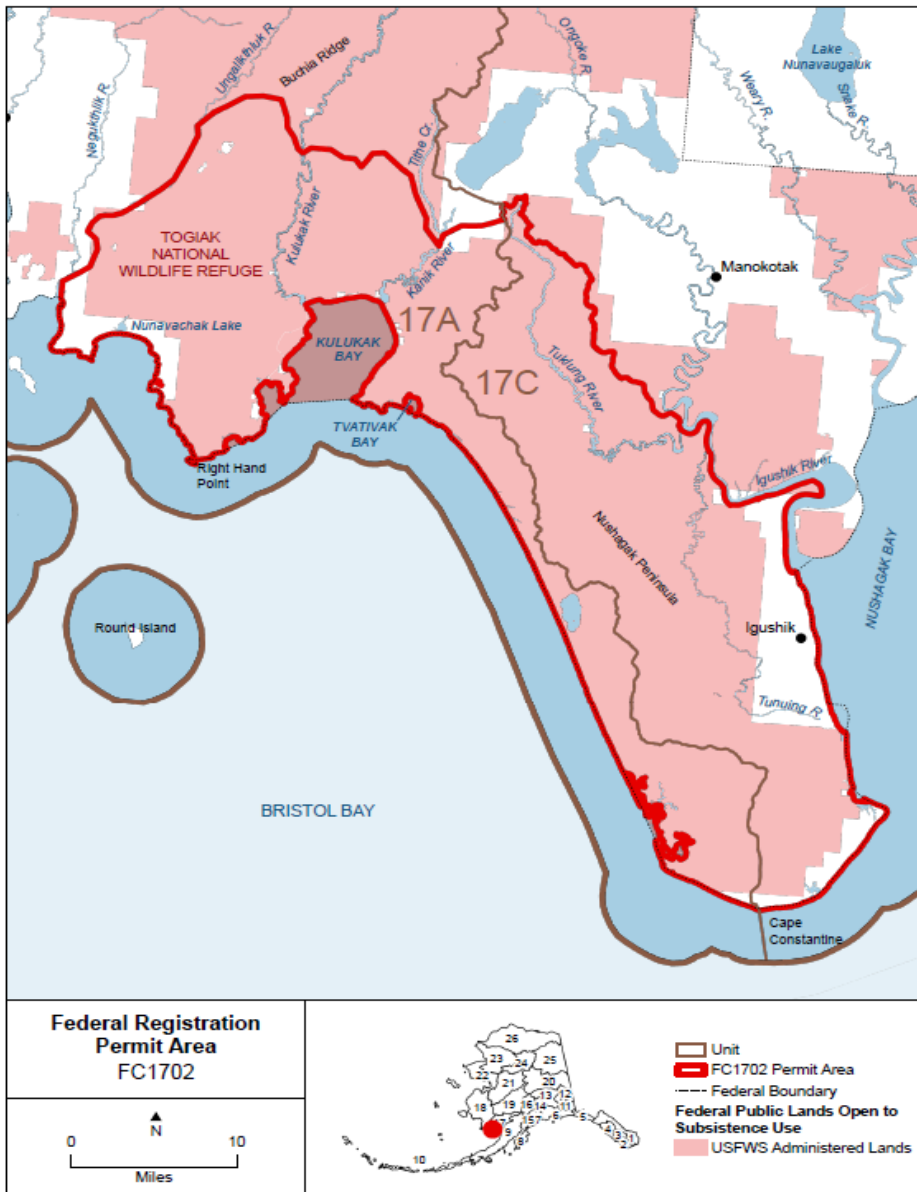


<b>WCR26-07 Executive Summary</b>	
<b>General Description</b>	Wildlife Closure Review WCR26-07 reviews the Federal public lands closure in portions of Units 17A and 17C to the taking of caribou except by federally qualified subsistence users unless the Nushagak Peninsula caribou herd (NPCH) population estimate exceeds 900 caribou.
<b>Proposed Regulation</b>	<p><b>Unit 17—Caribou</b></p> <p><i>Units 17A and 17C, that portion of 17A east of the <u>Ungalikthluk River</u> and South of <u>Buchia Ridge</u>, and within the lower <u>Kulukak River</u> drainage south of <u>Buchia Ridge</u> and within the <u>Kanik River</u> drainage downstream of the <u>Tithe Creek</u>, that portion of 17C south of the <u>Igushik River</u> and south of and including the <u>Tuklung river</u> drainage—up to 5 caribou by Federal registration permit (FC1702)</i> <span style="float: right;"><i>Aug. 1 – Mar. 31</i></span></p> <p><i>Federal public lands are closed to the harvest of caribou except by Federally qualified subsistence users unless the population estimate exceeds 900 caribou.</i></p>
<b>OSM Conclusion</b>	<b>Modify the Closure</b> to reduce the population threshold to 600 caribou.
<b>Bristol Bay Subsistence Regional Advisory Council Recommendation</b>	<b>Retain status quo</b>
<b>Western Interior Alaska Subsistence Regional Advisory Council Recommendation</b>	<b>Did not consider</b>
<b>Interagency Staff Committee Comments</b>	<b>See full comment at the end of this analysis</b>
<b>ADF&amp;G Comments</b>	<b>Retain status quo</b>
<b>Written Public Comments</b>	<b>None</b>

## Wildlife Closure Review WCR26-07

**ISSUE:** Wildlife Closure Review WCR26-07 reviews the Federal public lands closure in portions of Units 17A and 17C to the taking of caribou except by federally qualified subsistence users unless the Nushagak Peninsula caribou herd (NPCH) population estimate exceeds 900 caribou (**Map 1**). It is the Federal Subsistence Board’s (Board) policy that Federal public lands should be reopened when closures are no longer necessary, and that closures will be reviewed at least once every four years. The purpose of this review is to determine if these closures are still warranted.



**Map 1.** Hunt area boundary for the Nushagak Peninsula Caribou Herd in Units 17A and 17C.

**Closure Location and Species:** Unit 17 (Nushagak Peninsula) – Caribou

**Closure Dates:** Year-round

**Current Federal Regulations**

**Unit 17—Caribou**

*Units 17A and 17C, that portion of 17A east of the Ungalikthluk River and South of Buchia Ridge, and within the lower Kulukak River drainage south of Buchia Ridge and within the Kanik River drainage downstream of the Tithe Creek, that portion of 17C south of the Igushik River and south of and including the Tuklung river drainage—up to 5 caribou by Federal registration permit (FC1702)* *Aug. 1 – Mar. 31*

*Federal public lands are closed to the harvest of caribou except by Federally qualified subsistence users unless the population estimate exceeds 900 caribou.*

**Current State Regulations**

**Unit 17—Caribou**

*Unit 17A, all drainages that terminate east of Right Hand Point* *Residents: 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 11* *RC501* *May be announced*

*Unit 17C remainder* *Residents: 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 11* *RC501* *May be announced*

**Regulatory Year Initiated:** 1994; 2018 – closure revised to include population threshold and open hunt to all federally qualified subsistence users

**Closure last reviewed:** 2022 – WCR22-07

### **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 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 (USFWS), Alaska Department of Fish and Game (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.

In 1994, the Board adopted Proposal P94-42, which established subsistence hunt and closed Federal public lands to the harvest of caribou by all users, except by residents of Togiak, Dillingham, Twin Hills, Manokotak, Aleknagik, Clarks 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 (Council) supported Proposal P94-42 and 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 P94-42 in 1994, stating that they had been part of the Nushagak Peninsula Caribou Management Planning Committee and agreed with its recommendation (FSB 1994).

### **Extent of Federal Public Lands**

The FC1702 hunt area in Units 17A and 17C is comprised of 85% Federal public lands and consists entirely of USFWS managed lands that are part of Togiak National Wildlife Refuge (NWR).

### **Customary and Traditional Use Determination**

Rural 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, which includes the Nushagak Peninsula hunt area.

## **Regulatory History**

Please see the Regulatory History section in the analysis for Proposal WP26-40.

## **Current Events**

Proposal WP26-01 requests to move authority to manage Federal hunts currently delegated to Federal in-season managers through delegation of authority letters (DALs) into unit-specific regulations for many hunts across Alaska and to rescind the associated DALs. The authority delegated to the Togiak NWR manager for in-season management of the FC1702 hunt area for Nushagak caribou is included in this proposal (see **Appendix 1** in the analysis for WP26-40).

Wildlife Proposal WP26-40 requests to close Federal public lands in portions of Units 17A and 17C to caribou hunting by non-federally qualified users and federally qualified subsistence users, except those federally qualified subsistence users residing in Togiak, Twin Hills, Manokotak, Aleknagik, Dillingham, Clark's Point and Ekuk, regardless of the population size of the Nushagak Peninsula Caribou Herd (NPCH).

## **Biological Background**

Please see the Biological Background section in the analysis for Proposal WP26-40.

## **Cultural Knowledge and Traditional Practices**

Please see the Cultural Knowledge and Traditional Practices section of the analysis for Proposal WP26-40.

## **Harvest History**

Please see the Harvest History section of the analysis for WP26-40.

## **Alternative(s) Considered**

One alternative considered is to revise the population threshold for closure to non-federally qualified users from 900 caribou to 600 caribou, to reflect the change in management objectives. When the current threshold was established in regulations in 2018, the upper population objective was 900 caribou. Population management objectives were reduced in 2020 to 200-600 caribou, suggesting 600 caribou as the appropriate threshold for rescinding the closure to non-federally qualified users.

## **Discussion and Effects**

The existing closure strikes an effective management balance that maintains a subsistence priority, while also preventing the herd from exceeding the carrying capacity of its range, 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 were to

be made more stringent by removing the population threshold, the NPCH would be more likely to exceed carrying capacity by overgrazing its habitat.

### OSM CONCLUSION

- Retain the Status Quo**
- Rescind the Closure**
- Modify the Closure to reduce the population threshold to 600 caribou.**
- Defer Decision on the Closure or Take No Action**

The draft regulation reads:

#### **Unit 17—Caribou**

*Units 17A and 17C, that portion of 17A east of the Ungalikthluk River and South of Buchia Ridge, and within the lower Kulukak River drainage south of Buchia Ridge and within the Kanik River drainage downstream of the Tithe Creek, that portion of 17C south of the Igushik River and south of and including the Tuklung river drainage—up to 5 caribou by Federal registration permit (FC1702) Aug. 1 – Mar. 31*

*Federal public lands are closed to the harvest of caribou except by Federally qualified subsistence users unless the population estimate exceeds ~~900~~ 600 caribou.*

#### **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.

However, given the reduction in population objectives in 2020 due to concerns about overgrazing, 600 caribou is now the appropriate threshold for closing to non-federally qualified users. As 600 is the upper bound of the population objective, reducing the population below this amount may be a biological necessity as population estimates exceeding 600 caribou may result in overgrazing and conservation concerns.

#### **LITERATURE CITED**

FSB. 1994. Transcripts of Federal Subsistence Board proceedings, April 13, 1994. Office of Subsistence Management, USFWS. Anchorage, AK.

## **SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATION**

### **Bristol Bay Alaska Subsistence Regional Advisory Council**

The Council voted to **retain status quo** on WCR26-07.

Council members discussed recent caribou population data and habitat conditions, noting that while surveys are limited by timing, staffing, and animal distribution, current estimates support herd stability. Members acknowledged that lichen availability and seasonal movement influence herd location and harvest timing. Given these factors, along with past management objectives and concerns about potential overgrazing, the Council emphasized maintaining the existing closure and population threshold to preserve opportunities and priorities for local federally qualified subsistence users. Council members supported maintaining the 900 population threshold due to the recent expansion of the herd's range. Members also emphasized that local consultation and monitoring of the herd is important.

### **INTERAGENCY STAFF COMMITTEE COMMENT**

The Federal Subsistence Board (Board) will need to consider a few key sections of ANILCA before taking action on proposals requesting closures and closure reviews. Specifically, those sections of Title VIII pertaining to Council deference and the limitations to closures or restrictions of subsistence and nonsubsistence uses on federal public lands (ANILCA Sections 805(c), 815(3), and 816(b)). These three sections speak to the heart of Board authority and require a careful balance between the federal priority, the continuation of subsistence uses, the necessary conservation of subsistence fish and wildlife, and unnecessary restrictions.

The current closure for caribou harvest on Federal public lands in Units 17A and 17C is intended to balance conservation of the Nushagak Peninsula Caribou Herd (NPCH) with the subsistence priority for federally qualified users. Modifying the closure to reduce the population threshold from 900 to 600 caribou presents several potential benefits. The lower threshold would align the regulation with the updated herd management objectives established in 2020, which identify 200–600 caribou as the desired population range. Adjusting the threshold would help ensure the population does not grow beyond the carrying capacity of its habitat, thereby reducing risk of overgrazing and maintaining ecological stability. This modification also reflects current biological concerns about maintaining the herd within sustainable limits.

However, modifying the closure carries possible drawbacks. Lowering the population threshold would open the hunt to non-federally qualified users at lower population levels, which could reduce harvest opportunities for federally qualified subsistence users who rely on this resource. Increased competition could make it more difficult for these users to meet their subsistence needs, an outcome contrary to the intent of the Federal Subsistence Management Program.

Retaining the status quo also has clear advantages. Maintaining the 900-caribou threshold preserves the existing subsistence priority and supports the Bristol Bay Subsistence Regional Advisory Council's recommendation, which emphasizes cultural reliance on caribou, local stewardship, and the importance of ensuring continued subsistence access. The current threshold has historically provided a strong conservation buffer while preventing undue pressure from non-subsistence harvesters during times of lower population estimates. Both the Bristol Bay Regional Advisory Council and the State support retaining status quo.

The primary disadvantage of retaining the status quo is that the 900-caribou threshold no longer aligns with updated management objectives. If the herd stabilizes near the upper end of the current objective (600 caribou), the existing threshold would continue to restrict non-federally qualified users even when biological conditions may not warrant such limits. This could result in unnecessary regulatory restrictions and missed opportunities to manage the herd effectively within its habitat's carrying capacity.

#### **ALASKA DEPARTEMENT OF FISH AND GAME COMMENT**

No comment submitted.