

WSA23-02/04 Executive Summary

General Description	<p>Temporary Wildlife Special Action WSA23-02 requests closing the Federal winter caribou hunts on the Nelchina caribou herd (NCH) in Units 12 and 13 for the 2023 regulatory year. <i>Submitted by the Alaska Department of Fish and Game.</i></p> <p>WSA23-04 requests closing the Federal winter caribou hunts on the NCH within Units 11, 12, and 13 for the 2023 regulatory year. <i>Submitted by the Alaska Board of Game.</i></p>
Proposed Regulation	<p>See Page 4.</p>
OSM Conclusion	<p>Support Wildlife Special Action WSA23-04 and Take No Action on WSA23-02.</p>
Southcentral Alaska Subsistence Regional Advisory Council Recommendation	<p>Support</p>
Eastern Interior Alaska Subsistence Regional Advisory Council Recommendation	<p>Support</p>
Interagency Staff Committee Comments	<p>See page 35.</p>
ADF&G Comments	<p>None received.</p>
Public Comments	<p>See public hearing summary on page 14.</p>

**STAFF ANALYSIS
TEMPORARY SPECIAL ACTION
WSA 23-02/04**

ISSUES

Temporary Wildlife Special Action WSA23-02, submitted by the Alaska Department of Fish and Game (ADF&G), requests closing the Federal winter caribou hunts on the Nelchina caribou herd (NCH) in Units 12 and 13 for the 2023 regulatory year.

WSA23-04, submitted by the Alaska Board of Game (BOG), requests closing the Federal winter caribou hunts on the NCH within Units 11, 12, and 13 for the 2023 regulatory year.

DISCUSSION

The proponents state the most recent NCH abundance estimate in July of 2023 was 8,823 animals, which is about half of the fall 2022 estimate of 17,433 and well below the State management objective of 35,000–40,000 caribou. In addition, the latest population composition ratios associated with the herd of 23 bulls:100 cows and 13 calves:100 cows are well below management objectives of 40 bulls:100 cows and 40 calves:100 cows. Severe weather conditions during the winters of 2021/22 and 2022/23 caused high overwinter mortality of both adults and calves, leading to a reduction in the overall population and lower than expected spring recruitment. Observed productivity of the herd has not been sufficient for population growth since 2021. Based on the most recent data, the proponents determined there is no harvestable surplus available for the winter 2023/24 season. ADF&G intentionally did not offer drawing hunts for both the resident (DC485) and youth (YC495) hunts and closed State caribou hunts in Unit 13 via Emergency Order (EO) No. R4-01-23 on June 30, 2023.

The applicable Federal regulations are found in 36 CFR 242.19(b) and 50 CFR 100.19(b) (Temporary Special Actions) and state that:

... After adequate notice and public hearing, the Board may temporarily close or open public lands for the taking of fish and wildlife for subsistence uses, or modify the requirements for subsistence take, or close public lands for the taking of fish and wildlife for nonsubsistence uses, or restrict take for nonsubsistence uses.

Existing Federal Regulation

Note: WSA23-01/03 closed the fall 2023 caribou seasons in Unit 13. This is not reflected in the codified regulations that are shown below.

Unit 11–Caribou

1 bull by Federal registration permit *May be announced.*

Unit 12–Caribou

Unit 12, that portion within the Wrangell-St. Elias National Park that lies west of the Nabesna River and the Nabesna Glacier. All hunting of caribou is prohibited on Federal public lands. *No open season.*

Unit 12, that portion east of the Nabesna River and the Nabesna Glacier and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border—1 bull by Federal registration permit only. Federal public lands are closed to the harvest of caribou except by federally qualified subsistence users hunting under these regulations. *Aug. 10–Sep. 30.*

Unit 12, remainder—1 bull *Sep. 1–20.*

Unit 12, remainder—1 caribou may be taken by a Federal registration permit during a winter season to be announced. Dates for a winter season to occur between Oct. 1 and Apr. 30, and sex of the animals to be taken will be announced by the Tetlin National Wildlife Refuge Manager in consultation with the Wrangell-St. Elias National Park and Preserve Superintendent, Alaska Department of Fish and Game area biologists, and Chairs of the Eastern Interior Regional Advisory Council and Upper Tanana/Fortymile Fish and Game Advisory Committee *Winter season to be announced.*

Unit 13–Caribou

Units 13A and 13B—2 caribou by Federal registration permit only (FC1302). The sex of animals that may be taken will be announced by the Glennallen Field Office Manager of the Bureau of Land Management in consultation with the Alaska Department of Fish and Game area biologist and Chairs of the Eastern *Aug. 1–Sep. 30*

Interior Regional Advisory Council and the Southcentral Regional Advisory Council Oct. 21–
Mar. 31

Unit 13, remainder—2 bulls by Federal registration permit only (FC1302) Aug. 1–Sep.
30

Oct. 21–
Mar. 31

Proposed Federal Regulation

Unit 11–Caribou

1 bull by Federal registration permit

~~*May be announced.*~~
No open season.

Federal public lands are closed to caribou hunting by all users for the 2023/24 regulatory year.

Unit 12–Caribou

Unit 12, that portion within the Wrangell-St. Elias National Park that lies west of the Nabesna River and the Nabesna Glacier. All hunting of caribou is prohibited on Federal public lands. No open season.

Unit 12, that portion east of the Nabesna River and the Nabesna Glacier and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border—1 bull by Federal registration permit only. Federal public lands are closed to the harvest of caribou except by federally qualified subsistence users hunting under these regulations. Aug. 10–Sep. 30.

Unit 12, remainder—1 bull Sep. 1–20.

Unit 12, remainder—1 caribou may be taken by a Federal registration permit during a winter season to be announced. Dates for a winter season to occur between Oct. 1 and Apr. 30, and sex of the animals to be taken will be announced by the Tetlin National Wildlife Refuge Manager in consultation with the Wrangell-St. Elias National Park and Preserve Superintendent, Alaska Department of Fish and Game area biologists, and Chairs of the Eastern Interior Regional Advisory ~~*Winter season to be announced.*~~
No open season.

Council and Upper Tanana/Fortymile Fish and Game Advisory Committee

Federal public lands are closed to caribou hunting by all users for the 2023/24 regulatory year.

Unit 13–Caribou

Units 13A and 13B—2 caribou by Federal registration permit only (FC1302). The sex of animals that may be taken will be announced by the Glennallen Field Office Manager of the Bureau of Land Management in consultation with the Alaska Department of Fish and Game area biologist and Chairs of the Eastern Interior Regional Advisory Council and the Southcentral Regional Advisory Council

Aug. 1–Sep. 30
~~*Oct. 21–Mar. 31*~~

Federal public lands are closed to caribou hunting by all users for the 2023/24 regulatory year.

Unit 13, remainder—2 bulls by Federal registration permit only (FC1302)

Aug. 1–Sep. 30
~~*Oct. 21–Mar. 31*~~

Federal public lands are closed to caribou hunting by all users for the 2023/24 regulatory year.

Existing State Regulation

Note: these are the State regulations for RY2023 due to Emergency Orders closing hunts.

Unit 11–Caribou

No State season

Unit 12–Caribou

Residents – that portion west of the Glenn Highway (Tok cutoff) and south of the Alaska Highway within the Tok River drainage, 1 bull *HT* *Sep. 1–Sep. 20*

Residents – that portion west of the Glenn Highway (Tok cutoff) and south of the Alaska Highway, excluding the Tok River drainage (Macomb Herd), 1 bull RC835 Aug 10–Aug 27

Unit 13–Caribou

Residents – One caribou by permit per household, available only by application. See Subsistence Permit Hunt Supplement for details RC561 No open season.

Residents – One caribou by permit per household, available only by application. See Subsistence Permit Hunt Supplement for details RC562 No open season.

Residents – One caribou by permit per household, available only by application. See the Subsistence Permit Hunt Supplement for details CC001 No open season.

Extent of Federal Public Lands

Unit 11 is comprised of approximately 87% Federal public lands and consists of 84% National Park Service (NPS) managed lands and 3% U.S. Forest Service (USFS) managed lands (**Figure 1**).

Unit 12 is comprised of approximately 60% Federal public lands and consists of 48% NPS managed lands, 11% US Fish and Wildlife Service (USFWS) managed lands, and 1% Bureau of Land Management (BLM) managed lands (**Figure 1**).

Unit 13 is comprised of approximately 13% Federal public lands and consists of 6% National Park Service (NPS) managed lands, 5% Bureau of Land Management (BLM) managed lands, and 2% U.S. Forest Service (USFS) managed lands (**Figure 1**).

Federal public lands within Denali National Park as it existed prior to the passage of Alaska National Interest Lands Conservation Act (ANILCA) in December 1980 are closed to all hunting and trapping. Federal public lands within the ANILCA additions to Denali National Park as well as Federal public lands within Wrangell-St. Elias National Park are closed to hunting and trapping except to resident zone communities and those households holding subsistence use permits issued under 36 Code of Federal Regulations (CFR) 13.440. BLM manages additional lands within Unit 13 that are selected for conveyance by the State of Alaska or Native Corporations and are not currently available for Federal subsistence because of the land selection status. If these land selections are relinquished, they would become lands available for Federal subsistence.

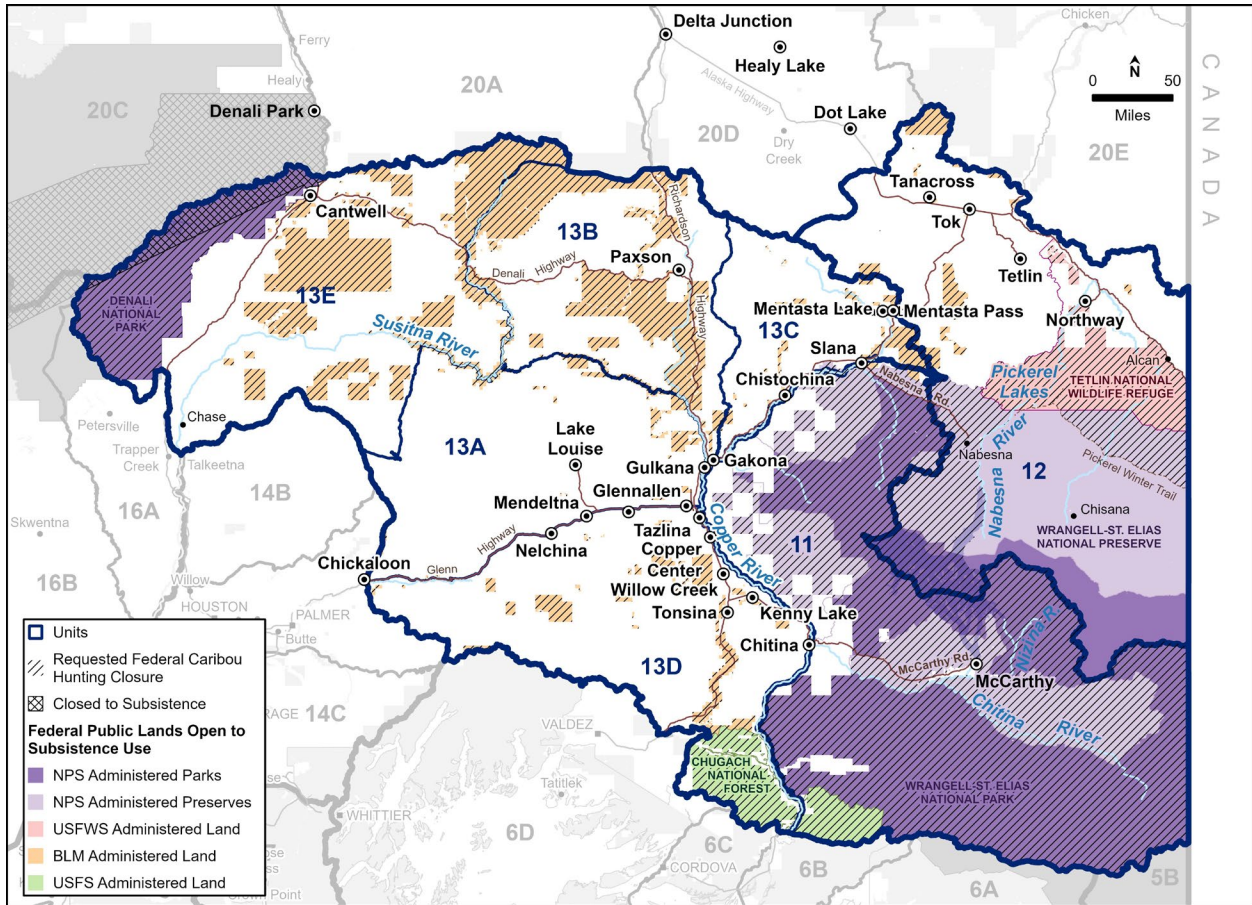


Figure 1. Map of Units 11, 12, and 13 and all associated subunits.

Customary and Traditional Use Determinations

Unit 11

Residents of Units 11, 12, 13A–D, Chickaloon, Healy Lake, and Dot Lake have a customary and traditional use determination for caribou in Unit 11, north of the Sanford River.

Residents of Units 11, 13A–D, and Chickaloon have a customary and traditional use determination for caribou in Unit 11, remainder.

Unit 12

Residents of Unit 12, Chistochina, Dot Lake, Healy Lake, and Mentasta Lake have a customary and traditional use determination for caribou in Unit 12.

Unit 13

Residents of Units 11, 12 (along the Nabesna Road and Tok Cutoff Road, mileposts 79-110), 13, 20D (excluding residents of Fort Greely), and Chickaloon have a customary and traditional use determination for caribou in Unit 13B.

Residents of Units 11, 12 (along the Nabesna Road and Tok Cutoff Road, mileposts 79-110), 13, Chickaloon, Dot Lake, and Healy Lake have a customary and traditional use determination for to harvest caribou in Unit 13C.

Residents of Units 11, 12 (along the Nabesna Road), 13, and Chickaloon have a customary and traditional use determination to harvest for caribou in Unit 13A and 13D.

Residents of Units 11, 12 (along the Nabesna Road), 13, Chickaloon, McKinley Village, and the area along the Parks Highway between mileposts 216-239 (excluding the residents of Denali National Park Headquarters) have a customary and traditional use determination to harvest caribou in Unit 13E.

Resident Zone Communities

Only resident zone communities and those households holding subsistence use permits issued under 36 Code of Federal Regulations (CFR) 13.440 can hunt in National Parks and Monuments. The resident zone communities for Wrangell-St. Elias National Park are: Chisana, Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Gakona Junction, Glennallen, Gulkana, Healy Lake, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Northway/Northway Village/Northway Junction, Slana, Tanacross, Tazlina, Tetlin, Tok, Tonsina, and Yakutat.

On Federal public lands within the ANILCA additions to Denali National Park, only those residing in resident zone communities may hunt. The resident zone communities for Denali National Park are: Cantwell (limited to the area within a 3-mile radius of the Cantwell post office as shown on a map available at the park visitor center), Minchumina, Nikolai, and Telida.

Regulatory History

The following regulatory history is abbreviated for the purposes of this temporary special action. A full description of Federal and state actions relevant to the NCH can be found in the most recent analysis of Wildlife Proposal WP24-09 (OSM 2023a).

The NCH is an important resource for many rural and non-rural users. Its proximity to the Glenn and Richardson highways enhances accessibility of the NCH to Anchorage and Fairbanks residents (Tobey 2003). A State Tier II system for NCH harvest was established in 1990 for Unit 13. A State Tier I permit was added for the 1996/97 and 1997/98 regulatory years to allow any Alaskan resident to harvest cows or young bulls to reduce the herd to the management objective of 35,000–40,000 caribou (ADF&G 1997). In 1998, the Tier I hunt was closed, as the herd was brought within management objectives due to increased harvest and lower calf recruitment (ADF&G 2001).

Between 1998 and 2008, the Board adjusted seasons, harvest limits, and opportunities to hunt on Federal public lands dependent on regulatory proposals, requests from the public, and herd assessment by managers. Season length and harvest limits changed in concert with the population estimates of the NCH. When population metrics allowed for additional harvest, requests were adopted to allow for more Federal harvest. In 2007 ADF&G issued EO 02-01-07, which closed the remainder of the 2006/07 State season for the NCH on February 4, due to high State hunter success in the State Tier II hunt. Likewise, EO 02-08-07 closed the 2007/08 Tier II hunt on September 20. The hunt was scheduled to re-open on October 21, but concerns about unreported harvest in both the State and Federal hunts resulted in the closure remaining for the rest of the season.

In 2009, the BOG eliminated the State Tier II hunt but added two new hunts: a Tier I hunt and a Community Harvest hunt for residents of Gulkana, Cantwell, Chistochina, Gakona, Mentasta, Tazlina, Chitina, and Copper Center. The harvest limit for each was one caribou (sex to be announced annually) with season dates of Aug. 10–Sep. 20 and Oct. 21–Mar. 31 and a harvest quota of 300 caribou, each. A federally qualified subsistence user could opt into the State community harvest system or use a State registration permit to harvest one caribou under State regulations and then get a Federal permit to harvest an additional caribou within Unit 13 since the Federal harvest limit was two caribou. However, State regulations stipulate that Tier I and community harvest system permit holders may not hunt moose or caribou under State or Federal regulations outside of Unit 13 and the Copper Basin Community Hunt area, respectively (ADF&G 2019a).

In July 2010, the Alaska Superior Court found that elimination of the Tier II hunt was arbitrary and unreasonable (ADF&G 2010a). In response, the BOG held an emergency teleconference in July 2010 and opened a Tier II hunt from Oct. 21–Mar. 31, maintained the existing Tier I season, and awarded up to 500 additional Tier I permits (ADF&G 2010a). Subsequently, EO 04-1-10 closed the remainder of the winter NCH Tier II season due to harvest reports indicating that approximately 1,404 bulls and 547 cows were harvested, and unreported harvest was expected to raise the total harvest above the harvest objective (ADF&G 2010b; OSM 2012).

In 2012, the Board adopted Wildlife Proposal WP12-25, which added an additional nine days to the beginning of the fall caribou season in all of Unit 13 to provide more opportunity to federally qualified subsistence users. The season was extended from Aug. 10–Sep. 30 to Aug. 1–Sep. 30 (OSM 2012).

In fall 2016, the Board acted on Wildlife Special Action WSA16-05 to delegate authority to the BLM Glennallen Field Office Manager to open a ten-day caribou season within the 20-day period of October 1 through October 20 should caribou from the NCH be present on Federal public lands. WSA16-05 was approved to allow increased harvest of the NCH, whose population was above State management objectives and to provide additional hunting opportunity for federally qualified subsistence users as fall harvest was low due to caribou being inaccessible during the regular hunting season because of delayed migration (OSM 2016).

In the winter of 2016, Wildlife Special Action WSA16-06 was approved to allow increased harvest of the NCH during the winter season in Unit 12. The NCH was above population management objectives and

the extra harvest from WSA16-06 contributed to reducing the herd closer to management objectives while allowing increased subsistence opportunity.

In 2018, Wildlife Proposal WP18-19 was submitted by the Ahtna Intertribal Resource Commission (AITRC) requesting they be allowed to distribute Federal registration permits to Ahtna tribal members for the Federal caribou season in Unit 13. In addition, the proponent requested that the Ahtna Advisory Committee (which was to be formed) be added to the list of agencies and organizations consulted by the BLM Glennallen Field Office Manager, when announcing the sex of caribou taken in Units 13A and 13B each year. The Board voted to defer WP18-19 pending development of a framework for a community harvest system (OSM 2018).

In 2018, ADF&G issued four EOs for the NCH in Unit 13. In response to high overwinter mortality, emigration to the Fortymile Caribou Herd (FCH), and lower than anticipated productivity, the NCH was reduced to approximately 35,700 caribou, which is near the lower end of the management objective. EO 04-02-18 changed the harvest limit from one caribou to one bull and established the three-day reporting requirement. EO 04-04-18 closed the State Tier 1 NCH hunt, RC561, on August 18, 2018, as reported harvest was approaching the harvest quota. EO 04-05-18 closed drawing hunt DC485 on August 26, 2018, to ensure not exceeding the quota of 250 bulls set for that hunt. EO 04-07-18 closed all NCH winter hunts as the harvestable surplus was taken during the fall hunting seasons.

In July 2019, the Board rejected Wildlife Special Action WSA19-03, which requested closure of Federal public lands in Unit 13 to caribou and moose hunting by non-federally qualified subsistence users for the 2019/20 season. The Board determined a closure was not warranted for conservation, continuation of subsistence uses, or safety reasons, as these populations were routinely monitored, and annual biological data was used to inform management plans and to establish sustainable harvest guidelines. Federal harvest rates remained consistent compared to annual overall harvest rates and the Board believed the closure would not alleviate public safety concerns as non-federally qualified subsistence users would still be able to cross Federal public lands to access State and private lands.

In September 2019, ADF&G issued EO 04-09-19 to extend the season for all State caribou hunts in Unit 13 by ten days from September 20 to September 30. The EO was issued to reduce the NCH population, which had grown to more than 53,000 animals, well above the upper end of the population objective for the herd.

In 2020, the Board adopted several proposals and special actions affecting caribou in Unit 13. First, in April the Board adopted deferred proposal WP18-19 with modification, establishing a community harvest system for moose and caribou in Unit 13. It also named eight individual communities within the Ahtna traditional use territory that are authorized to harvest caribou and moose in Unit 13 as part of the community harvest system, subject to a framework established by the Board under unit specific regulations.

In July 2020, the Board acted on two Wildlife Special Action requests regarding caribou hunting in Unit 13, WSA20-01 and WSA20-03. WSA20-01 requested a continuous caribou season in Unit 13 from Aug. 1-Mar. 31 and that the harvest limit in Unit 13, remainder be changed from two bulls to two caribou for

the 2020/21 and 2021/22 seasons. The Board approved the change in harvest limit to provide additional subsistence opportunity because there was no conservation concern. However, they did not approve the continuous season due to concerns of harvesting bulls during the rut when they may be unpalatable. This action was consistent with the Southcentral and Eastern Interior Subsistence Regional Advisory Councils' recommendations.

WSA20-03 requested closure of Federal public lands in Unit 13 to the hunting of moose and caribou by non-federally qualified users for the 2020/21 season. The Board approved closure of Federal public lands in only Units 13A and 13B to moose and caribou hunting by non-federally qualified users for the 2020/21 and 2021/22 seasons. The Board supported the closure due to its necessity for reasons of public safety and continuation of subsistence uses. The Board limited the closure to Units 13A and 13B because this is the area where the most overcrowding, disruption of hunts, and serious safety concerns have occurred. The Board extended the special action to the 2021/22 season as a regulatory proposal would not become effective until July 1, 2022, which reduced the administrative burden associated with processing additional requests.

Also in July 2020, the Board approved Wildlife Special Action WSA20-02 with modification regarding the AITRC administered community harvest system. AITRC submitted WSA20-02 to effectively and immediately implement the community harvest system that the Board had approved in April 2020 (via adoption of deferred WP18-19). In January 2021, the Board approved a community harvest system framework, which was required to implement the system, as part of its adoption of WSA20-07. This special action addressed a regulatory inconsistency that prevented the community harvest system from being effectively implemented. In April 2022, the Board adopted Wildlife Proposal WP22-36, which codified these temporary regulations in the Code of Federal Regulations.

In 2022, the Board adopted Proposal WP22-35 which established a may be announced season on the NCH in Unit 11 with a harvest limit of one bull by federal registration permit. This proposal also delegated authority to the superintendent of Wrangell-St. Elias National Park and Preserve to announce season dates, harvest quotas and number of permits, define harvest areas and to open and close the season. This season was established because the NCH migrates through Unit 11, and this hunt could allow for some subsistence harvest opportunity within the unit. To date, this season has not been announced.

In 2022, ADF&G took action to lessen a steep decline in the NCH population by changing harvest limits. Severe winter conditions resulted in a low population estimate with a lower-than-expected harvestable surplus. ADF&G established the resident caribou harvest limit in Unit 13 as one bull, with a harvest quota of 1,000 bull caribou (615 allocated to State harvest and 385 for Federal harvest). These low harvest quotas led to both State registration hunts being closed by EO when quotas were exceeded. ADF&G requested the BLM in-season manager restrict harvest under Federal regulations to bulls only, which the BLM decided not to do.

On June 30, 2023, the State announced the closure of all NCH hunts for the 2023/24 season via EO R4-01-23. This EO closed the two Tier I registration hunts (RC561 and RC562) and the community subsistence hunt (CC001). The resident youth hunt (YC495) and resident drawing hunt (DC485) were not

offered during the drawing application period of 2022 (ADF&G 2022), as ADF&G determined the NCH population was too low to offer these opportunities.

Current Events

In July 2023, the Board approved WSA23-01/03 to close all caribou hunting during the fall season in Unit 13. WSA23-01 was submitted by ADF&G and WSA23-03 was submitted by the BLM. Both requests asked to close the fall hunts due to concerns over low population estimates by ADF&G.

For the 2024-2026 regulatory cycle, the BLM submitted a proposal to remove the delegated authority to decide sex of harvest from unit specific regulations, to expand the delegated authority via a Delegation of Authority Letter, and to change harvest limits from “two caribou” to “up to two caribou.” This would expand the in-season manager’s authority and allow for greater management flexibility and more timely responses to changing hunt conditions.

Public Hearing

A public hearing for WSA23-02/04 was held on August 31, 2023, from 4 to 6pm, by teleconference. During this time, 12 people testified. Nine of those testifying were current residents of the Copper River Basin. One current resident of the area also identified herself as a former manager of the Nelchina herd. Most of these individuals expressed reluctant support for the closure. In addition, the Deputy Commissioner of ADF&G, a representative of the Alaska Outdoor Council, and a former resident of the Copper River Basin all voiced their support for the closure.

Residents of the Copper River Basin spoke to the importance of the Nelchina herd to their communities and way of life. Caribou were described as central to sustenance as well as to identity:

I’ve been born and raised in Copper River, Ahtna country. All my life I come from the caribou tribe.

I’ve got a great uncle. Every year I bring a moose and not a caribou he says bring me a caribou when you have it... every year he says, I’m from Cantwell, I’m a caribou man. Please bring me caribou when you have it. It’s what we’ve always eaten.

Through their dependence on the Nelchina herd, local residents are able to provide for their families and pass on knowledge and skills from one generation to the next. Those who testified expressed frustration that this way of life was not being adequately protected:

We are being attacked on our sovereignty, our way of life. We have traditional ways of putting our caribou and moose and all the other animals away, and how we take care of it and what we do with it. The potlatch is very sacred to us. We use it for a funeral and memorial, and we also share it with other communities that do not get that kind of food. But by declining, not giving us caribou for four years now in my region and my family, we had not tasted one caribou except for roadkill. It makes the man that provides for the family, that they cannot go out there and get food. Our circle of life is being interrupted [as well as] our social way of being.

The public hearing marked the first time that residents had learned of the new, dramatically lower population estimate for the Nelchina herd. Those who testified were frustrated that this information had not been shared sooner.

Several older residents of the Copper River Basin identified the current decline as the most dramatic of their lifetimes and expressed frustration with current management of the herd. They questioned the number of permits issued in previous hunt years and the fact that conservation steps such as limiting harvest to bulls only or implementing a harvest limit of one caribou were not taken sooner. Residents who testified described advocating for closures and moratoria based on Indigenous Knowledge and observations of recent snow events, and were frustrated that their recommendations and observations had been ignored:

We asked for a moratorium, we asked for different things to stop the regulations on the slaughtering of our animal, and our traditional way of life is included with the caribou.

The executive director of AITRC explained that Ahtna stewardship dictates that harvest remain conservative even during times of abundance:

We have been a firm believer that we don't take more than we can use. It's engrained in our DNA. You only take what you can use. You don't over hunt, fish... Even though you might see a little spike here or there, you don't go out and call it superabundance and issue additional permits or double the permits issued, that type of thing.

Further, two current, local residents stated that an increase in recreational activities in the Nelchina calving grounds may be significantly impacting calf survival.

Many residents of the Copper River Basin who testified invoked ANILCA, stating that its protections on subsistence had not been upheld:

As Congress deemed in Section 802, the utilization of the public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such land— [this has] not been met.

Most current and former residents supported the closure, though they expressed their frustration that there had been no opportunity for a Federal hunt restricted to those most dependent on the Nelchina herd, who could be identified through a Section 804 analysis:

I think a Section 804 should be done. Going through each community to see who has a priority and open the hunt as much as possible because we need the meat around here. If we can have a winter hunt, that should be done.

They also felt that there had been a lack of transparency and timeliness with the State's communication of Nelchina population numbers and related information. Some suggested that Federal managers should

monitor the herd independently of the State and that a Section 804 would have been requested had data been more widely shared:

I believe that OSM should start the 804 user prioritization analysis process, to speak to some of the comments regarding why this wasn't done or requested by the federal agency, not having data to make an informed decision on whether to request that closure or not is an important part of it.

Tribal members who testified noted their desire for tribal consultation and felt that they had been left out of the decision process. One resident stated: "AITRC should have delegated authority, they [should] be consulted." The need for a cooperative recovery plan was emphasized.

Those testifying described the long road ahead to recovery for the Nelchina herd. A resident of the Native Village of Kluti-Kaah closed her testimony by saying, "Thank you for listening to me and may God give us our caribou back, maybe in 20 years, and I don't think I will see that. Tsin'aen."

Finally, the Executive Director of AITRC expressed concern about applying the proposed closure to caribou outside the Nelchina herd. She stated:

There is one thing I heard today from a tribal member out of Cantwell, and that's that they do not want to see Unit 13E within Denali National Park closed, as there is a localized herd there that they use. So, when it's all of Unit 13, it could eliminate their ability to harvest from the Denali Herd. We just want to make sure it's clear that the Denali Herd will remain open.

Tribal Consultation

Tribal and ANCSA corporation consultations for WSA23-02/04 were held on September 14, 2023, by teleconference. Tribal and ANCSA corporation representatives on the call included leaders of AITRC, representatives of the Native Villages of Klutih-Kaah, Cantwell, and Chickaloon, the president of Ahtna, Inc., and at least six Ahtna, Inc. board members.

A representative from the Native Village of Klutih-Kaah said that Ahtna people have depended on caribou for thousands of years, and that caribou are part of Ahtna existence and oral history.

Representatives of different groups on the call recalled growing up hunting caribou from the Nelchina herd, learning from family members, and sharing with elders. Many representatives who participated in the consultations expressed deep frustration with mismanagement of the Nelchina herd. The previously mentioned representative from Klutih-Kaah said:

You used to see caribou lasting one to five miles running through Denali, Paxson, Chistochina, Eureka. This is bad management. If they give Ahtna people a seat at the table, we would have better control of management of the land. I am caribou clan, Ahtna region, it hurts me that my kids will never know how to skin a caribou, how it tastes.

An Ahtna, Inc. board member said, "We are being forced out of our traditions and culture by mismanagement." Some representatives see destruction of the Nelchina herd as going hand-in-hand with

policies that have contributed towards cultural eradication. Part of mismanagement is increasing harvest too much in times of relative abundance, whereas traditional practices would advise conservative harvest. The executive director of AITRC and others noted that they had asked for a five-year moratorium on caribou hunting from the Board of Game, but this request was not discussed. Participants also expressed frustration with the lack of Federal response and protection for the Nelchina herd.

Another Ahtna, Inc. board member said that she doesn't know if people understand, but Native people need to have Native foods. They get sick without these foods. The executive director of AITRC said that a whole generation would not learn how to hunt for caribou. Another participant said that Ahtna people would struggle to pass on traditions surrounding caribou hunting during the closure but must find a way. In addition, there needs to be a collaborative and transparent recovery plan for the Nelchina herd.

An Ahtna member from the Native Village of Cantwell, who is also on the Ahtna Land Committee, said that his community would still like to be able to hunt the Denali herd. He explained that his elders need caribou, and that moose is not the same.

Many participants in the consultations said that the State has sold off land in the Nelchina herd's range, which has been developed with large homes. Other areas have become saturated with recreational users. Land is being reclassified with damaging consequences. These changes have displaced critical Nelchina habitat and have also occurred on areas with traditional Ahtna trails. Representatives said they were frustrated that more thought had not been given to these developments. Multiple participants stated that the competition and conflict they face from other hunters in their traditional territory makes them feel physically unsafe, with shots being fired everywhere. The executive director of AITRC said "this valley cannot feed the whole state."

A theme repeated by several representatives is that the Federal government needs to step up to monitor the Nelchina herd independently, and to protect Alaska Native interests, rather than only partnering with the State of Alaska. One caller reminded the Federal Subsistence Board that ANILCA exists because ANCSA did not protect Alaska Natives. He shared that "The Secretary [of the Interior] a while back declared that Title VIII of ANILCA is Indian Legislation." The Chief of Chickaloon emphasized that there should be an opportunity set aside for tribal people.

The State was described as not being transparent with its data on the Nelchina herd, so that there was no opportunity for an ANILCA Section 804 hunt prior to the requested closure to all users. The president of AITRC feels that the State is taking away Ahtna Federal hunting rights with its actions. Many participants noted that the local subsistence use of caribou has historically represented a very small percentage of overall use.

An elder from Copper Center asked if residents of the area would be able to travel to hunt the Porcupine or Arctic caribou herds, where there is still a relatively high limit. OSM Staff advised him and other callers that residents should consult the State regulations for these hunts, and that residents of different communities could also check the Federal customary and traditional use determinations to see whether they would qualify for Federal subsistence hunts in these areas.

An Ahtna, Inc. board member stated that “We are forced to agree with this closure because we learn to preserve our wildlife. We don’t want animals to go away, so we are going to have to agree with the closure.” This caller also had concerns about how the State is managing moose. She noted that she and others had testified at a Board of Game meeting about concerns for caribou and moose, but they had not been heard. She said that the State is more responsive to special interest hunting groups than to subsistence users. The State community hunt just placed more burdens of proof on the communities. This Ahtna, Inc. board member said that her people do not want to be put in the same category as everyone else. “We are not the public; we are tribal members.” Unlike transitory rural residents, “We are here forever.” Managers need to start thinking about future caribou hunts for the people who depend on them for food. They also need to rely more on Traditional Knowledge, rather than only what the State says.

The executive director of AITRC stated that any time there is a potential closure, tribal consultations should be automatically scheduled and should not have to be dependent on a request. The timing of the current consultation session was difficult because many people were conducting their fall subsistence practices. Representatives said that moose was becoming more and more important for their communities, given the closure to caribou, but that they also had serious concerns about state management of this species, and need the Federal government to protect their subsistence rights for moose as well.

The president of Ahtna, Inc. said that “The priority should always be for subsistence purposes. It is heartbreaking that we have come to point where no one can hunt. For someone who has been hunting their whole life, it puts you off kilter. Being the hunter, that’s your position in your family.”

Biological Background

The NCH calving grounds and summer range lie within Unit 13. The rut also generally occurs within Unit 13 from late September through mid-October. About 60-95% of the NCH overwinters in Unit 20E, although Nelchina caribou also overwinter in Unit 12 and across northern portions of Units 11 and 13 (Schwanke and Robbins 2013). Winter competition with the FCH in Unit 20E may be impacting the NCH and range conditions. While the calving season and location of the NCH calving grounds remains static, use of other seasonal ranges varies with resource availability and snow cover (Schwanke and Robbins 2013).

State management goals and harvest objectives are based on the principle of sustained yield (Robbins 2014). Since the 1990s, ADF&G has aimed to maintain a fall, post-hunt population of 35,000–40,000 caribou, with minimum ratios of 40 bulls:100 cows and 40 calves:100 cows (Hatcher and Robbins 2021). The goal is to provide for the harvest of 3,000–6,000 caribou annually.

The State manages the NCH for maximum sustained yield, principally by annual adjustments in harvest quotas. The population of the NCH has fluctuated over time, influenced primarily by harvest (Schwanke and Robbins 2013). Between 2003 and 2023, the NCH summer population estimate ranged from 8,823–53,500 caribou and averaged 37,453 caribou (**Table 1**). The herd has exceeded State population objectives many times, and harvest regulations have been liberalized to quickly reduce the population in an effort to preserve habitat conditions. Population increases in the NCH may be attributable to reduced predator numbers as a result of the Intensive Management program to benefit moose in Units 12, 13, and

20. (Schwanke and Robbins 2013; ADF&G 2017a, 2019a). The predator control program has been active in Unit 13 since 2000 (ADF&G 2023c). Activity under the program was suspended during 2012, 2015–2017, and 2019–2021, all coinciding with population estimates of the NCH at or above management objectives (ADF&G 20223c).

In October 2018, following a period of higher-than-expected population levels and associated liberalized harvest from 2010–2017, the NCH was estimated to be only 33,229, which is below the minimum State population objective (**Table 1**). A combination of a liberal hunt, severe winter conditions in the eastern part of their range that resulted in high over-winter mortality, emigration of some animals to the FCH, and lower than anticipated productivity reduced the NCH from the 2017 fall estimate of 41,411 (Rinaldi pers. comm. 2019). In the summer of 2019, the NCH population estimate peaked at 53,500 caribou (ADF&G 2019b). However, the NCH population estimate has declined precipitously since then to only 8,823 caribou in July 2023 (**Table 1**), which is the lowest estimate since 2003 (ADF&G 2023a, 2023b). Factors contributing to this recent decline include deep snow across the range of the NCH during the winter of 2021–2022 which led to increased adult mortality. Spring thaw was also late that year delaying green-up, migration, and calving, which led to low calf recruitment. Preliminary indicators suggest difficult winter conditions for 2022–2023, leading to poor recruitment again. Smaller cohorts over the last two years have the potential to slow population growth and recovery for the NCH (ADF&G 2023b).

Bull:cow and calf:cow ratios have also fluctuated greatly over time. Between 2003 and 2023, the bull:100 cow ratio ranged from 23–64 bulls:100 cows and averaged 41 bulls:100 cows. The composition survey results from July 2023 showed the lowest bull to cow ratio of 23:100 cow. The fall calf:100 cow ratio for the same timeframe ranged from 13–55 calves:100 cows and averaged 36 calves:100 cows (**Table 1**). Once again, the composition survey conducted in July 2023 resulted in the lowest observed calf:100 cow ratio of 13 calves:100 cow, indicating a low recruitment rate for 2023.

Table 1. Population estimates and composition metrics of the NCH (Tobey and Kelleyhouse 2007; ADF&G 2008, 2010a, 2018, 2019a, 2023a, 2023b; Schwanke 2011; Schwanke and Robbins 2013; Robbins 2015, 2016a, 2016b, 2017, pers. comm.; Rinaldi 2019, pers. comm; Hatcher 2021, pers. comm;). Fall herd estimates are derived from summer minimum count data combined with fall harvest and composition survey data.

Year	Total bulls:100 cows ^a	Calves:100 cows ^a	Summer Herd Estimates ^b	Fall Herd Estimates
2003	31	35	31,114	30,141
2004	31	45	38,961	36,677
2005	36	41	36,993	36,428
2006	23 ^c	40 ^c	-	-
2007	34	35	33,744	32,569
2008	39 ^c	40 ^c	-	33,288 ^c
2009	42	29	33,146	33,837
2010	64	55	44,954	48,653
2011	58	45	40,915	41,394
2012	57	31	46,496	50,646
2013	30	19	40,121	37,257
2014	42	45	-	-
2015	36	45	48,700	46,816
2016	57	48	46,673	46,673
2017	35 ^c	35 ^c	-	41,411 ^c
2018	40	20	35,703	33,229
2019	32	41	53,500	46,528
2020	28 ^c	17 ^c	-	35,000 ^c
2021	38	45	38,400	35,500
2022	26	16	21,000 ^c	17,433 ^c
2023	23	13	8,823	
Average	41	36	38,550	39,739

^a Fall composition counts

^b Summer photocensus

^c Modeled estimate

Harvest History

The NCH is a popular herd to hunt and experiences heavy harvest pressure due to its road accessibility and proximity to Fairbanks and Anchorage. Harvest quotas are adjusted annually to achieve State management objectives and keep the herd from growing to unsustainable levels (Schwanke and Robbins 2013). In recent years, caribou have been largely unavailable on Federal public lands during the fall Federal season (Aug. 1– Sep. 30) with their presence peaking during October when the season is closed for the rut (BLM 2020, OSM 2023b).

Over 95% of total NCH harvest occurs in Unit 13. Between 2001 and 2022, harvest from the NCH under State regulations ranged from 519–5,785 caribou/year (**Table 2**). No Federal or State harvest has occurred during 2023 because the hunts were closed due to conservation concerns. Over the same period, caribou harvest under Federal regulations in Unit 13 ranged from 102–610 caribou/year (**Table 2**). Federal harvest (FC1302) accounts for 14% of the total Unit 13 caribou harvest on average. Fluctuations in Unit 13 caribou harvest follows changes in abundance and population estimations.

Federal FC1302 permits issued from 2019–2022 average 2,746, which is comparable to the overall average since 2001 of 2,762 (**Table 3**). The 2022/23 reported Federal harvest of 166 caribou was much lower than the long term 2001–2022 average of 371 (OSM 2023b). The lower 2022 Federal subsistence harvest may be because of lower abundance of caribou or because they migrated through Federal public lands during October when the season was closed.

Between 2001 and 2022, the number of Federal subsistence hunters and harvest success rates for the FC1302 hunt have shown substantial annual variation (**Table 3**). Between 2003 and 2012, Federal subsistence hunter numbers and success rates averaged 1,353 hunters and 31%, respectively. Between 2013 and 2022, Federal subsistence hunter numbers and success rates averaged 1,219 hunters and 25%, respectively (OSM 2023b). Success rates for caribou harvest depend largely on caribou availability (a function of migration timing) rather than abundance, and availability likely explains some of the substantial annual variation. Of note, federally qualified subsistence users may also harvest under State regulations, and those harvests are not reflected in the data above or in **Table 3**. The data described above and in **Table 3** only considers harvests under Federal regulations (FC1302).

Federal permit FC1202 allows for harvest of caribou on Federal public lands in Unit 12 remainder during a may be announced winter season. This hunt has been announced annually since 1998, while not being offered only three years since inception (OSM 2023b). In-season management for this hunt has been delegated to the Tetlin National Wildlife Refuge Manager and includes announcing the sex of the caribou that may be taken as well as the season dates. While this hunt sees less participation than the Unit 13 hunt, with a smaller pool of federally qualified subsistence users and no corresponding State hunt, it still produces a sizable annual harvest of 28 caribou on average (**Table 4**). FC1202 also allows for the harvest of cows during the winter when they may be pregnant. Cow harvest has comprised between 0–100% of FC1202 harvest from 2001–2022, averaging 40% (OSM 2023b). Harvest of a pregnant cow would negatively affect the productivity of the herd and hamper recovery.

Table 2. Total harvest of Nelchina caribou in Unit 13. Showing State harvest quota, State harvest, and Federal harvest (Tobey and Kelleyhouse 2007; Schwanke and Robbins 2013; Robbins 2015, 2017, pers. comm.; WinfoNet 2019; BLM 2020; OSM 2023b).

Regulatory Year	Harvest Quota	State Harvest	Federal Harvest (FC1302)	Total Unit 13 Harvest
2001		1,479	498	1,977
2002		1,315	337	1,652
2003		995	322	1,317
2004		1,226	335	1,561
2005		2,772	610	3,382
2006		3,043	570	3,613
2007		1,314	385	1,699
2008		1,315	273	1,588
2009		753	349	1,102
2010	2,300	1,899	451	2,350
2011	2,400	2,032	395	2,427
2012	5,500	3,718	537	4,255
2013	2,500	2,303	279	2,582
2014	3,000	2,712	237	2,949
2015	5,000	3,402	595	3,997
2016	N/A ^a	5,785	491	6,276
2017	6,000	4,529	358	4,887
2018	1,400	1,411	370	1,781
2019	3,450	2,735	102	2,837
2020	5,090	3,770	306	4,076
2021	1,250	1,505	220	1,725
2022	615	519	166	685
2023	0	0		

^aOriginal quota of 4,000 caribou was lifted and no adjusted quota was announced.

Table 3. The number of permits issued, permits used, and caribou harvested under permit FC1302 Federal caribou hunt in Unit 13 (OSM 2023b).

Regulatory Year	Permits Issued	Hunted	Harvested Male	Harvested Female	Harvested Unknown Sex	Total Harvested
2001	2,565	1,469	489	3	6	498
2002	2,507	1,379	323	2	12	337
2003	2,574	1,240	317	2	3	322
2004	2,555	1,337	248	85	2	335
2005	2,557	1,499	365	238	7	610
2006	2,631	1,317	318	238	14	570
2007	2,399	1,092	259	120	6	385
2008	2,532	1,229	180	89	4	273
2009	2,576	1,339	342	7	0	349
2010	2,852	1,535	316	129	6	451
2011	2,980	1,425	281	113	1	395
2012	2,953	1,518	326	203	8	537
2013	2,781	1,303	210	68	1	279
2014	2,943	1,395	177	59	1	237
2015	3,061	1,560	444	147	4	595
2016	3,151	1,530	299	192	0	491
2017	3,071	1,526	208	148	2	358
2018	3,082	1,433	232	135	3	370
2019	2,785	898	80	21	1	102
2020	2,915	1,194	193	112	1	306
2021	2,606	945	149	71	0	220
2022	2,676	1,015	115	51	0	166

Table 4. The number of permits issued, permits used, and sex and total caribou harvested under permit FC1202 Federal caribou hunt in Unit 12 (OSM 2023b).

Regulatory Year	Permits Issued	Hunted	Male	Female	Unknown Sex	Total Harvest
2001	41	18	1	0	0	1
2002	2	2	0	0	0	0
2003	102	44	13	0	0	13
2004	114	49	18	1	0	19
2005	78	39	6	10	0	16
2006	53	30	0	3	0	3
2007	88	34	11	5	2	18
2008	147	66	15	13	0	28
2009	111	49	18	0	2	20
2010	120	75	31	23	0	54
2011	103	61	37	9	3	49
2012	152	100	35	35	1	71
2013	113	68	15	21	4	40
2014	116	59	15	22	0	37
2015	126	75	14	35	0	49
2016	114	47	3	3	0	6
2017	128	36	6	4	0	10
2018	88	43	10	1	0	11
2019	158	96	20	33	1	54
2020	149	79	23	33	0	56
2021	130	61	16	11	1	28
2022	108	62	3	19	0	22

Cultural Knowledge and Traditional Practices

The range of the Nelchina herd falls largely within the traditional territory of the Ahtna Athabascans (de Laguna and McClellan 1981). The winter range of the herd, though variable, also extends east and north into the upper Tanana region, populated historically by speakers of Tanacross and Upper Tanana Athabaskan languages (McKenna 1981, Haynes and Simeone 2007), with whom the Ahtna have historically maintained ties based on reciprocity and kinship (Reckord 1983a, Haynes and Simeone 2007).

Archaeological evidence and historical accounts indicate that caribou have been a primary subsistence resource for both the Ahtna Athabascans and Athabascans of the upper Tanana region, who have hunted caribou seasonally for generations (de Laguna and McClellan 1981, McKenna 1981, Simeone 2006, Haynes and Simeone 2007). The traditional practices of drying and freezing meat, as well as the proper and respectful treatment of caribou are described in several ethnographic accounts of the Ahtna and Athabascans of the upper Tanana region (de Laguna and McClellan 1981, Reckord 1983, Simeone 2006, Haynes and Simeone 2007).

Among the Ahtna, those residing in the northern communities were historically more likely to favor and pursue caribou than those in the southern Ahtna region (Reckord 1983a). However, Athabascan cultures are marked by flexibility and adaptability; historically, use of species fluctuated with their availability (Reckord 1983a). While fall and spring are the primary traditional hunting seasons (de Laguna and McClellan 1981, McKennan 1981), caribou also provided an important source of food in winter when other resources were not available. In her ethnographic account of the Ahtna region, Reckord described one such historical instance:

"As late as 1897, spring starvation occurred in the Copper River area. Fish reserves were lower than normal, and game animals such as sheep or moose seemed to have disappeared. The last option available to these people was to migrate to a region of the Gulkana River where wintering caribou were reported. Some traveled from as far away as Taral, crossing 150 to 200 miles of terrain...A few of the more vigorous young men went ahead and killed some game which they brought back to their starving relatives on the trail" (1983a:28).

Caribou continue to be a vital resource for communities within the range of the Nelchina herd (Haynes and Simeone 2007, Holen et al. 2012, Kukkonen and Zimpleman 2012, La Vine et al. 2013, La Vine and Zimpleman 2014, Holen et al. 2015, Godduhn and Kostick 2016, Brown et al. 2017). **Table 5** lists communities with a customary and traditional use determination for caribou within a portion of the closure request area.

ADF&G's Division of Subsistence conducts household subsistence harvest surveys periodically throughout rural Alaska. Though these surveys are only conducted every 10 to 15 years, they are an important source for documenting communities' patterns of resource use. In the most recent comprehensive subsistence surveys conducted in communities in the Copper and upper Tanana river regions listed in **Table 5** by ADF&G, Division of Subsistence between 2004 and 2015, large land mammal harvest accounted for 12% to 70% of surveyed households' total subsistence harvests by weight (Haynes and Simeone 2007, Holen et al. 2012, Kukkonen and Zimpleman 2012, La Vine et al. 2013, La Vine and Zimpleman 2014, Holen et al. 2015, Godduhn and Kostick 2016, Brown et al. 2017).¹

While bear, sheep, goat, and bison were also taken, most of the large land mammal harvest was composed of caribou, moose, or both for all communities surveyed. Caribou made up 0 to 21% of communities' total wild food harvest by edible weight during the most recent survey years between 2004 and 2015 (CSIS 2023). Even in communities that reported no harvest during the study year, caribou were still widely used, shared, and received. For example, while Tolsona reported no caribou harvest during the 2013 study year, 25% of Tolsona households reported using caribou that year (Holen et al. 2015, CSIS 2023).

During study years between 2009 and 2013, communities within the Copper River Basin harvested or hunted for caribou in Unit 13, as well as in nearby Units 11 and 12 (Kukkonen and Zimpleman 2012, La

¹ Two communities with a customary and traditional use determination for caribou in a portion of the range of the Nelchina herd, Delta Junction and Chickaloon, have not been surveyed by ADF&G, Division of Subsistence (CSIS 2023).

Vine et al. 2013, La Vine & Zimpleman 2014, Holen et al. 2014, Holen et al. 2015). Harvest and search areas illustrate a pattern of hunting primarily along nearby road corridors and locations close to home. When documented by ADF&G, Division of Subsistence studies on communities in the upper Tanana region in 2011 and 2014, caribou harvest and search areas focused on road corridors and valley floors and included the hills north of the Alaska highway, the Taylor Highway, west of Tok towards the Alaska-Canada border, and areas close to communities themselves (Holen et al. 2012, Godduhn and Kostick 2016).

Data on the timing of harvest (from any herd, in any area, and under any opportunity) during the most recent study years are available for surveyed households in most communities, with the exceptions of Delta Junction, Chickaloon, Tanacross and Tetlin. For the other upper Tanana and Copper River Basin communities taken together, harvest occurred in every month except May, June, and July. The greatest percentage of the overall estimated harvest occurred in September (25%), followed by November (19%), August (15%), and October (13%). For upper Tanana region communities only, harvest occurred in every month except June and July, and the greatest percentage of the overall estimated harvest took place in November (24%), followed by August (21%), and March (14%) (Holen et al. 2012, La Vine et al. 2013, Holen et al. 2014, Holen et al. 2015, La Vine and Zimpelman 2014, Godduhn and Kostick 2016, Brown et al. 2017). Timing of harvest is constrained by regulatory seasons and opportunities existing during each survey year.

Not every survey year is representative of typical caribou harvest patterns. In order to show larger patterns over time, three averaged measures of estimated caribou harvest over all survey years between 1982 and 2015 are presented in **Table 6**. Data shown in **Table 6** include average estimated caribou harvest during survey years from any herd, under any opportunity, State or Federal, and in any unit.

Table 6 shows that among communities with a customary and traditional use determination for caribou in a portion of the requested closure area, the percent of surveyed households using caribou, averaged over all survey years between 1982 and 2015, ranged between approximately 64% in Lake Louise to 25% in Tolsona. The estimated pounds harvested per person, averaged across all survey years, was highest in Paxson, at approximately 39 pounds per person, and lowest in Tonsina, at 0 pounds per person. Finally, the number of caribou harvested, averaged over all survey years, ranged from a high of 171 in Tok, with a relatively high population, and was lowest in Tolsona, where no caribou were harvested during survey years.

Reported harvest from Federal permits shows which communities have harvested caribou under Federal regulations in Units 12 and 13 over the last ten years. For those communities with a customary and traditional use determination for caribou in the requested closure area, **Tables 7** and **8** show reported harvest under Federal permits FC1302 and FC1202 from 2013 to 2022. Critically, however, this does not account for those federally qualified subsistence users who have been hunting under State permits, but who would shift to hunting under Federal permits when State hunting opportunities are closed, or when caribou are not available on Federal lands. These tables are not representative of communities' total caribou use, but only of utilization of Federal permits during the last ten years. For information on estimated comprehensive caribou use, see **Table 6**. Note that there are no data for the may-be-announced

Unit 11 hunt (FC1108), because this hunt was established in 2022 and has not yet been announced or opened.

User conflict between local and non-local caribou hunters in the Copper River Basin and upper Tanana region has been well-documented in studies by ADF&G, Division of Subsistence (Kukkonen and Zimpleman 2012, Holen et al. 2012, La Vine et al. 2013, La Vine and Zimpelman 2014, Holen et al. 2015). Testimony about user conflict and concerns over hunter safety has also been shared by Council members and members of the public at Regional Advisory Council meetings (SCRAC 2015, SCRAC 2017, SCRAC 2018).

In Subsistence studies, many communities in the region had concerns about the number of caribou and other large land mammals taken by non-local hunters (Holen et al. 2015). Key respondents in Copper River Basin and upper Tanana region communities noted that better-equipped urban hunters, traffic pressure on the roads, and significant increases in the use of off-road vehicles were decreasing the success rates and efficiency of federally qualified subsistence users by interfering with access to favored hunting areas and driving game further from road corridors (Holen et al. 2012, Kukkonen and Zimpleman 2012, La Vine et al. 2013, La Vine and Zimpelman 2014, Holen et al. 2015). A Paxson resident explained:

ATV use is out of control in the Denali Highway area. There is just too much motorized access. Local subsistence hunters cannot compete with those people that come into this area with lots of equipment like motorhomes and 4-wheelers or 6-wheelers (Holen et al. 2015: 258).

Some local community members have also noted that changing climatic conditions are complicating more traditional large land mammal hunting practices in the area, as warmer weather is extending longer into the hunting season and altering the timing of yearly biological cycles and herd migrations (Kukkonen and Zimpelman 2012; La Vine et al. 2013; La Vine and Zimpelman 2014, Holen et al. 2015).

Table 5. Communities with a customary and traditional use determination for caribou in a portion of the closure request area. Note that additional, dispersed residents and settlement areas also have C&T within portions of the closure request area.

Community	Unit in Which Community is Located	Estimated Population in 2022 (ADLWD 2022)
McCarthy	11	114
Northway	12	223
Tanacross	12	141
Tetlin	12	140
Tok	12	1,324
Lake Louise	13A	40
Mendeltna	13A	46
Nelchina	13A	46
Glennallen	13A/D	427
Tolsona	13A/D	12
Gulkana	13B	89
Paxson	13B	26
Chistochina	13C	56
Gakona	13C	181
Mentasta	13C	118
Slana	13C	93
Chitina	13D	97
Copper Center	13D	316
Kenny Lake/Willow Creek	13D	294
Tazlina	13D	257
Tonsina	13D	51
Cantwell	13E	196
Chickaloon	14B	246
Denali Park	20C	149
Delta Junction	20D	983
Dot Lake	20D	48
Healy Lake	20D	22

Table 6. Three measures of caribou use by communities with a customary and traditional use determination for caribou in a portion of the requested closure area, averaged over all survey years between 1982 and 2015. Note that only one year of data is available for Healy Lake, Nelchina, McCarthy, and Tolsona.

Community	Percent of Surveyed Households Using Caribou	Estimated Pounds Harvested Per Person	Estimated Number of Caribou Harvested
Paxson	53.6%	38.9	11
Healy Lake	47.8%	34.3	24
Tonsina	59.0%	26.2	40
Lake Louise	63.9%	23.5	7
Copper Center	54.9%	19.0	67
Tok	44.9%	17.9	171
Slana	56.4%	17.8	11
Cantwell	42.6%	17.7	24
Gakona	53.8%	17.2	23
Nelchina	44.4%	16.6	10
Chistochina	38.5%	13.9	9
Northway	43.5%	12.5	29
Chitina	30.9%	12.1	8
Kenny Lake	40.1%	11.8	31
Tanacross	51.8%	11.3	13
Mendeltna	50.0%	10.8	3
Mentasta Lake	54.7%	9.2	6
Glennallen	56.6%	9.1	36
Gulkana	45.5%	9.0	6
Tetlin	32.2%	8.2	11
Dot Lake	29.1%	7.9	3
Tazlina	51.2%	7.0	19
Denali Park	35.6%	6.5	9
McCarthy	23.0%	5.7	4
Tolsona	25.0%	0.0	0

Table 7. The number of FC1302 Federal permits issued, hunted, and resulting in harvest by communities and areas with a customary and traditional use determination for caribou in all or a portion of Unit 13 from 2013 to 2022 (OSM 2023b).

Community or Area	Unit in Which Community is Located	Number of Permits Issued	Number of Permits Hunted	Harvest
Delta Junction	20D	14,502	5,580	1,443
Copper Center	13D	3,364	1,846	468
Glennallen	13A/D	2,498	1,323	331
Kenny Lake	13D	1,458	642	168
Gakona	13C	1,450	644	155
Tazlina	13D	1,030	606	104
Slana	13C	794	276	48
Cantwell	13E	684	253	32
Chickaloon	14B	523	359	86
Chitina	13D	340	158	55
Glacier View	13A	274	174	33
Tolsona	13A/D	210	111	26
Tonsina	13D	174	45	13
Copperville	13D	166	96	25
Nelchina	13A	166	101	15
Silver Springs	13D	142	90	13
Paxson	13B	140	74	15
Gulkana	13B	136	59	8
Lake Louise	13A	110	74	13
Nabesna	12	74	39	2
Sheep Mountain	13A	62	36	12
Sourdough	13B	46	27	9
Chistochina	13C	42	12	0
Tangle Lakes	13B	40	32	9
McCarthy	11	38	17	2
Meiers Lake	13B	36	19	1
Mentasta Lake	13C	34	2	0
Tiekel River	13	22	3	2
Mendeltna	13A	18	8	0
Chase	13E	11	4	0
McKinley Village	20A	10	6	0
Victory Bible Camp	13A	6	0	0
Denali Park	20C	4	4	0
Lake Susitna	13A	4	0	0
Tanana	20F	2	2	0
Dot Lake	20D	2	2	0
Total		28,612	12,724	3,088

Table 8. The number of FC1202 Federal permits issued, hunted, and resulting harvest by communities and areas with a customary and traditional use determination for caribou in Unit 12 from 2013 to 2022 (OSM 2023b).

Community or Area	Unit in Which Community is Located	Number of Permits Issued	Number of Permits Hunted	Harvest
Tok	12	892	486	255
Northway	12	261	103	28
Border	12	23	19	7
Mentasta Lake	13C	1	0	0
Tetlin	12	2	0	0
Nabesna	12	1	1	0
Tanacross	12	4	1	0
Total		1,184	610	290

Other Alternatives Considered

One alternative considered was to remove the portion of Denali National Park in Unit 13E from the closure. Testimony received during the public hearing stated the caribou in this area are part of the Denali caribou herd, not the NCH, and that subsistence hunting of Denali caribou should remain open. Denali National Park personnel clarified that the Denali caribou herd ranges further north in the park, and the majority of the caribou in the Unit 13E portion of the park are part of the NCH. Therefore, this alternative was not considered further since subsistence hunting of the Denali caribou herd would not be affected by this special action request.

Another alternative considered was to provide a very limited hunting opportunity to a subset of federally qualified subsistence users, who would be identified through a Section 804 user prioritization analysis. This alternative may provide some subsistence harvest opportunity to users who are most dependent upon the NCH to meet their subsistence needs. However, this alternative was not considered further because it is beyond the scope of the request. Additionally, there is currently no harvestable surplus.

Another alternative considered was to provide an exception for caribou harvests by Cultural and Educational Permits (CEPs). By default, CEP harvests are not permitted when Federal public lands are closed to all users. However, comments received during Tribal consultation and the Southcentral Council meeting expressed concern over loss of culture and the ability to pass on traditional knowledge of caribou if all harvest was eliminated. CEPs could provide an avenue for limited harvest, provided a request is submitted by a qualifying program, such as a culture camp or school. The permits are typically requested both to teach cultural and educational activities associated with harvest and to provide food for participants in the cultural and educational program. The in-season manager also has approval authority and may make adjustments based on conservation concerns. This alternative would not guarantee that CEP requests are approved, but would create an exception for consideration of CEPs during this closure. Due to the short timeframe of this request and serious conservation concerns for the NCH, OSM did not further consider this alternative.

Note: funerary/mortuary ceremonial harvests are excepted from Federal land or season closures and are subject to additional stipulations per Federal regulation §__.26(m).

Effects of the Proposal

If this special action is approved by the Board, there will be no harvest of caribou from the NCH on Federal public lands in Units 11, 12, or 13 by any users for the winter 2023/24 season, including harvest under Federal registration permits FC1202, FC1302 or the AITRC administered community harvest system. This will be a major reduction in an important subsistence resource available to federally qualified subsistence users.

A closure in Units 11, 12, and 13 to caribou hunting may lead to an increase of hunters, both federally and non-federally qualified subsistence users, traveling to other regions to harvest caribou. This may result in more users traveling to the Upper Tanana to hunt the FCH in Units 20 and 25.

While this restriction would eliminate a much relied upon natural resource of federally qualified subsistence users, the major reduction in harvest may conserve the NCH and aid in its recovery. Any population increase may provide for more subsistence opportunity in the future.

OSM Conclusion

Support Wildlife Special Action WSA23-04 and **Take No Action** on WSA23-02.

Justification

Conservation concerns warrant a closure to caribou hunting on Federal public lands in Units 11, 12, and 13 by all users. Extreme winter conditions and the delayed onset of spring conditions during the last two winters led to high mortality and low recruitment rates for the NCH, resulting in the recent population decline. The latest estimate of 8,823 caribou is about one quarter of the lower extent of the population management objective set by ADF&G. Hunting pressure and harvest may exacerbate this decline, which has already led to the closure of the fall Federal and State seasons. Supporting WSA23-02/04 will promote the recovery of the NCH by eliminating harvest mortality, which may aid in maintaining the current population, and bolster productivity and recruitment of the herd. Since ADF&G closed all State caribou seasons in Unit 13, closing the Federal winter seasons in Units 11, 12, and 13 will further protect the surviving caribou in the NCH, helping to ensure its continued viability.

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SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

Southcentral Alaska Subsistence Regional Advisory Council

Support WSA23-02/04. The Council found the action was necessary due to conservation concerns and that it was supported by substantial evidence. The Council also voiced support for conducting a §804 user prioritization analysis, so that it will be available when the resource returns to a level where some harvest could be allowed.

Eastern Interior Alaska Subsistence Regional Advisory Council

Support WSA23-02/04. The Council recognized the need to conserve the Nelchina caribou herd and that no harvestable surplus is currently available. The Council also expressed frustration over mismanagement of the herd and that something needs to be done to allow people to eat and meet their subsistence needs.

INTERAGENCY STAFF COMMITTEE COMMENTS

It is clear from the analysis for WSA23-02/04 that the Nelchina Caribou Herd (NCH) is in serious decline. The most recent 2023 summer herd estimate for the NCH was 8,823 animals, well below the State management objective of 35,000-40,000 caribou. The composition survey results from July 2023 showed the lowest bull to cow ratio of 23:100. It also resulted in the lowest observed calf:cow ratio of 13:100, indicating a very low recruitment rate for 2023. High overwinter mortality over the last two years, coupled with low recruitment rates, has resulted in no harvestable surplus being available for the NCH and therefore, the winter 2023/2024 hunting season should be closed to all users on Federal public lands in Units 11, 12, and 13. All State seasons have already been closed in Unit 13 and there is no State winter season in Unit 11, and only a fall State season in Unit 12. This closure is needed to ensure the continued viability of the NCH as described in ANILCA Section 816(b) and is consistent with the recommendations of the Southcentral and Eastern Interior Alaska Subsistence Regional Advisory Councils.

While this closure is needed to ensure the continued viability of the NCH as described in ANILCA Section 816(b), the Interagency Staff Committee is concerned about the impacts of this closure on the continuation of subsistence uses. Although not a part of this request, a prioritization among federally qualified subsistence users, through a section 804 analysis, would give the Federal Subsistence Board greater opportunity and flexibility in implementing Title VIII of ANILCA and the Federal subsistence priority.