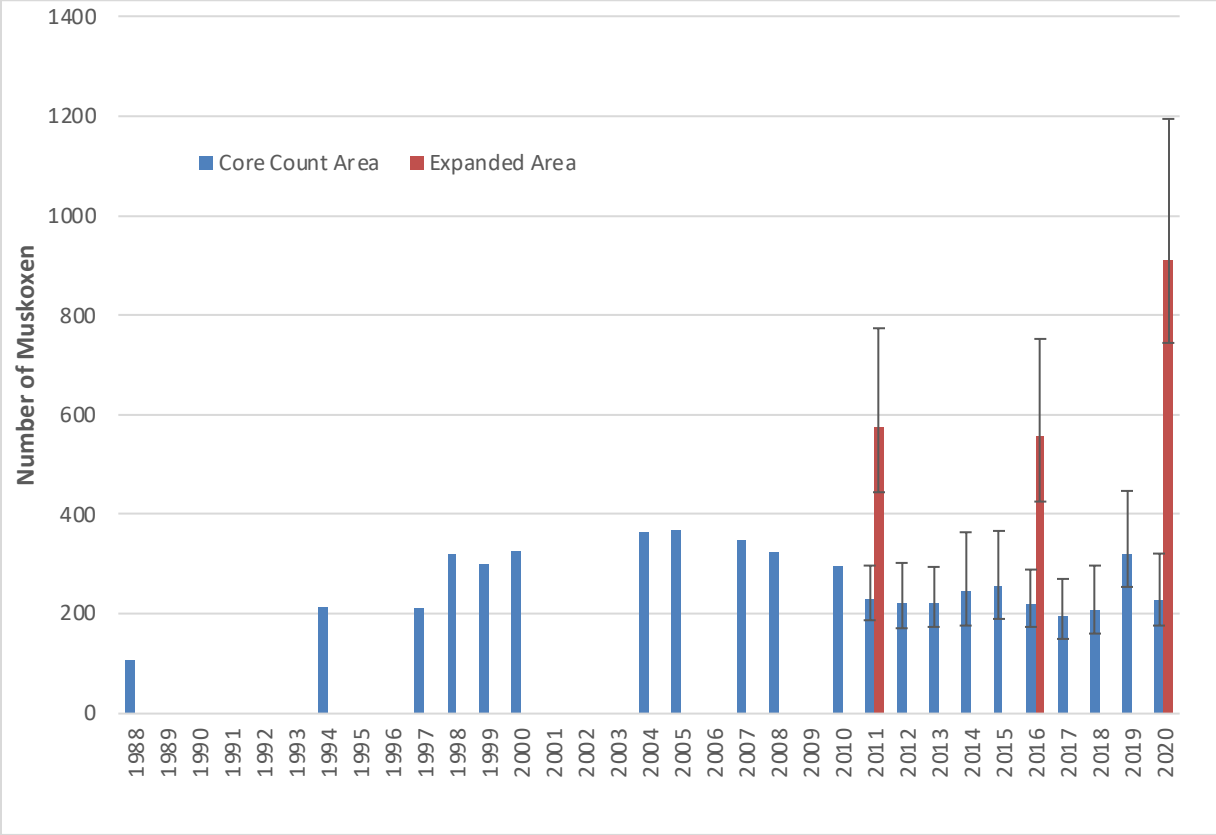

Figure 1. Number of Cape Thompson muskoxen counted in the core count area and expanded survey area (Hughes 2016, 2020 pers. comm., NPS 2017). Prior to 2011, minimum count methods were used. In 2011 minimum counts were replaced with distance sampling methods and error bars represent the 95% credible intervals surrounding those estimates.

Cultural Knowledge and Traditional Practices

The present-day human population in Unit 23 includes 11 regional Iñupiaq nations (Burch 1998). The estimated population of the Northwest Arctic Borough was 7,523 in 2019 (ADLWD 2020). In Iñupiaq, muskoxen are called *umingmak*, "the one with hair like a beard" (Lent 1999). The earliest archaeological evidence for use of muskoxen in arctic Alaska dates to Birnuk culture, beginning in approximately 600 A.D. (Lent 1999).

Muskoxen were likely always present at relatively low numbers, and their use was limited but continuous over approximately 1500 years (Lent 1998). Muskoxen provided fat when caribou were lean in late winter and early spring and provided an alternative food source in years when caribou were scarce.

Muskox horn tools have been uncovered at archaeological sites within their pre-extirpation range, such as Ogotoruk Creek south of Point Hope, and were also collected from residents of the region during the contact period. Hides were used for shelter and robes (Lent 1999). Muskoxen were heavily used by whalers, trappers, and traders in the 1800s, and were extirpated from Northwestern Alaska by the 1850s, although they persisted in the eastern Brooks Range until the 1890s (Lent 1999).

Harvest History

Harvest within CAKR occurs only by Federal registration permit (FX2303). No more than two permits have been issued per year since the hunt was established in 2005. Harvest has ranged from 0-2 muskox per year between 2005 and 2019 (**Table 1**).

Harvest from the Cape Thompson muskox population also occurs outside of CAKR in northwestern Unit 23 under State (TX107) and Federal (FX2312) regulations. Between 2005 and 2019, the State Tier II (TX107) muskox harvest averaged 3.7 muskoxen with an annual harvest quota of six bull muskoxen (ADF&G 2020, Hughes 2016). In 2016, one muskox was harvested by Federal permit FX2312 (OSM 2020). ADF&G considers a 2-3% harvest rate to be sustainable for the Cape Thompson muskox population (Hughes 2016).

Illegal harvest likely occurs, although the magnitude is not known. Between 2003 and 2014, ADF&G received reports of at least 16 muskoxen that were illegally killed in the northern portion of Unit 23. In 2013, five cow muskoxen from the Cape Thompson population were illegally shot and not salvaged. Because of this, ADF&G issued an emergency order in June of 2013, closing the State Tier II hunt prior to the 2013/14 season opening date (Hughes 2016).

Table 1. Federal permits issued and muskox harvested for the CAKR muskox hunt (FX2303). Only years with data are shown. Harvest in other years is presumed to be zero (OSM 2020).

Year	FX2303 Permits Issued	FX2303 Harvest
2005	1	1
2006	1	0
2007	2	1
2010	2	1
2016	1	1
2017	1	1
2018	2	2
2019	2	1

Effects

The current regulations read, “CAKR is closed to the taking of musk oxen except by Federally qualified subsistence users, but not residents of Point Hope.” However, Point Hope is not a resident zone

community of CAKR, so Point Hope residents would never be eligible to harvest muskoxen within CAKR. While Deering and Buckland are resident zone communities, they are not Federally qualified subsistence users for CAKR. Therefore, the CAKR muskox hunt is open to all users who could possibly be eligible, and no closure is functionally in effect.

As the harvest limit, season, permit number, and harvest quota would not be affected by any changes to this "closure," no impacts to the muskox population are expected.

OSM CONCLUSION

_ maintain status quo

x modify or eliminate the closure

The modified regulation would read:

Unit 23−Muskox	
Unit 23, Cape Krusenstern National Monument—1 bull by Federal permit. *~~Cape Krusenstern National Monument is closed to the taking of musk oxen except by federally qualified subsistence users but not residents of Point Hope~~*	*Aug. 1-Mar. 15.*

Justification

Currently, the CAKR muskox hunt is open to all resident zone community members who are also Federally qualified subsistence users. As this does not represent a closure, there is no need for the additional regulatory language. Functionally, no change to the CAKR muskox hunt would occur. OSM considers this recommendation as a housekeeping change to clarify regulations.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Northwest Arctic Subsistence Regional Advisory Council

Modify or eliminate the closure as recommended by OSM for WCR22-27. The Council supports modifying the muskox closure in Cape Krusenstern National Monument as recommended by OSM to in order to clarify the wording and simplify regulations for subsistence hunters in this area.

North Slope Regional Advisory Council

Modify or eliminate the closure as recommended by OSM for WCR22-27. This change is a housekeeping item. The Council supported OSM's recommendation to reduce confusion and simplify regulations. However, the Council discussed the historic use of Cape Krusenstern National Monument (CAKR) by Point Hope residents and the potential for Point Hope to work with the National Park Service to become a resident community of CAKR.

INTERAGENCY STAFF COMMITTEE COMMENT

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposal WCR22-27

This review seeks to determine if Cape Krusenstern National Monument (CAKR) should remain closed to muskox hunting except by federally qualified users (FQUs), excluding residents of Point Hope.

Background

Muskoxen are indigenous to Northwest Alaska but were extirpated by the 19th century. In the latter half of the 1970s, seventy muskoxen were translocated to Cape Thompson in Game Management Unit (GMU) 23. Over the last 50 years this population has grown to an estimated 911 muskoxen (95%CI: 743-1193) and expanded their range to include habitat within CAKR. While the Cape Thompson population has grown, both state and federal hunts are still managed under subsistence regulations with annual quotas and limited, Alaska resident only, participation. All hunting within CAKR is administered exclusively by the National Park Service (NPS) and limited to residents of resident zone communities that have a customary and traditional use finding for CAKR; these communities include Kivalina, Noatak, Kotzebue, Noorvik, Kiana, Ambler, Kobuk, Shungnak, and Selawik.

Impact on Subsistence Users

Elimination of this closure will not impact FQUs since CAKR's resident zone communities already exclude residents of Point Hope and communities south and west of the Buckland River drainage. Hunts on National Monuments are managed exclusively by the NPS and harvest is limited by quota-based permit issuance.

Impact on Other Users

Elimination of this closure will not impact non-federally qualified users (NFQU) since CAKR prohibits any hunting by residents outside of the Monument's resident zone communities that have customary and traditional use findings for CAKR.

Opportunity Provided by State

State customary and traditional use findings: The Alaska Board of Game (BOG) has made a positive customary and traditional use finding for the Cape Thompson population of muskoxen in GMU 23 (that portion of GMU 23 that is north and west of the Kobuk River drainage). However, management of muskoxen within CAKR is exclusively by the NPS.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by the Alaska Department of Fish & Game (ADF&G) or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

The ANS for the Cape Thompson population of muskox in GMU 23 is 18-22 animals. There is no state regulations for CAKR because national monuments are not open to hunting under state regulations.

Conservation Issues

Removal of this closure would not result in a conservation concern since the lifting of this closure would not result in increased harvest of muskoxen.

Enforcement Issues

No enforcement issue would be expected since the number and residence of hunters would not increase if the closure were removed.

Position

ADFG **SUPPORTS** elimination of this closure because regardless of whether or not this closure is in place it will not alter the number or residency of the hunt participants.

WP22-51 Executive Summary	
General Description	Proposal WP22-51 requests elimination of the Minto Flats Management Area (Minto Flats) registration hunt for moose in Unit 20B. *Submitted by: the Bureau of Land Management (BLM)*
Proposed Regulation	**Unit 20B—Moose** ~~*Unit 20B, that portion within the Minto Flats Management Area—1 bull by Federal registration permit only*~~ ~~*Sep. 1-20. Jan. 10-Feb. 28.*~~ *Unit 20B, ~~remainder~~—1 antlered bull* *Sep. 1-20.*
OSM Conclusion	**Support**
Eastern Interior Alaska Subsistence Regional Advisory Council	**Support**
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	**Support**
Written Public Comments	**None**

STAFF ANALYSIS
WP22-51

ISSUES

Proposal WP22-51, submitted by the Bureau of Land Management (BLM), requests elimination of the Minto Flats Management Area (Minto Flats) registration hunt for moose in Unit 20B from Federal regulation (**Map 1**).

DISCUSSION

The proponent states that the Tanana Chiefs Conference (TCC) submitted a proposal to the Federal Subsistence Board (Board) in 1990 to establish a moose hunt in Minto Flats. However, since 1990 most of the Federal lands within Minto Flats have been conveyed to the State of Alaska. The remaining Federal lands are encumbered by Native selections and therefore, are not open to hunting under Federal subsistence harvest regulations.

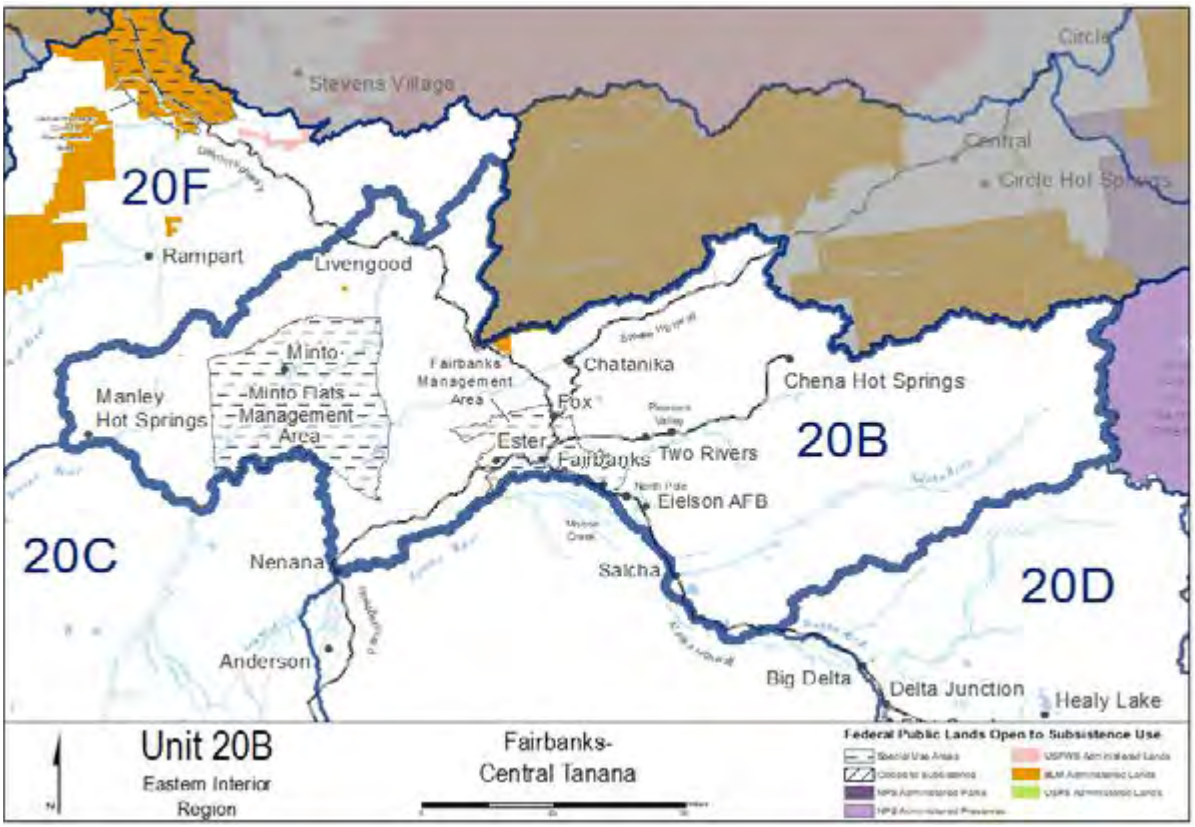
The proponent states that Federally qualified subsistence users sometimes inquire about the winter registration hunt currently in regulation. Elimination of this hunt would reduce user confusion since the Federal lands to which it applies do not exist. The proponent further states that this regulatory change would not affect moose populations or users.

Existing Federal Regulation

Unit 20B—Moose	
Unit 20B, that portion within the Minto Flats Management Area—1 bull by Federal registration permit only	*Sept. 1-20.* *Jan. 10-Feb. 28.*
Unit 20B, remainder—1 antlered bull	*Sept. 1-20.*

Proposed Federal Regulation

Unit 20B—Moose	
~~Unit 20B, that portion within the Minto Flats Management Area—1 bull by Federal registration permit only~~	*~~Sept. 1-20.~~* *~~Jan. 10-Feb. 28.~~*
Unit 20B, ~~remainder~~—1 antlered bull	*Sept. 1-20.*



Map 1. Unit 20B

Existing State Regulation

Unit 20B–Moose

Unit 20B within the Minto Flats Management Area

Residents	*One bull*	*HT*	*Aug. 21-Aug. 27*
	OR		
	One bull with spike-fork or 50-inch antlers or antlers with 3 or more brow tines on at least one side	*HT*	*Sept. 8-Sept. 25*
	OR		
	One antlerless moose by permit available at http://hunt.alaska.gov in person in Fairbanks Sept. 3	*RM785*	*Oct. 15-Feb. 28*

Unit 20B–Moose			
Nonresidents	*One bull with 50-inch antlers or antlers with 4 or more brow tines on at least one side by permit*	*DM784*	*Sept. 8-Sept. 25*

Extent of Federal Public Lands

Unit 20B is comprised of 0.36% Federal public lands and consist of 0.36% BLM managed lands.

Minto Flats is comprised of 0% Federal public lands.

Customary and Traditional Use Determinations

Residents of Minto and Nenana have a customary and traditional use determination for moose in Unit 20B, Minto Flats Management Area.

Residents of Unit 20B, Nenana, and Tanana have a customary and traditional use determination for moose in Unit 20B remainder.

Regulatory History

The Minto Flats moose seasons, harvest limit, and customary and traditional use determination were adopted from State regulations in 1990. Later in 1990, the Board approved Special Action S90-09 to establish a Federal subsistence moose season in Unit 20B, Minto Flats. Federal regulations in Minto Flats have not changed since 1990.

Effects of the Proposal

If this proposal is adopted, the Federal subsistence moose hunt within Minto Flats in Unit 20B would be eliminated. This change is not expected to have any impact on the moose population since no Federal hunts can occur in this area because all Federal public lands have either been conveyed or are encumbered. It would also reduce confusion among Federally qualified subsistence users and simplify regulations.

OSM CONCLUSION

Support Proposal WP22-51

Justification

Federal public lands open to Federal subsistence hunting no longer exist in the Minto Flats hunt area, a Federal hunt is not needed.

SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Eastern Interior Subsistence Regional Advisory Council

Support WP22-51.

Justification

The Council supported this housekeeping issue because there are no Federal public lands in the hunt area.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposal WP22-51

This proposal would eliminate the federal registration hunt for antlerless moose in Minto Flats Management Area in Game Management Unit (GMU) 20B.

Background

There are no federal public lands within the Minto Flats Management Area so the Federal Subsistence Board (FSB) has no jurisdiction and all hunting opportunity exists under state hunting regulations.

Impact on Subsistence Users

This hunt has not been conducted because no federal land exists within Minto Flats Management Area.

Impact on Other Users

If adopted this would eliminate any confusion by users looking at the federal regulations and seeing a hunt that cannot legally be conducted.

Opportunity Provided by State

State customary and traditional use findings: The Alaska Board of Game (BOG) has made a positive customary and traditional use findings for moose in Unit 20B.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by the Alaska Department of Fish & Game (ADF&G) or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

The ANS for moose in GMU 20B, within Minto Flats Management Area is 20- 40 animals. The season and bag limit for GMU 20B, within Minto Flats Management Area is:

Unit 20B within the Minto Flats Management Area

Residents	*One bull* *OR* *One bull with spike-fork or 50-inch antlers or antlers with 3 or more brow tines on at least one side* *OR* *One antlerless moose by permit available at http://hunt.alaska.gov in person in Fairbanks Sept. 3*	*HT* *HT* *RM785*	*Aug. 21-Aug. 27* *Sept. 8-Sept. 25* *Oct. 15-Feb. 28*
Nonresidents	*One bull with 50-inch antlers or antlers with 4 or more brow tines on at least one side by permit*	*DM784*	*Sept. 8-Sept. 25*

Conservation Issues

No conservation issues are anticipated with this proposal.

Enforcement Issues

No law enforcement issues are anticipated with this proposal.

Position

ADF&G **SUPPORTS** this proposal because it eliminates confusion since a federal subsistence hunt cannot exist without it being on federal public land.

WP22-52 Executive Summary	
General Description	Proposal WP22-52 requests that the closing date of the moose season in Unit 25A be extended to Dec. 20. *Submitted by: Heimo Korth of Fort Yukon.*
Proposed Regulation	**Unit 25A—Moose** *Unit 25A –1 antlered bull* *Aug. 25 – Sept. 25* *Dec. 1 – Dec. ~~10~~* ***20***
OSM Conclusion	Support
Eastern Interior Subsistence Regional Advisory Council	Support WP22-52 with modification to extend the moose season in the Coleen, Firth, and Old Crow River drainages only. The modified regulation should read: **Unit 25A—Moose** *Unit 25A,* **remainder** *–1 antlered bull* *Aug. 25 – Sept. 25* *Dec. 1 – Dec. 10* ***Unit 25A, within the*** ***Aug. 25 – Sept. 25*** ***Coleen, Firth, and Old Crow River drainages*** ***Dec. 1 – Dec. 20***
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	Oppose as submitted (Support a modification to only extend the moose season to December 20th in the Coleen, Firth, and Old Crow River drainages)
Written Public Comments	None

STAFF ANALYSIS
WP22-52

ISSUES

Proposal WP22-52, submitted by Heimo Korth of Fort Yukon, requests that the closing date of the moose season in Unit 25A be extended to Dec. 20.

DISCUSSION

The proponent states that the proposed changes would increase opportunity to harvest a moose. The proponent notes that in some years, moose do not come along the Coleen River due to the lack of snow and thin ice. Traveling inland for the proponent is difficult due to tussocks. The proponent also states extending the season in Unit 25A would align with the winter season in Unit 25D remainder, simplifying the paperwork involved.

Existing Federal Regulation

Unit 25A—Moose

Unit 25A –1 antlered bull	*Aug. 25 – Sept. 25*
	Dec. 1 – Dec. 10

Proposed Federal Regulation

Unit 25A—Moose

Unit 25A –1 antlered bull	*Aug. 25 – Sept. 25*
	Dec. 1 – Dec. 10 20

Existing State Regulation

Unit 25A - Moose

Unit 25A Dalton Highway Corridor Management Area	*Resident: One bull by bow and arrow only by permit*	*Sept. 1 – Sept. 25*
	Nonresident: One bull with 50-inch antlers with 4 or more brow tines on at least one side by bow and arrow only by permit	*Sept. 5 – Sept. 25*
Unit 25A, remainder	*Resident: One bull*	*Sept. 5 – Sept. 25*
	Nonresident: One bull with 50-inch antlers with 4 or more brow tines on at least one side	*Sept. 5 – Sept. 25*

Extent of Federal Public Lands

Unit 25A is comprised of 76.4% Federal public lands and consist 74.1% U.S. Fish and Wildlife Service (USFWS), and 2.3% Bureau of Land Management (BLM).

Customary and Traditional Use Determinations

Residents of Unit 25A and 25D have a customary and traditional use determination for moose in Unit 25A.

Regulatory History

The Federal Subsistence Board (Board) established the current hunting regulations for moose in Unit 25A when the Federal program was established in 1990, with a fall season of Aug. 25 – Sept. 25 and a winter season of Dec. 1 – Dec. 10 open to all rural residents with a harvest limit of one bull. The 1990-1991 State hunting regulation for moose in Unit 25A was a fall season of Sept. 5 – Sept. 25 open to all residents and nonresidents with a harvest limit of one bull.

In 1996, Proposal 96, submitted by the Native Village of Fort Yukon, requested a customary and traditional use determination for moose in Unit 25A for all communities within Unit 25A and Unit 25D. The Board adopted the proposal at its April 1996 meeting.

For regulatory year of 2002/03, the Alaska Department of Fish and Game (ADF&G) modified the State regulations for moose in Unit 25A, dividing the unit into two hunt areas: Unit 25A within the Dalton Highway corridor management area (Dalton Highway) and Unit 25A remainder. Nonresident harvest in Unit 25A remainder was limited to one bull with 50- inch antlers with 4 or more brow tines on at least one side. Unit 25A, Dalton Highway regulations allowed residents one bull by bow and arrow only by draw permit from Sept. 1-25. Nonresidents are allowed one bull with 50- inch antlers with 4 or more brow tines on at least one side by bow and arrow only by draw permit from Sept. 5-25. These changes reflect the current State moose hunting regulations for Unit 25A.

In 2014, Proposal WP14-48, submitted by Joe Matesi, requested that a portion of Federal lands in Unit 25A be closed to the taking of moose except by rural residents of Arctic Village, Venetie, Chalkyitsik, and Fort Yukon with a Federal registration permit, and that a harvest quota be established for that portion of the unit. The proposal was rejected by the Board. More data on moose numbers in the affected areas was needed prior to moving forward with a hunting closure.

Biological Background

State management goals and objectives for moose in Unit 25 are as follows (Caikoski 2018):

- Protect, maintain, and enhance the moose population and its habitat in concert with other components of the ecosystem while providing for maximum sustained harvest.
- Provide the greatest sustained opportunity to participate in hunting moose.
- Maintain a minimum of 40 bulls:100 cows in the post hunt population.
- Maintain a 5-year running mean of ≥35 bulls harvested annually.
- Maintain a 5-year running mean of ≥30% hunting success rate.

Unit 25A consists of the south slope of the Brooks Range from the Canada border, west to include all of the Chandalar river drainages. Other large drainages within Unit 25A include the Sheenjek and Coleen

rivers (Caikoski 2018). Moose habitat in Unit 25A is limited to narrow riparian corridors that support a low-density population of moose.

Periodic surveys suggest that moose numbers in Unit 25A declined from the late 1980s through the early 2000s (Caikoski 2010). Surveys along the Sheenjek and Coleen Rivers within Unit 25A have been done sporadically since 1977. Both drainages have seen declines in moose populations since 1991 (Table 1), though the population in the Sheenjek River appears to have stabilized at a low level between 2000 and 2010 (Wald 2012). Moose densities to the north of the Brooks Range, Yukon Flats NWR, and Yukon Charley Rivers National Preserve have shown recent increases. Surveys done around the Kongakut watershed, the region north of the Sheenjek and Coleen rivers in the northeast portion of the Arctic NWR, increased from 94 observed moose in 2018 to 143 observed moose in 2019 (Bertram 2021 pers comm., Leacock 2021 per comm.). Population dynamics of the area are poorly understood but predation may be serving to maintain moose populations at a low density (Caikoski 2010).Composition surveys on the Coleen and Sheenjek River drainages in 1991, 2000, and 2002 showed an average bull:cow ratio of 87 bulls:100 cows on the Coleen River and 190 bulls:100 cows on the Sheenjek, while calf:cow ratios averaged 39 calves:100 cows on the Coleen and 75 calves:100 cows on the Sheenjek (Wertz and Payer 2003).

Composition surveys on the Coleen and Sheenjek River drainages in 1991, 2000, and 2002 showed an average bull:cow ratio of 87 bulls:100 cows on the Coleen River and 190 bulls:100 cows on the Sheenjek River, while calf:cow ratios averaged 39 calves:100 cows on the Coleen and 75 calves:100 cows on the Sheenjek (Wertz and Payer 2003). In the fall of 2012, a low-intensity survey of the upper Coleen River drainage classified observed moose as cow, calf, or bulls. A total of 79 moose in 29 groups composed of 32 cows, 12 calves, and 35 bulls were observed. The observed calf:cow ratio was 38 calves:100 cows, and the observed bull:cow ratio was 109 bulls:100 cows. Eighty-six percent of moose groups (n = 29) observed contained 1–4 moose, and the remaining groups contained 6–9 moose. Moose were observed throughout the survey area at elevations ranging from 2,000–3,500 feet (Caikoski 2018).

Studies in adjacent units suggest that older bulls begin dropping antlers in late November and early December and showed 60% of bull moose have lost antlers by December 15. The remaining bulls with antlers would be mostly 1-3-year olds, as well as a few injured bulls that are sick and may not have dropped antlers until much later than the normal period for their age class (Mathews 2021 pers. comm., WIRAC 2010).

Table 1. Total moose counted by fall aerial surveys between 1977 and 2012 on the Sheenjek and Coleen Rivers, Alaska (Haggstrom 1977; Spindler 1978, 1980; Nowlin 1987; Mauer 1989, 2000; Mauer and Akaran 1991; Bucholtz 2002; Wertz 2008; Wald 2012; Caikoski 2018).

Year	Sheenjek River	Coleen River
1977	104	219
1978	125	No Survey
1979	151	245
1987	149	No Survey
1989	147	220
1991	81	233
2000	21	129

Year	Sheenjek River	Coleen River
2002	21	103
2008	22	No Survey
2012	No Data	79

Harvest History

Harvest is low due to the remoteness of the area and the time, distance, and expense of accessing hunting grounds. Winter hunt participation in Unit 25A is historically low (Bertram 2021 pers. comm.) There are very few Federally qualified subsistence hunters living in Unit 25A during winter, and the only village is Arctic Village (Mathews 2021 pers. comm.).

The average annual reported moose harvest in Unit 25A during the 10-year period of 2010–2019 was 45 moose (**Figure 1**). During this time-period, the total number of hunters averaged 111 per year, and annual success rate averaged 39% (resident 41% nonresident 39%). Annual harvest, the number of hunters, and success rates have remained relatively stable from 2003-2019 (Caikoski 2014). However, since the State's 2014 harvest report (2015-2019), there has been a slight increase in harvest. Between 2015 and 2019 the total number of hunters averaged 121 per year, annual success rate averaged 39% (resident 44% nonresident 36%) and total reported harvest averaged 47 moose (ADF&G 2021).

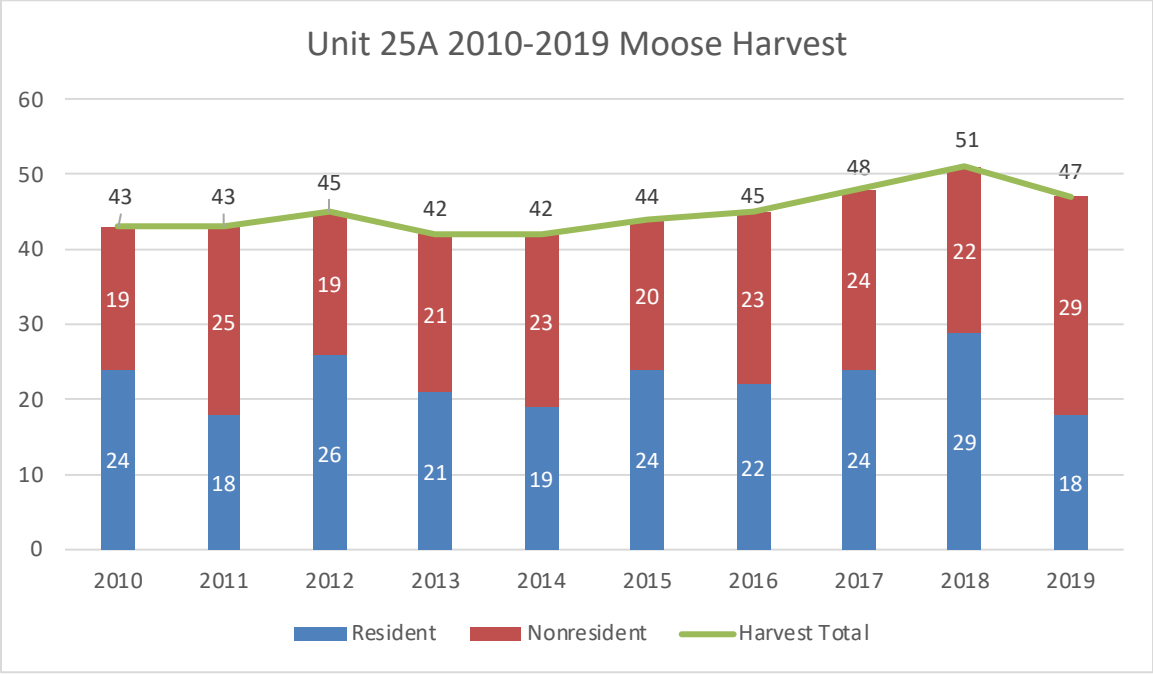


Figure 1. Reported moose harvest by residency (ADF&G. 2021)

Other Alternative Considered

One alternative considered was to only extend the winter season in the Coleen, Firth and Old Crow river drainages. Current moose population data indicates a few more bull moose may be sustainably

harvested within those drainages to satisfy subsistence needs. Moose densities are higher in those three river drainages compared to the central and eastern portions of the unit. This alternative would satisfy the proponent's request. However, this alternative could cause user confusion due to added regulatory complexity.

Effects of the Proposal

If this proposal is adopted, Federally qualified subsistence users would be able to harvest one antlered bull moose in Unit 25A until December 20, providing an additional 10 days of harvest opportunity to secure a winter moose. Increasing harvest opportunity may also increase harvest on an already low population. However, the high bull:cow ratio may also indicate a harvestable surplus of bulls and any increases in harvest are expected to be minimal. Very few people live in Unit 25A in winter. The only village in Unit 25A is Arctic Village and the next closest villages are in Unit 25D. Therefore, a winter season extension would result in minimal increases in harvest if any.

If this proposal is adopted, closely monitoring the moose population and harvest by Federally qualified subsistence users would be necessary to measure any effects from an extended season and to inform sustainable management.

OSM CONCLUSION

Support Proposal WP22-52.

Justification

High bull:cow ratios, recent density increases in adjacent areas, and historically low late winter harvests mitigate possible conservation concerns of a season extension. Additionally, the extended winter season would give Federally qualified subsistence users increased opportunity to harvest the moose they need if they were not successful during the fall hunt.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Eastern Interior Subsistence Regional Advisory Council

Support WP22-52 **with the ADF&G modification** to extend the moose season in the Coleen, Firth, and Old Crow River drainages only.

The modified regulation should read:

Unit 25A—Moose	
Unit 25A, **remainder** *–1 antlered bull*	*Aug. 25 – Sept. 25*
	Dec. 1 – Dec. 10
Unit 25A, within the Coleen, Firth, and Old Crow River drainages	***Aug. 25 – Sept. 25***
	Dec. 1 – Dec. 20

Justification

The Council supported the proposal with modification to provide additional moose hunting opportunity during winter. Current moose population data indicates a few more bull moose may be sustainably harvested to satisfy subsistence needs. The Council recommends further modifications to only include the Coleen, Old Crow and Firth River drainages. Moose densities are higher in those three river drainages compared to the central and eastern portions of the unit and would satisfy the needs of the proponent.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposal WP22-52

This proposal would extend the closing date of the federal subsistence moose season in Game Management Unit (GMU) 25A to from December 10th to December 20th.

Background

The proponent states that the proposed changes would increase opportunity to harvest a moose in GMU 25A. The proponent notes that in some years moose do not come along the Coleen River due to the lack of snow and thin ice. The proponent said that traveling inland is difficult due to tussocks. They also state extending the season in GMU 25A would align with the winter season in GMU 25D remainder, simplifying the involved paperwork.

Impact on Subsistence Users

This proposal would increase the opportunity for federally qualified users (FQU) to harvest moose by 10 days during the winter portion of the federal moose season for GMU 25A giving FQUs a total of 17 additional hunting days over non-federally qualified users (NFQU).

Impact on Other Users

If adopted this proposal could decrease the number of harvestable animals available to NFQU.

Opportunity Provided by State

GMU 25A - Moose

Unit 25A Dalton Highway Corridor Management Area	Resident: One bull by bow and arrow only by permit	Sept. 1 – Sept. 25
	Nonresident: One bull with 50-inch antlers with 4 or more brow tines on at least one side by bow and arrow only by permit	Sept. 5 – Sept. 25
Unit 25A, remainder	Resident: One bull	Sept. 5 – Sept 25
	Nonresident: One bull with 50-inch antlers with 4 or more brow tines on at least one side	Sept. 5 – Sept 25

State customary and traditional use findings: The Alaska Board of Game (BOG) has made positive customary and traditional use findings for moose in GMU 25A.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by the Alaska Department of Fish & Game (ADF&G) or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

The ANS for moose in GMU 25A is 25-75 animals.

Conservation Issues

ADF&G does not have complete harvest data for rural residents in GMU 25 (either hunting under state or federal regulations) due to a lack of reporting and/or a lack of harvest data from the federal reporting system. However, given current and past trends in harvest from those that do report (primarily NFQUs, both non-local Alaskans and non-residents), success rates and harvest levels have been relatively stable and sustainable in GMU 25A.

Enforcement Issues

There are no foreseeable enforcement issues with this proposal.

Position

ADF&G **OPPOSES** this proposal and instead recommends a modification to only extend the moose season to December 20th in the Coleen, Firth, and Old Crow River drainages. Because the proponent references the Coleen River area in proposal WP22-52, a more prudent approach would be to extend the season within the Coleen, Firth, and Old Crow River drainages of GMU 25A and maintain the current season in the remainder of the GMU. Moose densities and bull cow ratios are highest in these drainages compared to other drainages in GMU 25A. Based on the high bull:cow ratios in the Coleen, Firth and Old Crow rivers, and the likelihood that an extended season would result in minimal additional harvest, there would not be a biological concern to extend the season in the federal subsistence regulations.

WP22-53 Executive Summary	
General Description	Proposal WP22-53 requests establishing a trapping season for Arctic fox (Vulpes lagopus) in Unit 25. *Submitted by: Heimo Korth of Fort Yukon.*
Proposed Regulation	**Unit 25—Arctic Fox Trapping** *Fox, Arctic- No limit* — ~~*No season*~~ *Nov. 1-* ***last day of Feb.***
OSM Conclusion	**Support** Proposal WP22-53
Western Interior Subsistence Regional Advisory Council	**Support**
Eastern Interior Subsistence Regional Advisory Council	**Support**
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	**Support**
Written Public Comments	**None**

STAFF ANALYSIS
WP22-53

ISSUES

Proposal WP22-53, submitted by Heimo Korth of Fort Yukon, requests establishing a trapping season for Arctic fox (*Vulpes lagopus*) in Unit 25.

DISCUSSION

The proponent states that Arctic foxes are trapped in Unit 25, and in some years, they are trapped more than red, cross, or silver foxes. The State currently has an Arctic fox trapping season in Unit 25 and the proponent would like a Federal season to legalize take, as well, since many are already incidentally caught in Unit 25 in traps intended for other species.

Existing Federal Regulation

Unit 25—Arctic Fox Trapping
No Federal regulation

Proposed Federal Regulation

Unit 25—Arctic Fox Trapping

Fox, Arctic- No limit	~~*No season*~~ ***Nov. 1- last day of Feb.***

Existing State Regulation

Unit 25 – Arctic Fox Trapping

Units 24 and 25: (White and blue color phases)	*No limit*	*Nov. 1 – Feb. 28*

Extent of Federal Public Lands

Unit 25 is comprised of 72.6% Federal public lands and consist of 56.4% U.S. Fish and Wildlife Service (USFWS), 13.9% Bureau of Land Management (BLM) and, 2.3% National Park Service (NPS).

Customary and Traditional Use Determinations

The Federal Subsistence Board has not made a customary and traditional use determination for Arctic fox in Unit 25. Therefore, all rural residents of Alaska may harvest this species in this unit.

Regulatory History

Currently there are no Federal subsistence trapping regulations for Arctic fox in Unit 25. The State of Alaska established a season for artic fox in Unit 25 in 2004. The initial season was from Nov. 1 – Apr. 15 with no harvest limit. Since then, the State made one season date modification, in 2006, to the trapping

regulation, reducing the season to Nov. 1 – Feb. 28. The State has not changed the 'no limit' regulation since establishing the Arctic fox trapping season.

Biological Background

Population dynamics of Arctic fox in Unit 25 are not documented. The Arctic fox is found in treeless coastal areas of Alaska from the Aleutian Islands north to Point Barrow and east to the Canada border. They prefer tundra habitat, usually near rocky shores, and have been observed ranging far out onto pack ice in winter. They are considered to have stable and sometimes abundant populations within their range (ADF&G 2021). Young transient Arctic foxes have been known to cross the Brooks Range outside their home range to Unit 25 and other adjacent units in search of prey (Anthony 1997).

Harvest History

There was no reported Arctic fox harvest prior to 2018. For the trapping season of 2018-2019, 53 Arctic foxes were reported harvested in Unit 25 (Spivey 2020). However, harvest numbers may be higher since sealing of Arctic foxes is not required and incidental take in red fox traps is likely. The Alaska trapper report estimates the presence of Arctic fox as scarce in Unit 25 and other units south of the Brooks Range (Spivey 2020).

Effects of the Proposal

If this proposal is adopted, no impacts to the Arctic fox population or user groups is expected because Federally qualified subsistence users can already trap an unlimited number of Arctic foxes on all Federal lands in Unit 25 under the State regulations. Additionally, adoption of this proposal would align Federal and State trapping regulations, reducing the regulatory complexity for users. Incidental take of Arctic foxes on Red fox traps is unavoidable. The change in regulations would increase trapping opportunity for Federal qualified subsistence users, while also legalizing the incidental take of Arctic fox under Federal regulations.

OSM CONCLUSION

Support Proposal WP22-53.

Justification

Population dynamics of Arctic fox in Unit 25 are not documented. However, Arctic fox populations in their home ranges seem to be stable. Unit 25 is not within the primary range and habitat for Arctic fox, and any Arctic fox harvested in this unit are likely transient individuals. Federally qualified subsistence users are already able to trap on Federal public lands under the State regulations. Adopting this proposal would provide Federally qualified subsistence users with additional harvest opportunities for Arctic fox trapping under Federal regulations. Additionally, Federal and State regulations for Arctic fox trapping in Unit 25 would be aligned, reducing regulatory complexity, and the incidental take of Arctic fox would become legal under Federal regulations.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Western Interior Subsistence Regional Advisory Council

Support WP22-53.

Justification

The Council believes the number of Arctic fox harvested would be small and random. The ones that have been seen in Unit 25 are always transiting south during times of high population numbers on the coastal plain.

Eastern Interior Subsistence Regional Advisory Council

Support WP22-53.

Justification

Establishing a trapping season for Arctic Fox in Unit 25 would be beneficial for Federally qualified subsistence users and aligns with current State regulations.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposal WP22-53

This proposal would establish an Arctic fox trapping season in Game Management Unit (GMU) 25.

Background

The proponent states that arctic foxes are caught in GMU 25. Some years the proponent says they catch more arctic foxes than red, cross, or silver foxes. The state currently has an arctic fox trapping season in GMU 25, and the proponent would like a federal season to legalize take as well; because many are already incidentally caught in GMU 25 in traps intended for other species.

Impact on Subsistence Users

There will be no impact on federally qualified users (FQU) as they can already trap for arctic fox under state regulations.

Impact on Other Users

There will be no impact to non-federally qualified users (NFQU) as the adoption of this proposal will more than likely not result in any increased harvest by FQUs.

Opportunity Provided by State

GMU 25 – Arctic Fox Hunting

GMUs 24 and 25 (white and blue color phases)	2	Sept. 1-March 15

GMU 25 – Arctic Fox Trapping

GMUs 24 and 25 (white and blue color phases)	No limit	Nov. 1-Feb. 28

State customary and traditional use findings: The Alaska Board of Game (BOG) has made positive customary and traditional use findings for fox in all GMUs with a harvestable portion.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The board does this by reviewing extensive harvest data from all Alaskans, collected either by the Alaska Department of Fish & Game or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting and/or trapping regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

The ANS for fox in all GMUs with a harvestable portion is 90% of the harvestable portion.

Conservation Issues

There are no biological concerns with the effects of this proposal.

Enforcement Issues

There are no foreseeable enforcements issues with this proposal.

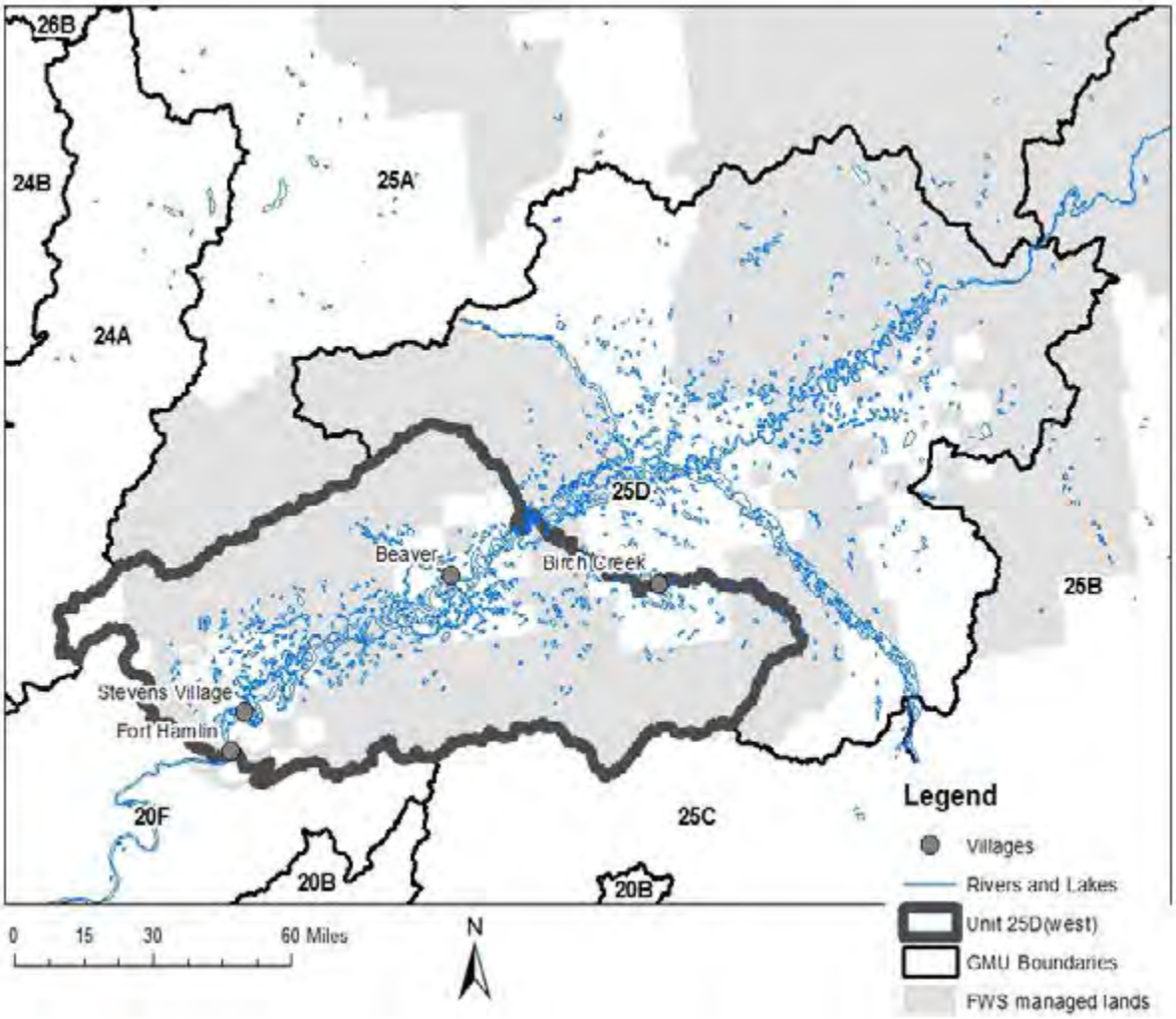
Position

ADF&G **SUPPORTS** this proposal. As previously stated, FQUs can currently utilize opportunities under state regulations to trap Arctic fox. ADF&G does have a long history of supporting the alignment of state and federal regulations.

WCR22–22 Executive Summary	
Closure Location and Species	Unit 25D (west) —Moose
Current Regulation	**Unit 25D−Moose** Unit 25D (west), that portion lying west of a line extending from the Unit 25D boundary on Preacher Creek, then downstream along Preacher Creek, Birch Creek, and Lower Mouth of Birch Creek to the Yukon River, then downstream along the north bank of the Yukon River (including islands) to the confluence of the Hadweenzic River, then upstream along the west bank of the Hadweenzic River to the confluence of Forty and One-Half Mile Creek, then upstream along Forty and One-Half Mile Creek to Nelson Mountain on the Unit 25D boundary—1 bull by a Federal registration permit. Aug. 25-Feb. 28 Permits will be available in the following villages: Beaver (25 permits), Birch Creek (10 permits), and Stevens Village (25 permits). Permits for residents of 25D (west) who do not live in one of the three villages will be available by contacting the Yukon Flats National Wildlife Refuge Office in Fairbanks or a local Refuge Information Technician. Moose hunting on public land in Unit 25D (west) is closed at all times except for residents of Unit 25D (west) hunting under these regulations. The moose season will be closed by announcement of the Refuge Manager Yukon Flats NWR when 60 moose have been harvested in the entirety (from Federal and non-Federal lands) of Unit 25D (west)
OSM Conclusion	**Maintain status quo**
Eastern Interior Alaska Subsistence Regional Advisory Council Recommendation	**Maintain status quo**
Interagency Staff Committee Comments	**The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.**
ADF&G Comments	**Neutral**
Written Public Comments	**None**

FEDERAL WILDLIFE CLOSURE REVIEW
WCR22-22

Closure Location: Unit 25D (west) (**Map 1**)—Moose



Map 1. Unit 25D (west)

Current Federal Regulation

Unit 25D−Moose	**This is blank**
Unit 25D (west), that portion lying west of a line extending from the Unit 25D boundary on Preacher Creek, then downstream along Preacher Creek, Birch Creek, and Lower Mouth of Birch Creek to the Yukon River, then downstream along the north bank of the Yukon River (including islands) to the confluence of the Hadweenzic River, then upstream along the west bank of the Hadweenzic River to the confluence of Forty and One-Half Mile Creek, then upstream along Forty and One-Half Mile Creek to Nelson Mountain on the Unit 25D boundary—1 bull by a Federal registration permit. *Permits will be available in the following villages: Beaver (25 permits), Birch Creek (10 permits), and Stevens Village (25 permits). Permits for residents of 25D (west) who do not live in one of the three villages will be available by contacting the Yukon Flats National Wildlife Refuge Office in Fairbanks or a local Refuge Information Technician.* *Moose hunting on public land in Unit 25D (west) is closed at all times except for residents of Unit 25D (west) hunting under these regulations. The moose season will be closed by announcement of the Refuge Manager Yukon Flats NWR when 60 moose have been harvested in the entirety (from Federal and non-Federal lands) of Unit 25D (west)*	*Aug. 25-Feb. 28*

Closure Dates: Year-round

Current State Regulation

Unit 25D−Moose

Unit 25D, (west) of a line extending from the Unit 25D boundary on Preacher Creek, then downstream along the (west) banks 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 confluence of the Hadweenzic River, then upstream along the (west) bank of the Hadweenzic River to the confluence of Forty and One-Half Mile Creek, then upstream along Forty and One-Half Mile Creek to Nelson Mountain on the Unit 25D boundary.	*Residents: One bull by permit*	*TM940*	*Aug. 25-Feb. 28*

Regulatory Year Initiated: 1993

Extent of Federal Public Lands

Unit 25D (west) is comprised of approximately 71% Federal public lands and consists of 100% U.S. Fish and Wildlife Service (FWS) managed lands (**Map 1**).

Customary and Traditional Use Determination

Residents of Unit 25D West have a customary and traditional use determination for moose in Unit 25D, west.

Regulatory History

In 1990, the Federal moose season in Unit 25D (west) ran Aug. 25-Sept. 25, Dec. 1-10, and Feb. 18-28. The harvest limit was one bull by Federal registration permit and only residents of Beaver, Birch Creek, and Stevens Village could hunt under Federal regulations. However, all State residents could hunt moose on Federal public lands during State seasons under State regulations. (Note: There was no open nonresident State moose season).

In 1992, the Federal Subsistence Board (Board) adopted Proposal P92-117 with modification, which specified that Federally qualified subsistence users could hunt moose in Unit 25D (west) under Federal regulations with a State Tier II permit and that the season would be closed when 35 bulls had been harvested. This was done to reduce the administrative burden on Federally qualified subsistence users by allowing them to hunt on State and Federal lands by acquiring one, rather than two permits.

In 1993, the Board adopted Proposal P93-60 with modification to: 1) close moose hunting on Federal public lands in Unit 25D (west) to non-Federally qualified users, 2) modify the open season dates to Aug. 25-Sept. 25 and Nov. 1-Dec. 20, 3) restrict harvest to antlered bulls only, and 4) reduce the quota to 30 antlered bulls as the maximum allowable harvest for the moose population on all lands in GMU 25D (west), clarifying that the quota applied to all (Federal and non-Federal) lands of Unit 25D (west). This was done due to conservation concerns over the declining moose population.

In 1994, the Board adopted Proposal P94-77 with modification to: 1) expand the open season to Aug. 25-Feb. 28, and 2) remove the "antlered" harvest restriction, allowing the harvest of any bull. This was done to better accommodate the needs and traditions of the villages in Unit 25D (west) and because the existing quota insured against overharvesting.

In 1995, the Board adopted Proposal P95-52, allowing the take of moose and caribou in Unit 25 from a snowmachine or motor boat. This was done to alleviate unnecessary restrictions on Federally qualified subsistence users in Unit 25 as this provision was already allowed in other units across the State.

In 1999, the Board adopted Proposal P99-61, which allowed the take of bull moose in Unit 25D (west) outside the open seasons for memorial potlatch and traditional cultural events with the provisions that any harvested moose counts against the quota of 30 bulls and that the user must communicate the name of deceased, number of moose harvested, harvester's name, and the date and location of harvest to the Yukon Flats National Wildlife Refuge (NWR) manager.

In 2000, the Board adopted Proposal P00-60 with modification to: 1) increase the harvest quota from 30 to 60 moose, and 2) issue 60 permits annually with 25, 25, and 10 permits being issued to residents of Stevens Village, Beaver, and Birch Creek, respectively. This was done due to recent surveys indicating that the moose population had increased and was able to sustain an increased harvest of bulls.

In 2001, the Board adopted Proposal WP01-43, which expanded the customary and traditional use determination for moose in Unit 25D (west) to include all residents of Unit 25D (west). The 60 permit limit was removed, although the community allocation was retained with the stipulation that residents of Unit 25D (west) who did not live in Stevens Village, Beaver, or Birch Creek could obtain a permit by contacting the Yukon Flats NWR office.

In 2012, the Board adopted Proposal WP12-63, which required edible meat to be left on the bones of caribou and moose harvested in Unit 25 until removed from the field and/or processed for human consumption. This was done to reduce meat spoilage.

The closure of Federal public lands in Unit 25D (west) to moose hunting by non-Federally qualified users has been reviewed in 2006 (WCR05-22), 2009 (WCR08-22), 2013 (WCR12-22), and 2017 (WCR15-22). The Council and OSM recommendation in all past closure reviews has been to maintain the closure or "status quo" due to conservation concerns.

In 2020, the Board approved a revised closure policy, which stipulated all closures will be reviewed every four years. The policy also specified that closures, similar to regulatory proposals, will be presented to the Councils for a recommendation and then to the Board for a final decision. Previously, closure reviews were presented to Councils who then decided whether to maintain the closure or to submit a regulatory proposal to modify or eliminate the closure.

Closure last reviewed: 2017 – WCR15-22

Justification for Original Closure:

Section §815(3) of ANILCA states:

> *Nothing in this title shall be construed as – (3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on the public lands (other than national parks and park monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in §816, to continue subsistence uses of such populations, or pursuant to other applicable law;*

Results from population surveys conducted in 1992 estimated that there were 605 moose in Unit 25D (west), which was considerably lower than the population estimate of 1,479 moose in 1986. Although different population estimation methods were used, managers were concerned about the continued viability of this population based on its decline between 1986 and 1992, the low moose density, low survival of yearling cows, high mortality rates of younger aged moose and cows, and under-reporting of the harvest (FWS 1993).

Based on the management goal to limit harvest to no more than 5% of the population (n=605 in 1992), the Board adopted modified Proposal 93-60, which reduced the maximum allowable harvest to 30 bulls and closed moose hunting in Unit 25D (west) to non-Federally qualified users. Combined with the estimated

annual subsistence harvest for Stevens Village, Beaver, and Birch Creek, it was determined that there was not a sufficient surplus of moose for harvest by nonresidents or residents living outside of Unit 25D (west) (FSB 1993). Thus, the original closure was implemented for the conservation of a healthy moose population and to ensure continued subsistence use of this population by local residents.

Council Recommendation for Original Closure:

The Council members for the Eastern Interior Alaska Subsistence Regional Advisory Council (Council) had not been selected and finalized by the April 1993 Board meeting, so there was no recommendation. In all subsequent reviews (2005, 2009, 2013), the Council voted to maintain the closure to ensure the continuation of subsistence uses and due to conservation concerns caused by low moose abundance, low density, and a limited harvestable surplus (EIRAC 2005, 2009, 2013, FWS 2013).

State Recommendation for Original Closure:

The State supported modified Proposal 93-60 (see above) due to conservation concerns (FWS 1993).

Biological Background

A Yukon Flats Cooperative Moose Management Plan (Management Plan) was completed in 2002. The Alaska Department of Fish and Game (ADF&G), Division of Wildlife Conservation developed the plan in cooperation with the Yukon Flats Fish and Game Advisory Committee, the Council of Athabascan Tribal Governments (CATG), the Yukon Flats NWR, and the Office of Subsistence Management (ADF&G 2002). The purpose of the plan was to "protect, maintain, and enhance the Yukon Flats moose population and habitat, maintain traditional lifestyles, and provide opportunities for use of the moose resource" (ADF&G 2002).

The Management Plan recommends goals, objectives, strategies, and actions for the moose population, harvest, and predator management (ADF&G 2002). Current State management objectives for moose in Unit 25D were revised for the regulatory years RY15-RY19. The objective to increase the moose population by 2–5% annually was removed because this objective is not measurable based on the precision level associated with population surveys and survey frequency. The objective to conduct ADF&G, Division of Subsistence household surveys was removed because there is no longer funding to conduct these. The objective to reduce illegal and potlatch harvest of cow moose was removed because there is no method to measure this objective. The objective to maintain a minimum of 40 bulls:100 cows in the post-hunt population was the only management objective retained from the RY10-RY14 report period, and the only management objective for RY15-RY19 (Caikoski 2018).

Moose in Unit 25D (west) have been surveyed regularly (weather and snow conditions permitting) by the Yukon Flats NWR since 1992. Surveys have been conducted in both spring and fall. Fall surveys are preferred as cows and bulls can be differentiated. However, poor snow conditions have precluded fall surveys in some years. Spring and fall surveys cannot be compared due to variability in survey conditions, moose behavior, distribution, and survival (Lake 2013).

Moose density in Unit 25D (west) has been consistently low over the last 50 years and is among the lowest in Interior Alaska (Lake 2013, Caikoski 2012). Between 1992 and 2018, fall moose population estimates ranged from 418-1,123 moose/year, with an annual average of 645 moose (Figure 1). These estimates correspond to an estimated moose density of 0.18-0.49 moose/mi2, with an annual average of

0.31 moose/mi^2 (Lake 2013, 2015; Lake et al. 2018). From 1999-2010, the overall fall moose population appeared to be trending downward; however, the moose population estimate increased significantly in 2015, and the highest estimate on record occurred in 2018 (Lake 2015, Lake et al. 2018, Figure 1). While the 2018 point estimate is the highest in survey history, the 90% confidence intervals overlap with those of the 2015 and 1999 point estimates. These recent increases demonstrate that moose numbers can naturally fluctuate over a decade within a low-density equilibrium (Lake et al. 2018).

Between 1999 and 2013, spring moose population estimates ranged from 300-735 moose/year, with an annual average of 530 moose (**Figure 1**). These estimates correspond to an estimated moose density of 0.13-0.32 moose/mi2, with an annual average of 0.23 moose/mi2. While the spring moose population appears to be trending downward (**Figure 1**), this decline is not statistically significant (Lake 2013).

The 2021 status of the 25D (west) moose population is unknown. Note that snowfall in winter of 2019 – 2020 was above average, however, the potential impacts on the herd have not been assessed. A survey will be conducted to document current herd population status whenever pandemic safety restrictions allow. Despite recent increases in the Unit 25D (west) moose population, conservative harvest management is still recommended (Lake et al. 2018; Bertram 2021 pers comm.).

Between 1992 and 2018, the bull:cow ratio for moose in Unit 25D (west) fluctuated widely, ranging from 31-72 bulls:100 cows/year, with an annual average of 55 bulls:100 cows, reflecting light harvest pressure (Figure 2, Lake 2013, 2015; Lake et al. 2018). The most recent estimate (fall 2018) is well above management objectives (Lake et al. 2018).

Between 1992 and 2018, the calf:cow ratio for moose in Unit 25D (west) ranged from 22-53 calves:100 cows/year, averaging 34 calves:100 cows/year (**Figure 3**; Lake 2013, 2015; Lake et al. 2018). Fall calf:cow ratios of < 20 calves:100 cows, 20-40 calves:100 cows, and > 40 calves:100 cows may indicate declining, stable, and growing moose populations, respectively (Stout 2012). Over the long-term, the calf:cow ratio has exhibited a stable trend. While the fall 2015 ratio was the highest ratio ever recorded, indicating a growing population, the most recent estimate in fall 2018 indicates the population is stable (**Figure 3**; Lake 2015; Lake et al. 2018). Reasons for the high calf:cow ratio in 2015 are unclear, but likely contributed to the observed population increase in 2018 (Lake et al. 2018).

Twinning rates are an indicator of nutritional status but are only available for a few years in Unit 25D (west) from two separate radio-collar studies. Observed twinning rates in 1998 and 1999 (daily surveys) were 66% and 61%, respectively (Bertram and Vivion 2002). More recently, Hinkes (2015) and Lake (2016, pers. comm.) determined minimum twinning rates of 19%, 54% and 47% in 2014, 2015 and 2016, respectively. The 2014-2016 twinning rates were considered minimum because surveys were conducted weekly versus daily, increasing the possibility that moose may have already lost a calf between surveys. The reason for the low, minimum twinning rate in 2014 was unknown, but may have been related to poorer body condition (low rump fat) measured in November 2013 (Hinkes 2015). However, the other twinning rates indicated good body condition and underutilized habitat (Lake 2016, pers. comm.).

Predators are the primary factor limiting the moose population in Unit 25D (west), and harvest, particularity of cows, may also be an important factor (ADF&G 2002, Caikoski 2012). A calf mortality study conducted by the Yukon Flats NWR found black and brown bears were responsible for 45% and 39% of moose calf mortality, respectively (Bertram and Vivion 2002). Wolves are likely the most

important source of mortality after snowfall with elevated kill rates on adult female and young-of-the-year moose in early winter in some years (Lake et al. 2018, ADF&G 2002).

The Management Plan recommended increased harvest of black bears, brown bears, and wolves by local residents as a strategy for increasing the harvestable surplus of moose. As a result of these recommendations, the Alaska Board of Game liberalized predator regulations, including black bear baiting and community harvest, brown bear seasons and harvest limits, and wolf harvest limits (ADF&G 2002). However, harvest intensity on wolves and bears remains light, and public harvest of predators likely has not contributed to the recent observed increases of the Unit 25D (west) moose population (Lake et al. 2018).

In 2008, ADF&G completed an intensive management (IM) plan for Yukon Flats moose. A feasibility assessment of the IM plan determined that: 1) wolf harvest rates by local residents would not be sufficient to reduce the abundance of wolves, and 2) the documented black bear density is the highest in Interior Alaska and harvest by local residents would not be sufficient to reduce abundance (Caikoski 2012).

Habitat

Wildland fire and flood events in the western Yukon Flats maintain early successional shrub communities (Caikoski 2012, Bertram 2015). The quality and availability of these communities for winter moose forage is variable across the Yukon Flats. Stands of new and early to mid-successional stage willows grow in lowlands, wetlands, newly formed river terraces, and upland burned areas. There are also large stands of old growth willow, growing primarily out of the reach for moose (Bertram 2015). Browse habitat does not appear to be limiting moose at past densities (ADF&G 2002). Current healthy calf production and recruitment, and high parturition and twinning rates indicate good nutritional health and quality winter habitat (Hinkes 2015, Lake 2015, Bertram and Vivion 2002, Caikoski 2012).

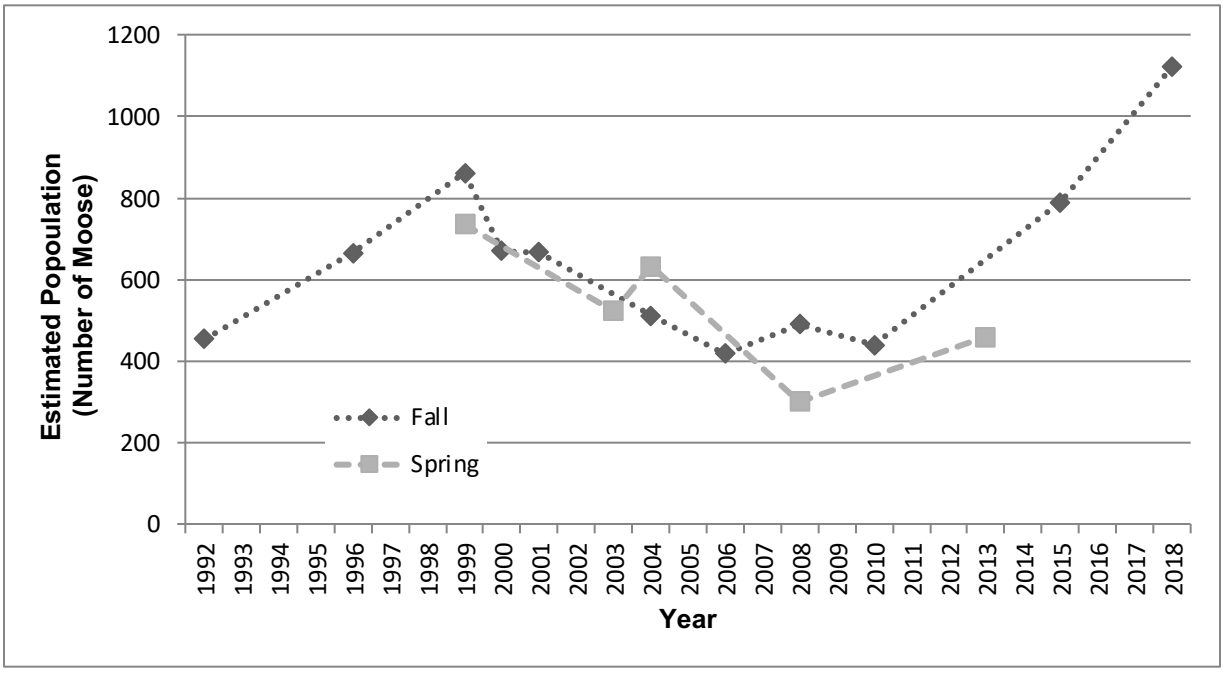


Figure 1. Estimated moose population in Unit 25D (west). Stratified random and regression analysis were used to determine estimates in 1992 and 1996, respectively. A GeoSpatial Population Estimator (GSPE) was used in all other years. The sampling area in 1992 and 1996 was 1532 mi2. The sampling area in all other years was 2269 mi2 (Lake 2013, 2015; Lake et al. 2018).

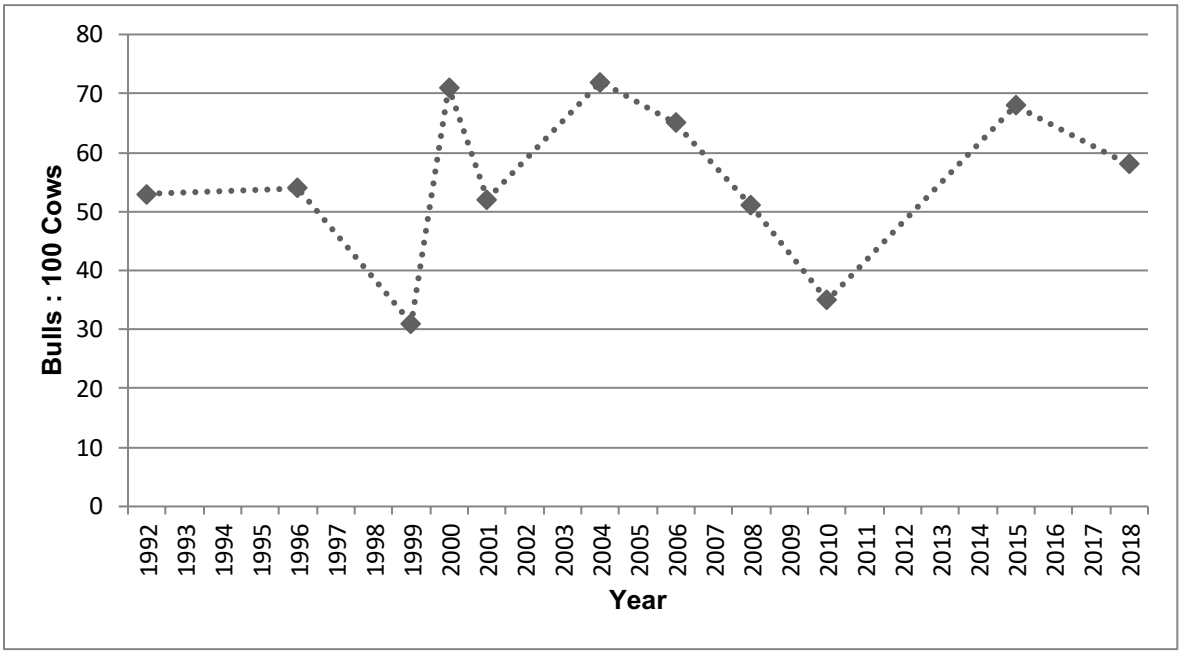


Figure 2. Estimated fall bull:cow ratios for moose in Unit 25D (west). Stratified random and regression analysis were used to determine estimates in 1992 and 1996, respectively. A GeoSpatial Population Estimator (GSPE) was used in all other years (Lake 2013, 2015; Lake et al. 2018).

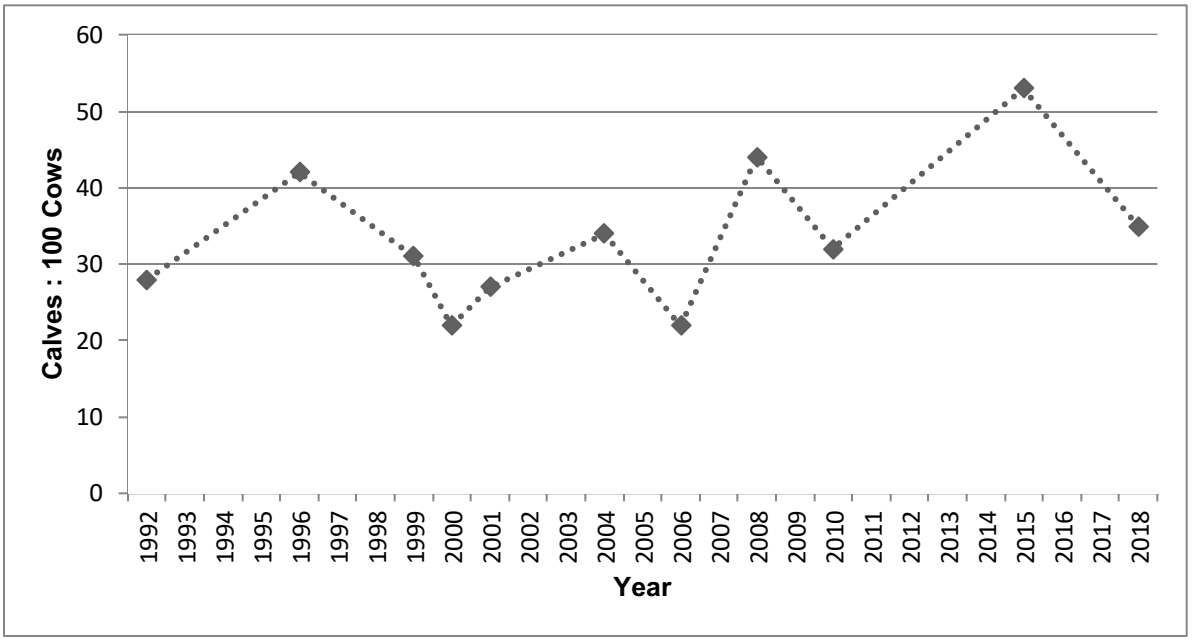


Figure 3. Estimated fall calf:cow ratios for moose in Unit 25D (west). Stratified random and regression analysis were used to determine estimates in 1992 and 1996, respectively. A GeoSpatial Population Estimator (GSPE) was used in all other years (Lake 2013, 2015; Lake et al. 2018).

Harvest History

Moose are an important subsistence resource for all communities in the Upper Yukon basin (ADF&G 2002, Stevens and Maracle 2012). Sharing of harvested moose among households is common (Stevens and Maracle 2012). Most moose are harvested in September with a small fraction harvested in August (Stevens and Maracle 2012). Local hunters predominantly access moose hunting areas by boat and hunt within 30 miles of their community (Johnson et al. 2016).

Between regulatory years (RY) 2000 and 2019, total reported moose harvest by State and Federal permits in Unit 25D (west) fluctuated annually, ranging from 4-21 moose/year and averaged 13 moose/year (**Figure 4**). During the same time-period, reported moose harvest by Federal permit ranged from 3-14 moose/year, and averaged 8 moose/year (**Figure 4**). On average, 65% of the reported moose harvest occurred by Federal permit, indicating that more moose are harvested on Federal public lands in Unit 25D (west) (**Figure 4**, Caikoski 2012, 2018; ADF&G 2016, 2020; OSM 2016, 2020). Over the same time-period, annual harvest success rates under Federal regulations ranged from 22%-78%, and averaged 49%. Between 2000 and 2013, success rates displayed a declining trend, while success rates have trended upward since 2013 (OSM 2020).

Reporting rates by residents of Unit 25D have historically been low. Unreported harvest of moose, particularly illegal harvest of cows, has remained a chronic issue (Caikoski 2012). CATG has conducted numerous household surveys of Yukon Flats communities since 1993 (Stevens and Maracle 2012). According to these data, residents of Beaver, Birch Creek, and Stevens Village harvested 9-45 moose/year between 1993 and 2010, with an annual average of 22 moose (**Figure 5**; Stevens and Maracle 2012). These data do not reveal any long-term trends, but rather that harvest fluctuates annually due to various

factors, including weather, water levels, moose distribution, fuel prices, and survey methodology and implementation (Stevens and Maracle 2012).

While the moose population and harvest vary annually, the average population harvest rate between 1993 and 2010 was 3% (575 average moose population, Caikoski 2012; 22 moose harvested/year on average, Stevens and Maracle 2012). On average 24 moose were harvested/year between 2010 and 2014 (Caikoski 2018).

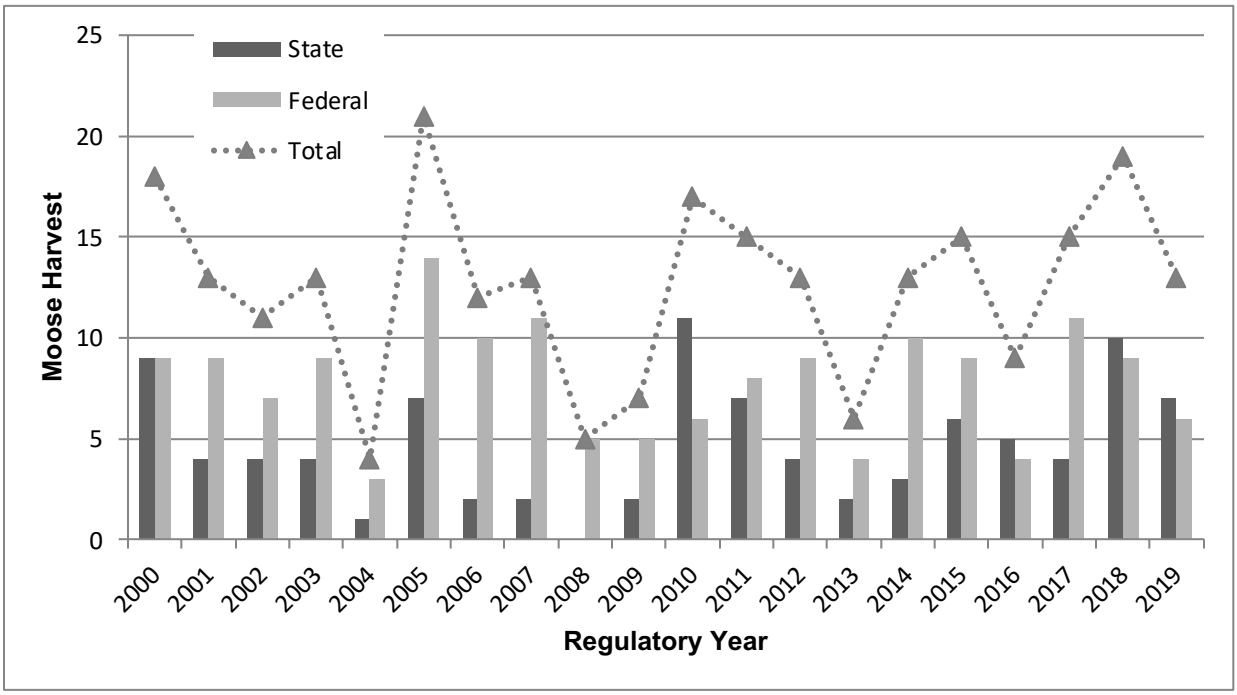


Figure 4. Reported moose harvest by State (TM940) and Federal (FM2505) permit in Unit 25D (west) (Caikoski 2012, 2018; ADF&G 2016, 2020; OSM 2016, 2020).

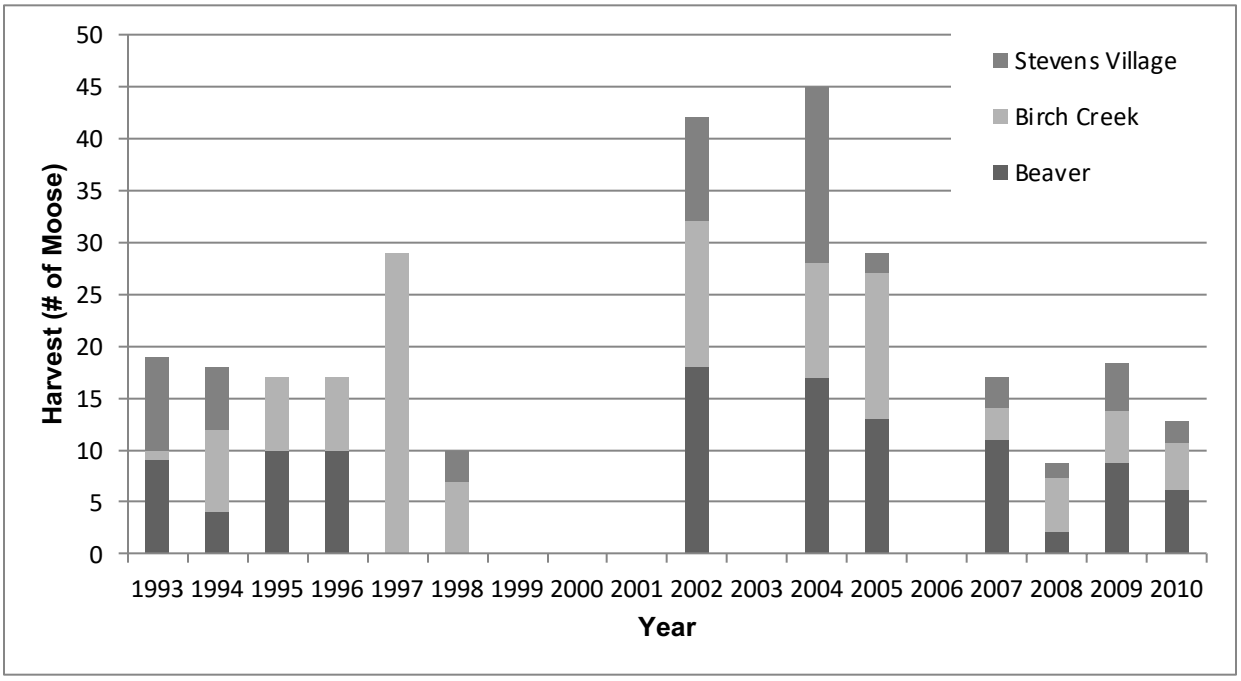


Figure 5. Moose harvest by community as reported from household surveys (Stevens and Maracle 2012).

Effects

Moose are an extremely important subsistence resource for Federally qualified subsistence users in Unit 25D (west). While reported harvest is low, actual harvest is likely higher due to unreported harvests. Eliminating the closure could increase moose harvest to unsustainable levels, especially since the population has not been monitored since 2018 and its current growth trajectory is unknown.

The moose population in Unit 25D (west) has sustained greater reported harvest in the past. However, it likely cannot sustain the increase in harvest that would follow a general State hunting season. The easiest access into the hunt area is along the Yukon River or tributaries that flow into the Yukon River, and that is where the harvest would generally occur. Air taxis might place some hunters on wetlands away from the Yukon, and a few plane owners may hunt away from the Yukon River as well. The population continues to persist at low density, annual harvest is likely underestimated, and calf:cow ratios indicate a recent stable population.

OSM CONCLUSION:

x maintain status quo

_ modify or eliminate the closure

Justification

Moose are a very important subsistence resource to residents of Unit 25D (west) and the closure provides a meaningful subsistence priority as mandated by the Alaska National Interest Lands Conservation

Act (ANILCA), Section 815(3). If the closure was lifted, moose harvest may increase to unsustainable levels and competition from non-Federally qualified users would not provide a meaningful subsistence priority to Federally qualified subsistence users. If the closure was extended to all users, residents of Unit 25D (west) may not be able to meet their subsistence needs. Therefore, maintaining the status quo is recommended.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Eastern Interior Alaska Subsistence Regional Advisory Council

Maintain status quo.

Justification

Maintaining the closure is in the best interest of the area's subsistence users and recognizes the low moose populations in the area.

INTERAGENCY STAFF COMMITTEE COMMENTS

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Closure WCR22-22

If this closure is eliminated, then non-federally qualified users (NFQU) would be allowed to hunt moose on federal public lands in Game Management Unit (GMU) 25D (west).

Background

The closure was originally initiated in 1993. The land area of GMU 25D (west) is comprised of approximately 71% Federal public lands managed by the U.S. Fish and Wildlife Service (FWS). This closure was last reviewed in 2017.

Impact on Subsistence Users

Federally qualified users (FQU) who live within the GMU are not affected since they can either hunt using the federal permit on federal lands or the state Tier II permit for lands under state regulations. Most of these lands are privately owned and made up of native corporation, village, or tribal lands. NFQUs cannot hunt on federal public lands and can only hunt using the Tier II permit on state public lands (state lands only occur on navigable waters below mean high water mark) or on private lands with permission from the landowner.

Impact on Other Users

Those individuals and their families who had to relocate from the hunt area are adversely impacted by this closure since they have been unable to return to practice their cultural and traditional way of life by moose hunting.

Opportunity Provided by State

State customary and traditional use findings: The Alaska Board of Game (BOG) has made a positive customary and traditional use finding for moose in GMU 25D west.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary

and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by the Alaska Department of Fish & Game (ADF&G) or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

The ANS for moose in GMU 25D west is 50–70 animals. The season and bag limit for 25D west is:

GMU/Area	Bag Limit	Open Season (Permit/Hunt #)
GMU 25D, (west) of a line extending from the GMU 25D boundary on Preacher Creek, then downstream along the (west) banks 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 confluence of the Hadweenzic River, then upstream along the (west) bank of the Hadweenzic River to the confluence of Forty and One-Half Mile Creek, then upstream along Forty and One-Half Mile Creek to Nelson Mountain on the GMU 25D boundary.	Residents: One bull by permit	TM940 (Tier II)
	Nonresidents None	

a Subsistence and General Hunts.

Special instructions: If successful, report online or by mail to ADF&G in Fairbanks within 10 days of kill. Reports can also be returned to Community Natural Resource Offices in Beaver, Birch Creek, Stevens Village, or Fort Yukon, to be forwarded to ADF&G, Fairbanks.

Conservation Issues

Moose densities have historically been low in GMU 25D west and have ranged from 0.2–0.5 moose/mi2 since the late 1990s. The most recent survey conducted by the USFWS in 2018 resulted in an estimate of 1,123 moose in the 2,269 mi2 survey area, resulting in a density estimate of 0.49 moose/mi2. Due to the historical and the most recent population estimates, harvestable surplus is insufficient to support a general hunting season. As a result, the western portion of GMU 25D has been restricted to a Tier II hunt on non-federal lands (state regulations) and closed to NFQUs on federal lands (federal regulations).

Enforcement Issues

There are no enforcement issues with the elimination of this closure.

Position

While ADF&G is taking **NO POSITION** on the lifting of this closure at this time, given the regulatory structure currently in place ADF&G feels there is no need for this closure to remain in place. ADF&G does recognize that before the lifting of the closure is considered that some additional work and outreach would need to be conducted with the federal managing agencies as well as local stakeholders in order to ensure a smooth transition.

The Tier II hunt permit in place for moose hunting in GMU 25D (west). Tier II hunts are utilized when the harvestable portion of a game population is not sufficient to provide a reasonable opportunity for all subsistence uses. Resident-only applications are scored on several factors which heavily favor the awarding of a Tier II permit to Alaskan individuals or households who have a strong history of hunting or eating the meat from the game population in the hunt area. Other weighted criteria include the number of days spent hunting/fishing during the last regulatory year in the Tier II hunt area, cost of food in the community where the applicant purchased most of their store-brought food, and t where applicants purchased automotive/boat fuel.

WP22–56 Executive Summary	
General Description	Proposal WP22-56 requests that brown bear harvest limit for that portion of Unit 26A within Gates of the Arctic National Park be increased from one to two bears. *Submitted by: Gates of the Arctic National Park Subsistence Resource Commission.*
Proposed Regulation	**Unit 26A—Brown Bear** *Unit 26A, that portion within Gates of the Arctic National Park — 2 bears by State subsistence registration permit.* — *July 1 - June 30* *Unit 26A* **remainder** *– 1 bear by State subsistence registration permit* — *July 1 – June 30*
OSM Conclusion	**Support**
North Slope Subsistence Regional Advisory Council Recommendation	**Support**
Interagency Staff Committee Comments	While adoption of Proposal WP22-56 would provide additional opportunity for Federally qualified subsistence users also conversation concerns exist for this brown bear population. Brown bear densities and reproductive output within Gates of the Arctic National Park and Preserve (GAAR) are among the lowest in Alaska. Limited food resources and a short growing season are likely major factors contributing to these demographic patterns. Based on reported subsistence use within the region, there does not appear to be a subsistence need to justify doubling the harvest limit for brown bears from 1 to 2 within GAAR portion of Game Management Unit (GMU) 26A. According to harvest survey reports within Anaktuvuk Pass, only 4-10% of households use brown bears, and across GMU 26A, on average, only 8 bears were harvested per year between 1985-2014 and on average only half of the harvest was by Alaska residents. Reported brown bear harvest has remained consistently low (<2.5%) over the last 20 years, not reflecting an increasing subsistence need, and low density and recruitment within the brown bear population across GMU 26A increase the risk of overharvest. The ISC acknowledges the concern for the conservation of the brown bear population within GAAR. This proposal contradicts the affected land management agency's mission where harvesting predators is not permitted when there is no documented subsistence need.
ADF&G Comments	**Support**
Written Public Comments	**2 Oppose**

STAFF ANALYSIS
WP22-56

ISSUES

Proposal WP22-56, submitted by Gates of the Arctic National Park Subsistence Resource Commission (Commission), requests that brown bear harvest limit for that portion of Unit 26A within Gates of the Arctic National Park (GAAR) be increased from one to two bears.

DISCUSSION

The proponent submitted this proposal because residents of Anaktuvuk Pass have observed brown bear populations growing and believe the harvest to be far below sustainable yield. The Commission states that this proposal would afford Anaktuvuk Pass residents hunting brown bears additional harvest opportunity.

In 2020, the Commission submitted Proposal 29 to the Alaska Board of Game (BOG) to increase the brown bear harvest limit to two brown bears in Unit 26A under State regulations. The BOG adopted Proposal 29 at its January 2020 meeting (ADF&G 2021a).

Existing Federal Regulation

Unit 26A—Brown Bear	
Units 26A —1 bear by State subsistence registration permit.	*July 1 - June 30*

Proposed Federal Regulation

Unit 26A—Brown Bear	
Unit 26A, that portion within Gates of the Arctic National Park — 2 bears by State subsistence registration permit.	*July 1 - June 30*
Unit 26A remainder – 1 bear by State subsistence registration permit	*July 1 – June 30*

Existing State Regulation

Unit 26A—Brown Bear	
Residents: 2 bears every regulatory year	*No closed season*
Nonresidents: 1 bear every regulatory year	*No closed season*

In addition to other regulations, subsistence regulations apply to the following "Resident Only" hunts	
Resident RB697: 2 bears every regulatory year by permit available in Utqiagvik beginning July 1	*No closed season*

*Note: After sealing, hides with claws attached and skulls may be sold.

Extent of Federal Public Lands

Unit 26A is composed of 72.7% Federal public lands and consist of 66.0% Bureau of Land Management (BLM), 6.6% National Park Service (NPS), and .1% U.S. Fish and Wildlife Service (USFWS).

Customary and Traditional Use Determinations

Rural residents of Unit 26 (except the Prudhoe Bay-Deadhorse Industrial Complex), Anaktuvuk Pass, and Point Hope have a customary and traditional use determination for brown bear in Unit 26

National Park Service Regulations: Only residents of "resident zone communities" may hunt in national parks under Federal subsistence harvest regulations. The resident zone communities of Gates of the Arctic National Park (GAAR) are the following: Alatna, Allakaket, Ambler, Anaktuvuk Pass, Bettles, Evansville, Hughes, Kobuk, Nuiqsut, Shungnak, and Wiseman. Rural residents of Unit 26, including the communities of Anaktuvuk Pass, Atqasuk, Kaktovik, Nuiqsut, Point Hope Point Lay, Utqiagvik, and Wainwright and additionally Anaktuvuk Pass and Point Hope have a customary and traditional use determination for brown bears in Unit 26.

A Federally qualified subsistence users must be member of a resident zone community and be included in the customary and traditional use determination. Therefore, Federally qualified subsistence users of Unit 26A the portion within GAAR are rural residents of Anaktuvuk Pass and Nuiqsut.

Regulatory History

In 1992, the Federal Subsistence Board (Board), in a parallel action with the BOG, created the Northwestern Brown Bear Management Area which included Unit 26A. This management area eliminated the need to purchase the $25 resident brown bear tag and replaced it with a no cost subsistence registration permit from ADF&G; eliminated the salvage requirements for hide and skull, thus eliminating the sealing requirement (unless removed from the area); required the salvage of meat; increased the harvest limit from one bear every four years to one bear per year; and established a standard season from September 1 through May 31.

In its 1992 actions, the Board specifically excluded the summer season to help reduce the potential harvest of female bears. Several years later in 1995, at the request of the village of Nuiqsut, the Board adopted a proposal to change the Federal subsistence season to May 1 through October 31 (FWS 1995), pointing out that this season change would incorporate virtually all of the reported harvests by North Slope residents. Furthermore, in 1995, the Board noted that allowing harvests to occur during the summer in Unit 26A would almost certainly result in an increase in the number of sows harvested and, therefore, improvement in harvest report compliance would be needed to ensure the continuance of healthy populations.

After the Board adopted the summer season, ADF&G submitted a request for reconsideration of the 1995 action pertaining to expansion of the brown bear hunting seasons in Unit 26 (FWS 1996). Harvest information indicated harvest rates were within sustainable levels in Unit 26A and there was a low level of interest associated with harvesting brown bears in Unit 26 by most subsistence hunters. However, since the reproductive potential of the brown bear population in Unit 26 was considered low, and females are particularly vulnerable to harvest during the summer months, the Board recognized that it was inconsistent with current wildlife management practices to allow an open season on brown bears during the summer months. The Board rescinded its regulation for a summer harvest season and reestablished

the Federal subsistence brown bear hunting regulations as they existed in the 1994/95 regulatory year. Between 1996 and 2007, the Federal regulation was 1 bear by State registration permit with an open season from September 1 through May 31.

In 2007, the Board adopted Proposal WP07-60, changing the season for brown bear in Unit 26A from Sept. 1 - May 31 to July 1 - May 31 in order to provide additional harvest opportunity to subsistence users and align with the State's brown bear subsistence regulations in Unit 26A.

In 2012, the Board adopted proposal WP12-82 changing the season for brown bear in Unit 26A from July 1 - May 31 to July 1- June 30 in order to provide additional harvest opportunity to subsistence users and align with the harvest season under the State's brown bear subsistence regulations in Unit 26A.

At its January 2020 meeting, the BOG adopted Proposal 29 to increase the resident State brown bear harvest limit in Unit 26A from one bear per year to two bears per year. The BOG concluded that there were no biological concerns. Furthermore, the BOG concluded that resident harvest was low and comparing data from eight other units with a two bear harvest limit, the change in harvest limit was not likely to increase bear harvest significantly.

Current Events

The Commission also submitted Wildlife Proposal WP22-46 to increase the brown bear harvest limit to two bears in Unit 24B, the portion within GAAR.

Biological Background

State management goals and objectives for Brown bears in Unit 26 are as follows (Harper and McCarthy 2015):

- Maintain a brown bear population of approximately 800 bears or greater.
- Monitor the harvest rate of brown bears.
- Minimize adverse interactions between brown bears and the public.

Unlike populations of brown bears in the contiguous 48 states, brown bears in Alaska are not considered threatened or endangered and continue to inhabit their historic range (BOG 2006)

Densities of brown bears vary widely in Unit 26A, with densities highest in the foothills of the Brooks Range and lowest in the northern portion of the unit. Brown bear populations were reduced during the 1960s by hunting but are currently stable or slowly increasing (Carroll 2005). Based on studies in the 1980s, and population density estimates in the early 1990s, the most recent population estimate from 2005 for brown bears in Unit 26A is 900–1,120 bears (Carroll 2005). The National Park Service conducted more recent population estimates (2005-2018) for the Upper Noatak drainage in Unit 23 and in GAAR. There are an estimated 50.6 bears per 1000 km^2 in the Upper Noatak drainage and 33.4 bears per 1000 km2 in GAAR (Schmidt et al. 2021). Brown bear densities (Schmidt et al. 2021) and reproductive output (Hilderbrand et al. 2019) within GAAR are among the lowest in Alaska. Limited food resources and a short growing season are likely major factors contributing to these demographic patterns. Potential hazards to brown bear habitat include oil, gas, and mineral exploration and development. For part of the year, caribou represent a large food resource available to bears (Carroll 2005).

Habitat

Global warming is occurring in the Arctic at more than twice the global rate. The magnitude and direction of change in temperature, snow-free days, and plant productivity vary locally based on elevation, soil chemistry, geological history, hydrology and plant community structure (Hilderbrand et al. 2019). Habitat use by brown bears typically varies seasonally based on food availability (Suring et al. 1998). Brown bears often select for edge habitats that provide a heterogeneous mix of landscapes and food resources (Nielson et al. 2010).

Cultural Knowledge and Traditional Practices

Federally qualified subsistence users of brown bears in Unit 26A the portion within Gates of the Arctic National Park are rural residents of Anaktuvuk Pass and Nuiqsut, a population estimated at 350 and 454 people, respectively, in 2020 (ADOLWD 2021).

The Nunamiut of Anaktuvuk Pass are Inupiaq-speaking people whose hunting and fishing patterns differ from coastal-dwelling Inupiat who rely heavily on marine resources. Nunamiut depend more on inland resources, mostly caribou, Dall sheep, and to a lesser extent, nonsalmon fish (Holen et al. 2012).

Residents of Anaktuvuk Pass, situated within the boundaries of Gates of the Arctic National Park, are the primary harvesters of brown bears (*akłak) within the Park.*

At Anaktuvuk Pass, estimated harvests of brown bears, based on house-to-house harvest surveys, ranges from 2 brown bears in 1994 to 10 brown bears in 2011 (Table 1).

Table 1. The estimated harvest of brown bears by residents of Anaktuvuk Pass, based on household harvest surveys. CI 95%, lower harvest estimate is the lower bound of the estimate or the reported harvest, whichever is larger (ADF&G 2021b).

Community Name	Study Year	Percentage of Households Using Brown Bears	Estimated Brown Bear Harvest	Lower Harvest Estimate	Upper Harvest Estimate
Anaktuvuk Pass	2014	4%	4	2	7
	2011	10%	10	7	16
	1998	Not asked	3	3	3
	1994	Not asked	2	2	2

Harvest History

Brown bear harvest in Unit 26A has been within the States's estimated sustainable harvest level. The ADF&G management goal is to keep the harvest at or below an average of 5% of the bear population during any 2–year period (Carroll 2005). Under these guidelines, the maximum allowable harvest would be approximately 51 bears. Between 2008 and 2018, total reported harvest in Unit 26A ranged from 10-31 bears and averaged 20 bears per year. The resident reported harvest averaged 8 bears per year from 2008-2018 (Figure 1). Brown bear harvest indicated in household surveys in Unit 26A from 1985 -2014 averaged 8 bears per year (BOG 2020). Harvest rates in the Upper Noatak drainage in Unit 23 and within GAAR are <2.5% (Schmidt 2021).

Brown bears are predominantly harvested in late spring when their fur is in prime condition, or late fall when bears are fat. Traditional seasons vary among villages, but generally follow this annual pattern of use. Generally, North Slope Inupiat do not actively hunt brown bears. Rather, harvest occurs randomly when people encounter brown bears incidentally. Subsistence use studies indicate that only one to two bears are harvested in most villages in the region. Nuiqsut indicated higher harvests, with an estimated five to ten harvested, and Anaktuvuk Pass residents harvest up to five brown bears a year (FWS 1995).

A significant management problem in Unit 26A continues to be unreported harvest and noncompliance with bear hunting regulations (Carroll 2005). Household harvest surveys in Unit 26A indicate an average harvest of eight brown bears per year. However, to approximate actual local harvest, community-based harvest assessment studies determined that approximately 11–12 brown bears were harvested in Unit 26A villages per year. This indicates a potential of 3 – 4 harvested brown bears per year that are not reported (Carroll 2005). Even though not all harvested bears are reported, the local unreported harvest does not appear to be at a level that creates a biological problem (Carroll 2005).

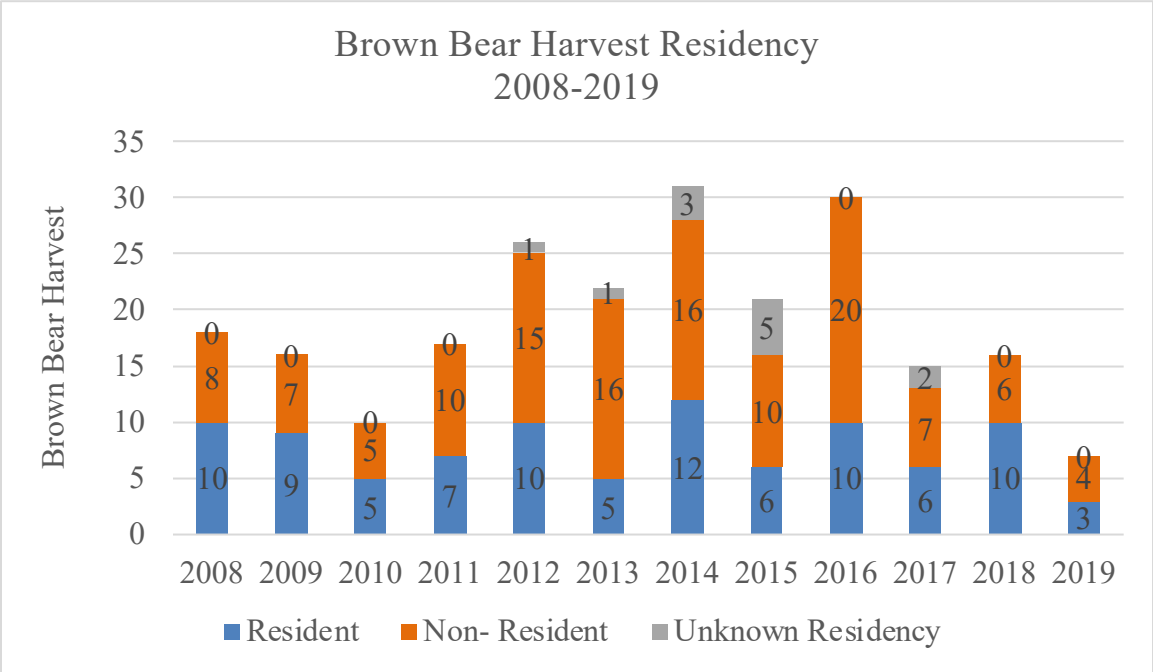

Figure 1. Reported brown bear harvest by residency in Unit 26A (BOG 2020, Daggett 2021 pers.comm.)

Other Alternatives Considered

One alternative considered was to increase the brown bear harvest limit to two bears in all of Unit 26A, which would include the National Petroleum Reserve Alaska (NPR-A) and would align Federal and State regulations. While OSM considers this modification outside the scope of the current proposal, it is an option for the Regional Advisory Councils to consider. No impacts to the brown bear populations are expected from this modification as Federally qualified subsistence users can already harvest two bears on these Federal public lands under State regulations per BOG's adoption of Proposal 29 in 2020.

Effects of the Proposal

Changing Federal regulations to coincide with recently updated State regulations would not have a substantial impact to current harvest levels and should have minimal impact on the brown bear population given the low levels of harvest by Federally qualified subsistence users in the area.

No hunting under State regulations is permitted in GAAR. Only residents of the resident zone communities with a customary and traditional use determination for brown bears in Unit 26 are permitted to hunt in the Unit 26A portions of GAAR under Federal subsistence regulations. Adoption of this proposal as submitted would retain the more restrictive harvest limit of one bear per year on other Federal public lands within Unit 26A, specifically the NPR-A, although Federally qualified subsistence users can already harvest two bears on these Federal lands under more liberal State regulations.

If this proposal is adopted, some increase in brown bear harvest from Unit 26A could be expected. This proposal also increases harvest opportunity for Federally qualified users, specifically within Unit 26A, that portion within GAAR.

OSM CONCLUSION

Support Proposal WP22-56

Justification

The current harvest levels are below the State recommended sustainable harvest rate for Unit 26A. Increasing the harvest limit from one bear to two bears in Unit 26A, within GAAR for Federally qualified subsistence users, may result in some increase in harvest but is not expected to increase total harvest rates above the minimal sustainable level and would increase harvest opportunity for Federally qualified subsistence users. Alaska residents can already harvest two bears in Unit 26A under State regulations.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

North Slope Subsistence Regional Advisory Council

Support WP22-56.

Justification

The Council believes it is important to recognize that this proposal came from the Gates of the Arctic Subsistence Resource Commission based on the request of residents of Anaktuvuk Pass to increase the harvest limit of brown bears. This regulation change is also consistent with current harvest limits for brown bear in Units 26A and 24 under State regulations and creates more uniformity across different land jurisdictions.

Council member Mr. Williams of Anaktuvuk Pass noted that typically they do not harvest many bears, but when the brown bear population is increasing, they become more frequent around the village, and it would be helpful to have the opportunity to harvest more.

INTERAGENCY STAFF COMMITTEE COMMENTS

While adoption of Proposal WP22-56 would provide additional opportunity for Federally qualified subsistence users also conversation concerns exist for this brown bear population.

Brown bear densities and reproductive output within Gates of the Arctic National Park and Preserve (GAAR) are among the lowest in Alaska. Limited food resources and a short growing season are likely major factors contributing to these demographic patterns. Based on reported subsistence use within the region, there does not appear to be a subsistence need to justify doubling the harvest limit for brown bears from 1 to 2 within GAAR portion of Game Management Unit (GMU) 26A. According to harvest survey reports within Anaktuvuk Pass, only 4-10% of households use brown bears, and across GMU 26A, on average, only 8 bears were harvested per year between 1985-2014 and on average only half of the harvest was by Alaska residents. Reported brown bear harvest has remained consistently low (<2.5%) over the last 20 years, not reflecting an increasing subsistence need, and low density and recruitment within the brown bear population across GMU 26A increase the risk of overharvest.

The ISC acknowledges the concern for the conservation of the brown bear population within GAAR. This proposal contradicts the affected land management agency's mission where harvesting predators is not permitted when there is no documented subsistence need.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Proposal WP22-56

This proposal would increase the brown bear bag limit in the Gates of the Arctic National Park to two bears per year.

Background

Brown bears in Game Management Unit (GMU) 26A are found at low densities across the North Slope. Harvest of brown bears is low, with residents of the area taking between 3 and 12 bears per year in the past 10 years and nonresidents taking between 4 and 20 per year. The proposal only addresses federally qualified users (FQU) hunting in the Gates of the Arctic National Park as other hunters can use state regulations in the rest of GMU 26A.

Impact on Subsistence Users

This proposal would increase opportunity and would change the federal season so it aligns with the state season.

Impact on Other Users

Given the proposal would only change the bag limit of brown bears within Gates of the Arctic National Park, and only local FQUs are able to hunt within the Park, other users should not be impacted.

Opportunity Provided by State

State customary and traditional use findings: The Alaska Board of Game (BOG) has made positive customary and traditional use findings for brown bear in GMU 26 with a harvestable population.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by ADF&G or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

The ANS for brown bear in unit 23, 24 and 26 is 25-35.

Existing State Regulation:

GMU 26A – Brown Bear

Residents: 2 bears every regulatory year	*No closed season*
Nonresidents: 1 bear every regulatory year	*No closed season*
Resident RB697: 2 bears every regulatory year by permit available in Utqiagvik beginning July 1	*No closed season*

Conservation Issues

Harvest of brown bears in GMU 26A is low and very few are reported harvested within the park boundaries. Only FQUs are allowed to hunt within the Gates of the Arctic National Park so this increase in the bag limit will only apply to those hunters. In other parts of the state a change in bag limit of brown bears from 1 to 2 has resulted in a moderate or no increase in harvest.

Enforcement Issues

Alignment of state and federal regulations should reduce enforcement issues in the area.

Position

ADF&G SUPPORTS this proposal as it aligns the state and federal bag limits.

WRITTEN PUBLIC COMMENTS

[EXTERNAL] Wp22-46 and wp22-56

james kowalsky <jimkowalsky@yahoo.com>
Mon, 7/19/2021 10:49 PM
To: AK Subsistence, FW7 <subsistence@fws.gov>

Please consider these comments from Alaskans FOR Wildlife on the Resource Council's proposals to increase the killing of grizzly from one to two in Gates of the Arctic National Park and Preserve.
The Alaskans For Wildlife notes the documented low reproductive rates of the grizzly in the arctic as sufficient reason to strongly oppose the proposals for increased killing.
We join the opposition of agencies to ask that these proposals be denied, as unsupported and unsupportable.
We urge that instead a clear measure of stewardship be clearly demonstrated in the results of deliberations over how grizzlies and other resident wildlife are considered and managed to the view of a public who are expected to support subsistence.
Thank you for consideration of these views.
Sincerely,
Jim Kowalsky
Chair
Alaskans FOR Wildlife
Fairbanks, Alaska
907 488 2434
PO Box 81957
Fairbanks,Alaska. 99708
907 488 2434
<alaskansforwildlife.org>

[EXTERNAL] Comments on proposed changes to Federal Subsistence Hunting Regulations, specifically grizzly bears in GAAR

Bill Sherwonit <akgriz@hotmail.com>

Mon 7/19/2021 8:21 PM

To: AK Subsistence, FW7 <subsistence@fws.gov>

To Theo Matuskowitz,
I wish to comment on proposed regulation changes that would increase the harvest/kill of brown/grizzly bears in Gates of the Arctic National Park and Preserve. I believe the proposals are WP22-46 and WP22-56, but I'm not absolutely certain about that.

I wish to express my strong opposition to any increase in the annual take/kill of brown/grizzly bears within Gates of the Arctic National Park and Preserve (GAAR). Based on information given to me, there's already some evidence that overharvesting of grizzly bears is occurring in parts of Gates (along some rivers). Because of the low density of grizzlies in GAAR, even slight overharvest can have significantly harmful impacts. The bears should be managed conservatively and the proposed increase does just the opposite of that.

While I don't live in the region or lead a subsistence lifestyle, I have a long-running relationship with GAAR and surrounding areas that reaches back to the 1970s (yes, even before the park existed). Since the mid-1980s I have made several trips into Gates as an "adventure traveler" and the presence of grizzly bears is among the wild values of the park and preserve that means the most to me. I adamantly oppose any regulation changes that would liberalize the kill of grizzly bears and place that population of bears at risk, however small it may seem.

Thank you for considering my comments and perspectives,
Bill Sherwonit
2441 Tulik Drive
Anchorage, AK 99517

WCR22–25 Executive Summary	
Closure Location and Species	**Unit 26C—Muskox**
Current Regulation	**Unit 26C−Muskox** *Unit 26C—1 bull by Federal registration permit only. The number of permits that may be issued only to the residents of the village of Kaktovik will not exceed three percent (3%) of the number of musk oxen counted in Unit 26C during a pre-calving census.* *July 15-Mar. 31* *Public lands are closed to the taking of musk ox, except by rural Alaska residents of the village of Kaktovik hunting under these regulations*
OSM Conclusion	**Maintain status quo**
North Slope Subsistence Regional Advisory Council Recommendation	**Maintain status quo**
Interagency Staff Committee Comments	The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.
ADF&G Comments	**Maintain status quo**
Written Public Comments	**None**

FEDERAL WILDLIFE CLOSURE REVIEW
WCR22-25

Closure Location: Unit 26C—Muskox

Current Federal Regulation

Unit 26C−Muskox

*Unit 26C—1 bull by Federal registration **permit** only. The number of permits that may be issued only to the residents of the village of Kaktovik will not exceed three percent (3%) of the number of musk oxen counted in Unit 26C during a pre-calving census.*	*July 15-Mar. 31*
Public lands are closed to the taking of musk ox, except by rural Alaska residents of the village of Kaktovik hunting under these regulations	

Closure Dates: Year-round

Current State Regulation

Unit 26−Muskox

Unit 26, residents and non-residents:	*No open season*

Regulatory Year Initiated: 1992

Extent of Federal Public Lands

Unit 26C is comprised of approximately 98% Federal public lands and consists of 98% U.S. Fish and Wildlife Service (USFWS) managed lands, contained entirely within the Arctic National Wildlife Refuge (Arctic NWR).

Customary and Traditional Use Determination

Residents of Kaktovik have a customary and traditional use determination for muskox in Unit 26C.

Regulatory History

From regulatory years (RY) 1982/83 until 1990/91, the State of Alaska managed the muskox hunt in Unit 26C, increasing the number of permits from 5 to 10 bulls by RY 1988/89. In RY 1991/92, the Federal government assumed management of muskoxen on Federal public lands in Unit 26C, which are part of the Arctic NWR. In 1992 the Federal Subsistence Board (Board) adopted Proposal 92 with modification, which closed Federal subsistence hunting of muskoxen in those portions of Unit 26B in the Arctic NWR, restricted the number of permits issued to 10 bulls for Unit 26C, and closed Federal public lands to the harvest of muskoxen except by rural residents of the village of Kaktovik. Unit 26B was closed to harvest under Federal regulations because very few muskoxen occupied Federal lands in the unit at that time.

The Board increased the number of permits to 15 bulls in RY 1996/97 via adoption of Proposal P96-67, and permitted the harvest of cows in RY 1998/99 (3 cows, 12 bulls) via adoption of Proposal P98-109. In RY 1996/97, the Board increased the season in Unit 26C from 2 months (October and March) to the current, 8.5 month season of July 15 to March 31 via adoption of Proposal P96-67.

In 2002, the Board approved Special Action WSA02-10 which reduced the harvest quota from 15 muskoxen to 2 bulls and shortened the season from July 15 – Mar. 31 to Sept. 15 – Mar. 31 because of the low population.

In 2003, the Board adopted Proposal WP03-53 which established a bull only harvest by Federal registration permit, with the number of permits based on 3% of the number of muskox counted during spring pre-calving muskoxen surveys in Unit 26C.

In 2012, Federal public lands remained closed to hunting muskoxen due to conservation concerns (WCR12-25), except by residents of Kaktovik per current Federal regulations. Muskoxen populations in Unit 26C were below the 3% threshold level required to issue Federal registration permits from 2003 to 2007, and from 2009-2014, with only one permit being issued in 2008. There has not been an open season for muskox in Unit 26C under State regulations since RY 1992/93.

At their winter 2017 meeting, the North Slope Subsistence Regional Advisory Council reviewed WCR15-25 and voted to maintain the closure because of conservation concerns. Most muskox emigrated to Yukon, Canada with only 2-4 muskox sometimes observed in Unit 26C (NSRAC 2017).

In 2020, the Board approved a revised closure policy, which stipulated all closures will be reviewed every four years. The policy also specified that closures, similar to regulatory proposals, will be presented to the Councils for a recommendation and then to the Board for a final decision. Previously, closure reviews were presented to Councils who then decided whether to maintain the closure or to submit a regulatory proposal to modify or eliminate the closure.

Closure last reviewed: 2017 – WCR15-25

Justification for Original Closure (ANILCA Section 815 (3) criteria):

> *Nothing in this title shall be construed as – (3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on public lands (other than national parks and monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in section 816, to continue subsistence uses of such populations, or pursuant to other applicable law…*

The muskox population was below management objectives and additional harvest would be incompatible with the conservation of a healthy population in Unit 26C.

Council Recommendation for Original Closure:

The closure was established prior to the existence of the Councils.

State Recommendation for Original Closure:

The State had no recommendation on the original closure. The proposed community harvest limit of 10 bulls provided harvest opportunities for the rural residents of Kaktovik in excess of the State's quota

of seven. State biologists recognized this as an allocation, not a biological issue, since the difference between the harvest of seven and ten animals would not significantly impact the health of the population. However, the State had no position on the closure to muskox hunting in Unit 26C as stated in modified Proposal 92 (FSB 1992).

Biological Background

Muskoxen were reintroduced to the Arctic NWR coastal plain in 1969 and 1970. The reintroduced population grew rapidly, expanding its range east into Yukon, Canada and west into Unit 26B after 1986. The Northeast Alaska-Yukon muskox population ranges from eastern Unit 26A in northern Alaska to the Babbage River in northern Yukon, Canada. Numbers of muskoxen in Unit 26C remained relatively stable (average = 331) between 1987 and 1998, but declined sharply in the early 2000s (Figure 1). Continued declines in calf survival and recruitment and increasing adult mortality reduced the population to 29 muskoxen in 2003. In April 2008, 44 muskoxen were counted in the pre-calving census but most of these animals came from Canada the previous summer, and returned to the Yukon in late October (Reynolds 2008). A small group of 18-20 muskox were observed in the Kongakut River drainage along the coastal plain of the Arctic NWR during the summer of 2015, and a small group of six were observed just west of the international boundary in March 2016 (Figure 1) (Reynolds 2011, Lenart 2015, Wald 2015, pers. comm., ANWR 2017). Currently, no mixed groups of muskoxen live year-round in Unit 26C (Arctic NWR), but small groups move across the border between Unit 26C and Canada (Reynolds, 2015 pers. comm.; Wald 2015, pers. comm.; ANWR 2017).

West of the Arctic NWR, in Unit 26B, muskoxen increased between the mid-1990s and 2003 to about 302 individuals (Lenart 2007, 2009,2011, 2013, 2015; Reynolds 2011). Population surveys conducted over the total range between 2006 and 2011 suggest that the population was relatively stable at about 300 animals, with about 200 muskoxen in Unit 26B, west of the Arctic NWR, and 100 muskoxen in Yukon, Canada east of the Arctic NWR (Reynolds 2011, Lenart 2013).

The State of Alaska closed muskox hunts in Unit 26B west of the Arctic NWR in RY 2005/06 (Lenart 2011). State management objectives were revised in 2013 to increase the muskox population to 300 in eastern Unit 26A, 26B, and 26C by reducing brown bear predation on muskoxen in Unit 26B (Lenart 2013). From 2007–2011, ADF&G determined that 62% of the adult mortality in Unit 26B was the result of brown bear predation (Lenart 2013). Any population increase from removal of a total of six brown bears in 2012 and 2013 was not realized because 20 muskoxen drowned in small lake during the fall 2013 (Lenart 2015).

There has been no State season for muskox in Unit 26C, due to low population numbers, since RY 1991/92. When the population reaches the minimum of 300 muskoxen, and the population is considered to be growing, the State plans to allow for a harvest rate of 1-3% per year of the spring pre-calving population in eastern Unit 26A and Unit 26B. The goal is to increase the muskoxen population to the historical high of 650 muskoxen across eastern Unit 26A, Unit 26B and Unit 26C (Lenart 2015).

The decline of muskoxen was likely caused by low calf survival in some years, increased adult mortality, and changes in distribution of the population. Weather, predation, quality and quantity of winter forage, and exposure to parasites and disease are all factors affecting calf recruitment, muskox survival and population distribution (Lenart 2013, 2015; Afema et al. 2017).

Given the gregarious nature of muskox, mature bulls are important for predator defense, foraging, and group cohesion in addition to breeding (Schmidt and Gorn 2013). For example, mature bulls may protect groups of females with calves against predators, effectively increasing calf survival and recruitment. Therefore, muskox may be more sensitive to selective harvest of mature males than other species (Schmidt and Gorn 2013).

Muskox reduce movements during the winter to conserve energy (Nelson 1994). Muskox depend on areas with low snow cover as they cannot forage in deep, hard-packed snow. Therefore, disturbance to muskox groups during the winter by hunters or predators could decrease survival through increased energetic requirements and movement to unsuitable habitat (Nelson 1994).

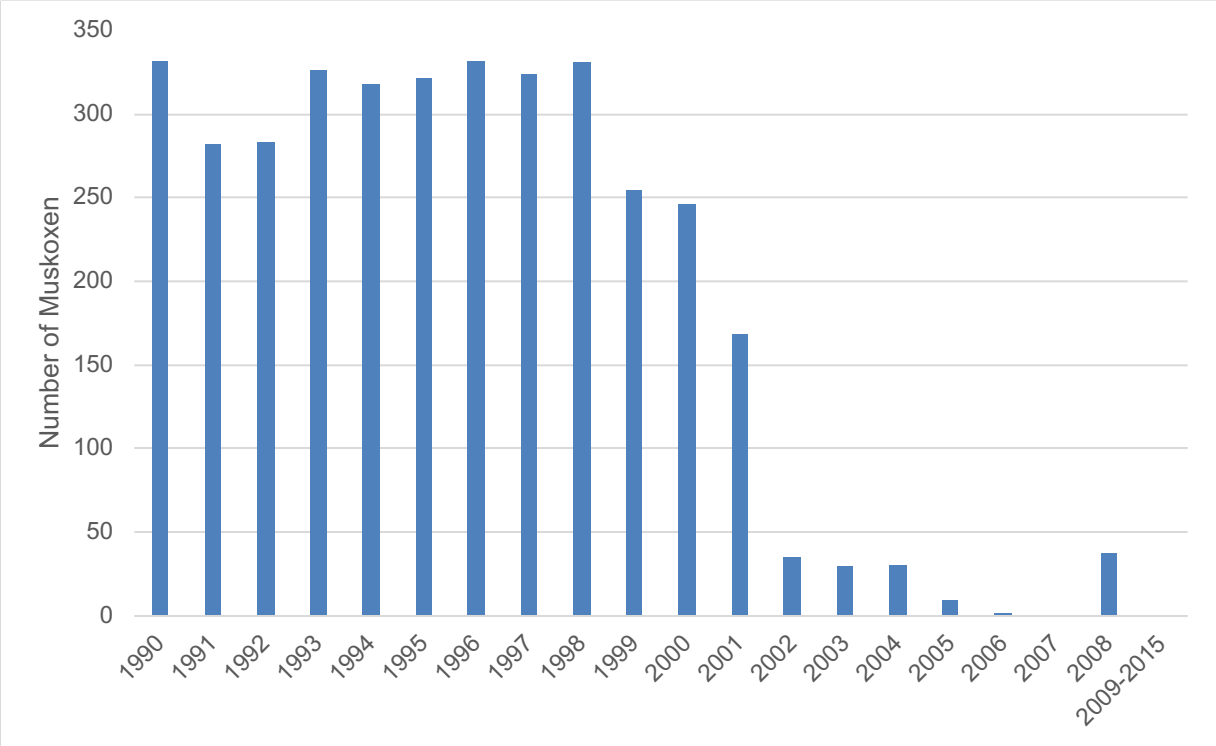

Figure 1. Number of muskoxen in Arctic National Wildlife Refuge, Unit 26C, observed during annual pre-calving censuses, 1990 – 2015. During 2007-2015, a group on the Canning River (Unit 26B-26C boundary) was included in the Unit 26B population estimate and not reported in Unit 26C (Lenart 2015).

Harvest History

Legal hunting of muskoxen began in 1982. The total annual harvest of muskoxen in Unit 26C generally increased between RY 1982/83 and 1996/97 as the number of permits increased. Total annual harvest subsequently declined through RY 2002/03, when no permits were issued (**Table 1)** (Lenart 2015, FWS 2015, Reynolds 2011).

Federal subsistence regulations state that the number of permits issued to residents of Kaktovik for muskox will not exceed 3% of the numbers of animals observed in pre-calving censuses of Unit 26C. At least 36 animals need to be observed during pre-calving surveys to have 1 permit issued. From 2002-2007 and from 2009-2020, the Arctic NWR issued no muskox permits because the population was too low. In 2008, the Arctic NWR, in consultation with the Muskox Working Group, issued one permit for

Unit 26C as the pre-calving census was 44 muskoxen. However, no harvest occurred (Reynolds 2011; Reynolds 2015, pers. comm.; Leacock 2020, pers. comm.).

Table 1. History of muskox harvest in Unit 26C by agency (FWS 2015, Leacock 2020, pers. comm.).

Regulatory Year	Managing Agency	Permits Issued	# Bulls Harvested	# Cows Harvested	Total Harvested
1982/83	ADF&G	5	4		4
1983/84	ADF&G	5	5		5
1984/85	ADF&G	5	4		4
1985/86	ADF&G	5	3	1	4
1986/87	ADF&G	5	5	0	5
1987/88	ADF&G	5	5	1	6
1988/89	ADF&G	10	6	3	9
1989/90	ADF&G	10	10		10
1990/91	ADF&G	11	8		8
1991/92	ADF&G	11	5		5
1992/93	USFWS	10	10		10
1993/94	USFWS	10	8		8
1994/95	USFWS	10	8		8
1995/96	USFWS	10	8	1	9
1996/97	USFWS	15	12	3	15
1997/98	USFWS	15	9	1	10
1998/99	USFWS	13B/2C	8	0	8
1999/2000	USFWS	12B/3C	8	0	8
2000/01	USFWS	12B/3C	5	1	6
2001/02	USFWS	12B/3C	2	0	2
2002/03	USFWS	2	0	0	0
2003/04 – 2007/08[a]	USFWS	–			
2008/09	USFWS	1	0	0	0
2009/10 – 2019/20 [a]	USFWS	–			

[a] No permits were issued because the population of muskox from the pre-calving surveys was below the threshold of 3%.

Other Alternatives Considered

One alternative considered was to delegate authority to the Arctic NWR manager to announce a season and the number of permits to be issued via delegation of authority letter only. Delegating authority to the Arctic NWR refuge manager to announce the season and permit numbers allows for hunt flexibility and simplifies unit specific regulations. Since 2009, Arctic NWR has not issued any permits because of low muskox occurrence within the unit. Given the infrequency of this hunt in recent years, a may be announced season could be appropriate.

However, this possible modification requires adequate public notice and opportunity for public input. As the Federal register notice for the proposed rule did not specify such possible Board actions, this modification is beyond the current scope of this closure review.

Effects

If this closure were eliminated, the muskox hunt in Unit 26C would be open to all users under State and Federal regulations. The State hunt has been closed since 1991 and is not planned to be re-opened until the population increases to 300 muskoxen. Recent muskox surveys do not indicate there is a harvestable surplus.

Only residents of Kaktovik have a customary and traditional use determination for muskox in Unit 26C. Therefore, only Kaktovik residents are Federally qualified subsistence users for Unit 26C muskox. If the closure were modified to include all Federally qualified subsistence users, it would preclude any opportunity for subsistence uses if the occurrence of muskox in Unit 26C increased to a sustainably harvestable level.

Maintaining the status quo would continue to provide subsistence opportunity to Federally qualified subsistence users, provided that the muskox population could withstand harvest without causing any conservation concerns. The current limitation on permit numbers ensures harvests are sustainable.

OSM CONCLUSION

x maintain status quo

_ modify the closure

Justification

The Unit 26C muskox population is very low and cannot withstand any harvest. Maintaining status quo will continue to provide for Federal subsistence uses of muskox when possible without creating any conservation concerns.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

North Slope Subsistence Regional Advisory Council

Maintain status quo on WCR22-25. The Council understands that there is no harvestable surplus for the muskox in Unit 26C, and stressed that this muskox population has been so low that no subsistence hunt has been allowed in many, many years. The Arctic National Wildlife manager reported that only 25 and 3 muskoxen were observed in Unit 26C in 2019 and 2020, respectively. The Council requested a targeted muskox survey be conducted next year and that the Refuge should consult with Kaktovik residents about their observations and traditional knowledge of the best areas to conduct this survey.

The Council also discussed muskox movements between Canada and the Arctic NWR and expressed concerns over reports of very liberal harvests in Canada. They requested a muskox management and harvest report from Canada and expressed interest in establishing an international management working group similar to the International Porcupine Caribou Herd Management Board.

INTERAGENCY STAFF COMMITTEE COMMENT

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and Federal Subsistence Board action on the proposal.

ALASKA DEPARTMENT OF FISH AND GAME COMMENTS

Wildlife Closure Review 22-25

If this closure is eliminated then non-federally qualified users (NFQU) would be allowed to hunt muskoxen on federal public lands within Game Management Unit (GMU) 26C.

Background

The closure was originally initiated in 1992. The land area of GMU 26C is comprised of approximately 98% Federal public lands entirely within the Arctic National Wildlife Refuge, which is managed by the U.S. Fish and Wildlife Service (FWS). This closure was last reviewed in 2017.

Impact on Subsistence Users

Federally qualified users (FQU) who are residents of Kaktovik are not affected by this closure because there is a federal hunt available for residents of Kaktovik if the Arctic National Wildlife Refuge Manager issues permits.

Impact on Other Users

There will be no impact on NFQUs. Even if this closure were eliminated there is no state open season for muskoxen in GMU 26C.

Opportunity Provided by State

State customary and traditional use findings: The Alaska Board of Game (BOG) has made a positive customary and traditional use finding for muskoxen in Unit 26C.

Amounts Reasonably Necessary for Subsistence: Alaska state law requires the BOG to determine the amount of the harvestable portion of a game population that is reasonably necessary for customary and traditional uses. This is an ANS. The BOG does this by reviewing extensive harvest data from all Alaskans, collected either by the Alaska Department of Fish & Game (ADF&G) or from other sources.

ANS provides the BOG with guidelines on typical numbers of animals harvested for customary and traditional uses under normal conditions. Hunting regulations can be re-examined if harvests for customary and traditional uses consistently fall below ANS. This may be for many reasons: hunting regulations, changes in animal abundance or distribution, or changes in human use patterns, just to name a few.

The ANS for muskoxen in Unit 26C is 15 animals. The state season in Unit 26C is closed.

Unit 26−Muskox

Unit 26, residents and non-residents:	*No open season*

Conservation Issues

ADF&G's population management objective for the eastern North Slope muskox population is to maintain a population of at least 300 muskoxen in the eastern Unit 26A, Unit 26B, and Unit 26C contiguous muskoxen population. From 2019 to 2021, the population ranged from 297 to 319 muskoxen, indicating that the minimum objective has been met. However, few muskoxen (<30) inhabit GMU 26C. Occasionally a group of muskoxen will cross over from the Canadian border and eventually return to Canada. Currently, the number of muskoxen inhabiting Unit 26C cannot support any harvest.

Enforcement Issues

There are no enforcement issues associated with this closure.

Position

ADF&G **DOES NOT OPPOSE** the retention of this closure. Currently there are few muskoxen inhabiting GMU 26C, but it is possible that in the near future the Eastern North Slope population will increase and muskoxen from GMU 26B will move into GMU 26C. With that said, ADF&G would still evaluate the trends in this population before recommending opening any hunting opportunities.