

WP26–18/19/20/21/22/23 Executive Summary	
General Description	Wildlife Proposals WP26-18, WP26-19, WP26-20, WP26-22, and WP26-23 request prohibiting trap or snare usage in designated areas on the Kenai Peninsula in Unit 7 unless they meet certain criteria. All proposals request to limit trapping within a certain distance around and along campgrounds, beaches, roads, and trails, within 100 or 50 yards depending on location. Although not specified in the original proposals, but clarified upon further discussion with the proponent, these setbacks would not apply to traps or snares that are set at least three feet above the ground or snow level, under water or ice, or enclosed. <i>Submitted by the Cooper Landing Safe Trails Committee.</i>
Proposed Regulation	Please see Proposed Regulation section of the analysis.
OSM Conclusion	Support Proposal WP26-19 with modification to only require trapping setbacks in Quartz Creek, Crescent Creek and Russian River Campgrounds and clarify the regulatory language. Oppose Proposals WP26-18, WP26-20, WP26-21, WP26-22, and WP26-23.
Southcentral Alaska Subsistence Regional Advisory Council Recommendation	Support WP26-19 as modified by OSM. Take no action on WP26-18, WP26-20, WP26-21, WP26-22, and WP26-23
Interagency Staff Committee Comments	The Interagency Staff Committee found the analysis to be a thorough and accurate evaluation of the proposal and that it provides sufficient basis for the Regional Advisory Council recommendation and the Federal Subsistence Board action on this proposal.
ADF&G Comments	Oppose WP26-18, WP26-20, WP26-21, WP26-22, and WP26-23. Support WP26-19 as modified by OSM (pre-March Board of Game meeting)
Written Public Comments	10 Support; 5 Oppose See Written Public Comments on Wildlife Proposal and Closure Reviews section of the meeting book or www.doi.gov/subsistence/wildlife/public_comments for full comments.

Wildlife Analysis WP26-18/19/20/21/22/23

ISSUE

Wildlife Proposals WP26-18, WP26-19, WP26-20, WP26-22, and WP26-23 were submitted by the Cooper Landing Safe Trails Committee and request prohibiting trap or snare usage in designated areas on the Kenai Peninsula in Unit 7 unless they meet certain criteria (**Table 1**). All proposals request to limit trapping within a certain distance (setbacks) around and along campgrounds, beaches, roads, and trails, within 100 or 50 yards depending on location (**Maps 1-5**). Although not specified in the original proposals, but clarified upon further discussion with the proponent, these setbacks would not apply to traps or snares that are set at least three feet above the ground or snow level, under water or ice, or enclosed.

Wildlife Proposal WP26-21, also submitted by the Cooper Landing Safe Trails Committee, requests to make “Active Trapping” signs mandatory at all access points to operating traplines. All signs would be required to be:

- at least 8” x 11”
- brightly colored (yellow or orange)
- waterproof/tearproof
- posted at eye level clearly denoting active trapping in the area
- must include Alaska Department of Fish and Game (ADF&G) license number or Fish and Wildlife number; contact information is optional

Table 1. Areas and setback distances for trapping prohibitions requested in all proposals.

Proposal Number	General Area	Specific Area	Setback Distance (yards)
WP26-18	Kenai Lake Beaches	Beaches north side of Kenai Lake from the Kenai River bridge to 1 mile past the end of Williams Road Beaches south side of Kenai Lake from the Kenai River bridge to 1/4 mile past the powerline crossing (mile 2.8 Snug Harbor Road) Kenai Lake Beach (Waikiki Beach) 1/4 mile north and south of lake access road (mile 5.8 Snug Harbor Road)	100
WP26-19	Campgrounds	Quartz Creek Campground Crescent Creek Campground Russian River Campground Tenderfoot Campground	50

Proposal Number	General Area	Specific Area	Setback Distance (yards)
WP26-20	<p>Pullouts</p> <p>Trails</p>	<p>Highway pullouts accessing backcountry areas along the Seward Highway</p> <p>Both sides of trail on west side of Seward Highway from MP 44.5-46.25 (Japan Woods) within the Summit Lake Recreation Area</p> <p>Tenderfoot ski area</p>	100
WP26-22	<p>Roads</p> <p>Pullouts</p>	<p>South of Quartz Creek Road from mile .3 to .6, last .1 mile of East Quartz Creek Road</p> <p>US Forest Service (USFS) section of Old Sterling Highway</p> <p>All pullouts on Federal land along Sterling Highway from junction with Seward Highway to Cooper Landing</p>	100
WP26-23	Trails	<p>Crescent Creek trail to Crescent Lake</p> <p>Lower Russian Lake trail to Barber Cabin and Russian River Falls</p> <p>Bean Creek trail to intersection with Resurrection Pass trail</p> <p>South end of Resurrection trail to Swan Lake cabin</p> <p>West Juneau Bench trail</p>	100

Proponent Statement

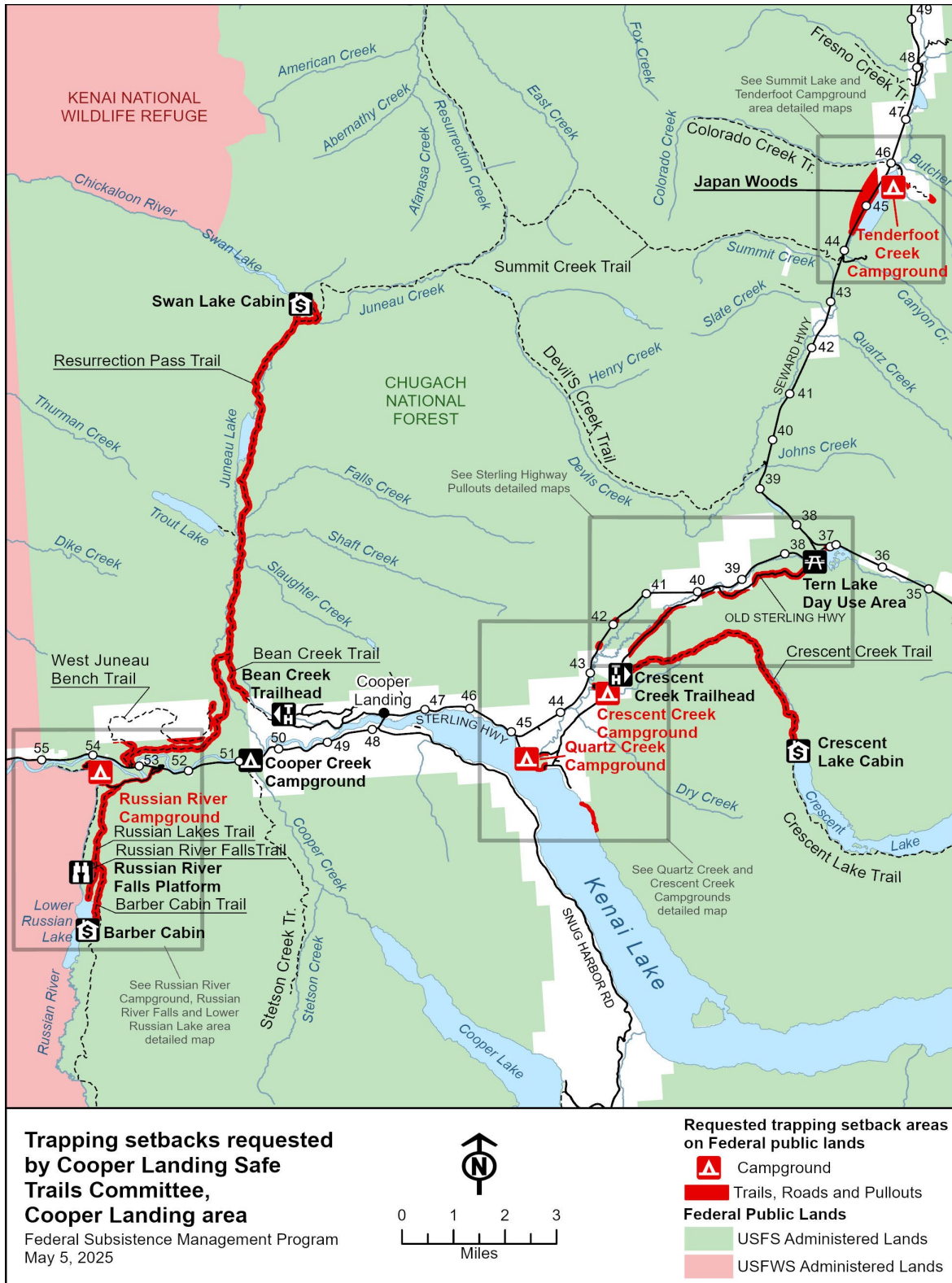
The proponent states that year-round outdoor recreation is a significant and growing segment of the Cooper Landing economy. The community of Cooper Landing is only 100 miles south of Anchorage and is easily accessible by road. Cooper Landing’s primary economy is based on summer recreation and tourism. However, winter recreation is increasing and local businesses desire to extend their seasonal offerings. New road construction and facilities are expected to increase year-round recreational activity. To encourage the increasing number of family-friendly, active, outdoor recreational pursuits (e.g., winter biking, cross-country skiing, backcountry skiing, snowshoeing, trail running, ice fishing, bird hunting, and backcountry cabin rentals), it benefits business owners to be able to market Cooper Landing as a fun, safe, and uniquely beautiful area for visitors to enjoy with their family and pets.

The proponent states as winter recreation has increased, so has the number of dangerous encounters with traps. Traps and snares set near multi-use areas pose a significant danger to other users, particularly young children and pets. Search and rescue dog owners have voiced concern about using their dogs in the case of an emergency due to the danger of traps. This puts human life in jeopardy due to lack of regulations. The Alaska Press reported as of late February 2022, seven dogs had been caught

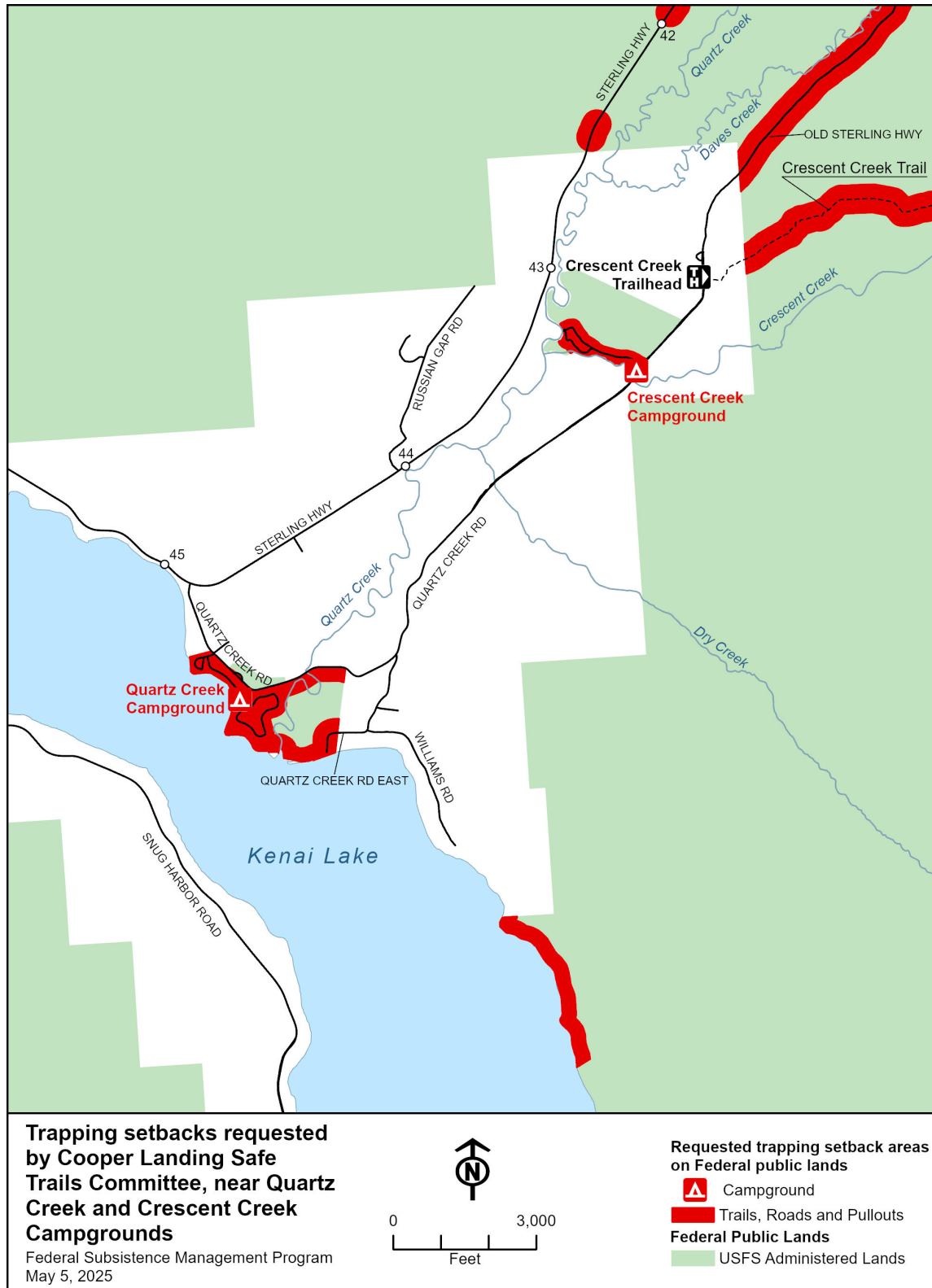
in traps throughout Southcentral Alaska, with two of those being killed. Since there is no official method for tracking trapping incidents, all reports are unofficial and are considered incomplete. The proponent is seeking trapping regulations that will be preventative and will ensure the safety of all user groups. Posting “active trapping” signs at all access points to an active trapline will alert other recreational users to the likelihood of traps in the area. Impacts would be negligible to subsistence trappers as they could continue to trap under State regulations in these regions. The proponent also plans to submit similar proposals to the Alaska Board of Game (BOG).

The proponent states a former Cooper Landing area trapper and trappers from other nearby units have endorsed these setbacks as reasonable and logical. Trappers from the Kenai Peninsula agree that traps at highway pullouts are unethical and shouldn't be allowed. There is also strong community support, which has increased over the years. A 2015 survey indicated that 83% of the respondents supported trap setbacks, but in 2021, when a similar survey was conducted of property owners and residents of Cooper Landing, results showed an increase to 90%.

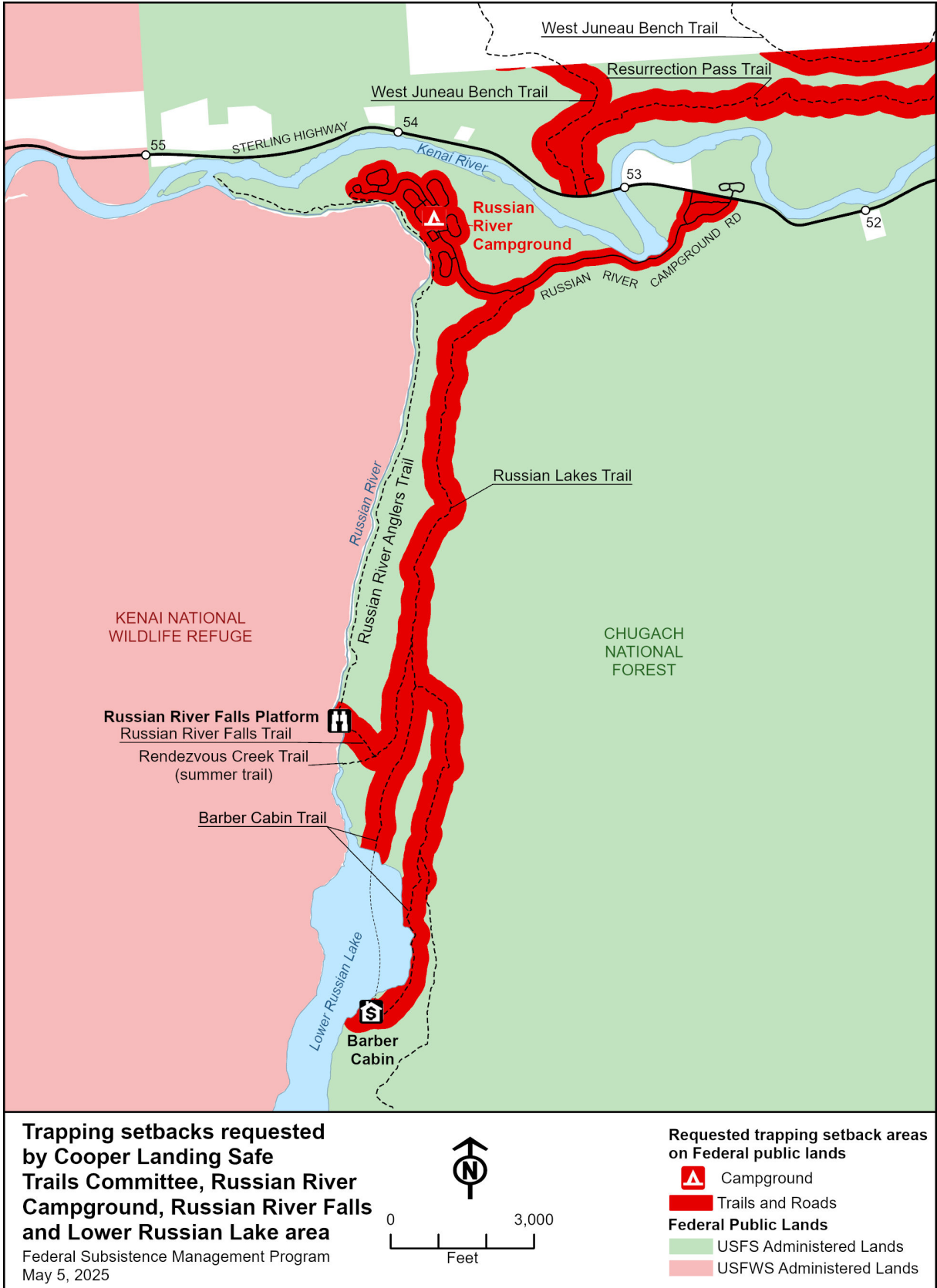
The proponent states that the precedent for establishing trapping and snaring buffers for public safety in the State of Alaska has already been set, most recently, in the Mat-Su Valley, where 50-yard setbacks were established for 9 new trails that both recreational users and the ATA mutually agreed on. In Valdez, the Alaska Supreme Court upheld Valdez's trapping ordinance, confirming the city's authority to regulate trapping within city limits. In 2023, Cordova created a special use map that closed trapping in part of the municipality and created trap setbacks of 200 yards from publicly maintained roads for traps larger than a 120 conibear, and a 200-yard setback for a popular trail. The Municipality of Anchorage, parts of Chugach State Park, the City/Borough of Juneau, six other trails, and all schoolyards in the Matanuska-Susitna Borough have existing trap setback laws. While these municipalities and boroughs have approved trapping regulations on lands they manage, they have not issued regulations for state-managed trails in deference to the regulatory powers of the BOG.



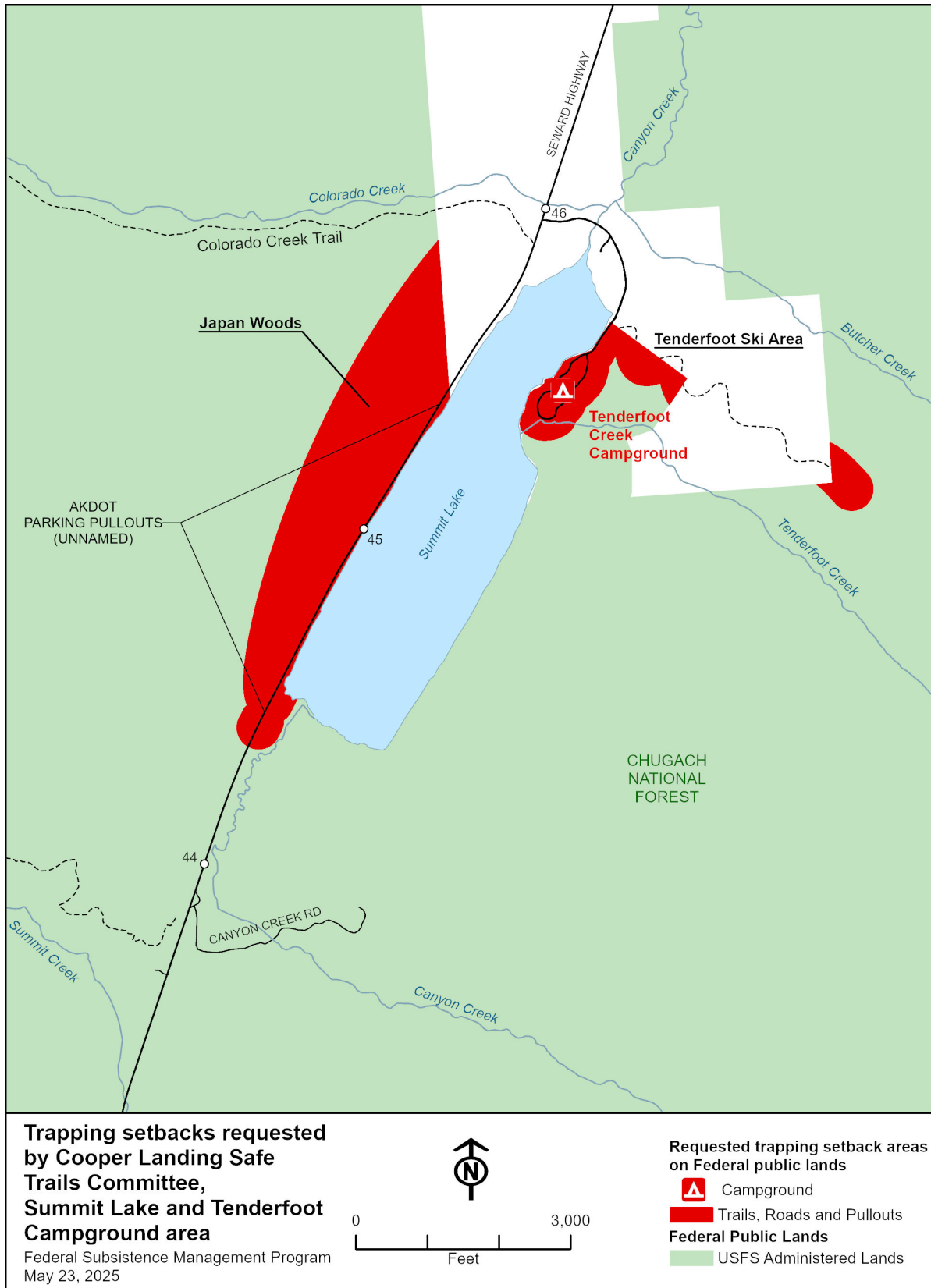
Map 1. Locations of proposed trap setbacks on Federal public lands. Note that some of the specific areas requested for trap setback in Table 1 are not depicted on this map because no Federal lands occur.



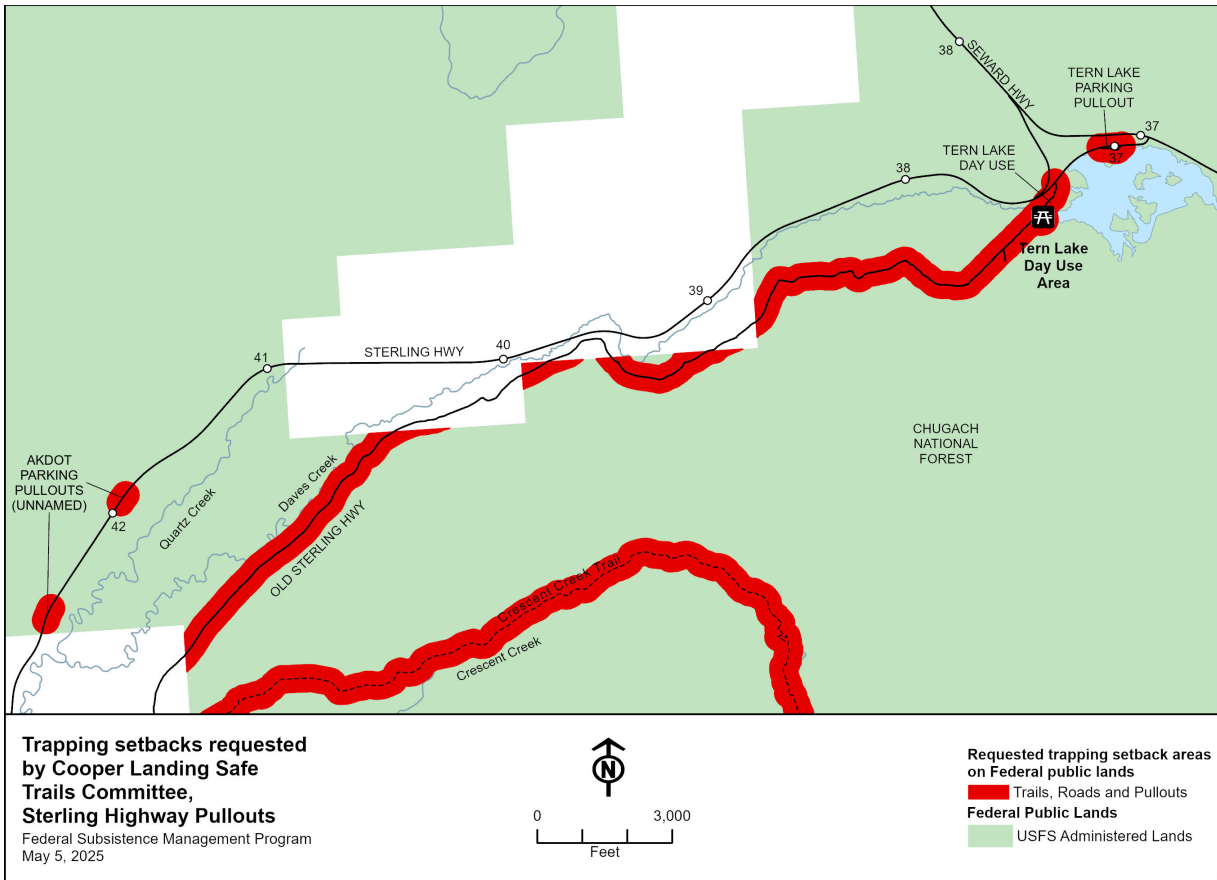
Map 2. Detail map showing land management of Quartz Creek Campground/north Kenai Lake shore.



Map 3. Detail map showing land management of Russian River Campground and associated trails.



Map 4. Detail map showing land management of Summit Lake and Tenderfoot Campground area.



Map 5. Detail map showing land management of New and Old Sterling Highway and Crescent Creek Trail.

Current Federal Regulations

50 CFR 100.26(n)(7)

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(C) You may not hunt, trap, or take wildlife within a quarter mile of wildlife crossing structures along the Sterling Highway.

Proposed Federal Regulations

50 CFR 100.26(n)(7)

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

WP26-18

(D) You may not set traps or snares, except traps or snares that are set at least three feet above the ground or snow level, under water or ice, or enclosed, within 100 yards of the high-water mark on:

- ***Beaches on the north side of Kenai Lake from the Kenai River Bridge to 1 mile past the end of Williams Road***
- ***Beaches on the south side of Kenai Lake from the Kenai River Bridge to ¼ mile past the powerline crossing (mile 2.8 Snug Harbor Road)***
- ***Kenai Lake Beach (Waikiki Beach) ¼ mile north and south of the lake access road (mile 5.8 Snug Harbor Road)***

WP26-19

(E) You may not set traps or snares, except traps or snares that are set at least three feet above the ground or snow level, under water or ice, or enclosed, within 50 yards of the perimeter of the following campgrounds:

- ***Quartz Creek Campground***
- ***Crescent Creek Campground***
- ***Russian River Campground***
- ***Tenderfoot Campground***

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(F) You may not set traps or snares, except traps or snares that are set at least three feet above the ground or snow level, under water or ice, or enclosed, within 100 yards on either side of the following roads, pullouts and trails:

- ***South of Quartz Creek Road from mile .3 to .6, and the last .1 mile of East Quartz Creek Road***
- ***U.S. Forest Service section of the Old Sterling Highway***
- ***All pullouts along the Sterling Highway from the junction with the Seward Highway to Cooper Landing***
- ***Highway pullouts accessing backcountry areas along the Seward Highway***
- ***Both sides of the trail on the west side of the Seward Highway from MP 44.5-46.25 (Japan Woods) within the Summit Lake Recreation Area***
- ***Crescent Creek trail to Crescent Lake***
- ***Lower Russian Lake trail to Barber Cabin and Russian River Falls***
- ***Bean Creek trail to the intersection with Resurrection Pass trail***
- ***The south end of Resurrection Pass trail to Swan Lake cabin***
- ***West Juneau Bench trail***

WP26-21

(iii) Unit-specific regulations:

(B) Active trapping signs must be posted at all access point to operating traplines. Sign must be:

- ***At least 8"x11"***
- ***Brightly colored (orange or yellow)***
- ***Waterproof/tear proof***
- ***Posted at eye level clearly denoting active trapping in the area***
- ***Include ADF&G license number or Fish & Wildlife ID number; contact information optional.***

Current State Regulations

5 AAC 92.550 Areas Closed to Trapping

(9) Unit 7

(A) all land within one-fourth mile of the two wildlife underpasses and one wildlife overpass on the Sterling Highway are closed to trapping;

(B) those portions within 50 yards of the Quartz Creek, Crescent Creek, Russian River, North Cooper Creek, and South Cooper Creek campgrounds are closed to trapping; however, trapping is allowed within 50 yards of the trails if the traps are:

- (i) elevated three feet above hard ground;*
- (ii) enclosed;*
- (iii) under water; or*
- (iv) under ice.*

Extent of Federal Public Lands

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

Customary and Traditional Use Determination

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 these 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 (Councils), the 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. The BOG opposed the proposal due to opposition by 26 State Fish and Game Advisory Committees (ACs) 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 AC, 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 Councils; the Kodiak/Aleutians Council voted to take no action. The Board rejected the proposal.

In 2020, Proposal WP20-20, 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 and possibly pets to the trap (FSB 2020).

In 2022, the proponent of these proposals (WP26-18-23) submitted a similar proposal, WP22-15, requesting prohibiting trap and snare usage within 1,000 feet of specified trails, roadways, and campgrounds within Unit 7. This proposal was rejected because of the loss of opportunity for federally qualified subsistence users and because Federal regulations would have been more restrictive than State regulations. If this proposal were to have been adopted, all users would still have been able to trap on Federal public lands under State regulations without the Federal restrictions WP22-15 would have imposed (FSB 2022).

In 2023, the BOG took action on ten proposals relating to trap closures, restrictions, and setbacks in the Southcentral region. They adopted as amended Proposal 145, which prohibited hunting or taking game within a quarter mile of wildlife crossing structures on the Sterling Highway. They adopted as amended Proposal 146, which asked for 100-yard setbacks along certain trails within Kachemak Bay State Park in Unit 15C. The amendment prohibited traps within 100-yards of the trails unless they were 3 feet above the hard ground, under water, under ice, or otherwise enclosed. Proposal 149 asked for similar setbacks for certain campgrounds in Unit 7. The BOG adopted this proposal as amended to match Proposal 146 (see State Regulations section). The BOG agreed with the proponent that setbacks around these campgrounds were warranted to protect recreational users and pets, but excepted enclosed or otherwise inaccessible traps to avoid unnecessary restrictions on trappers.

Proposals 147, 148, and 150–153 all asked for 100-yard trap setbacks along various trails, roads, pullouts and beaches in Units 7 and 15C. The BOG did not adopt any of these proposals due to the shifting nature of winter trails, where setbacks would be measured from, as well as the unenforceability of such regulations. Proposal 154 asked for signs to be posted at all active trapping access points in Unit 7. The BOG did not adopt this proposal due to the concern of others removing a trapper's sign and the unenforceability of said regulation (ADF&G 2023).

In 2024, Proposal WP24-08, submitted by the Alaska Wildlife Alliance, requested to establish quarter mile hunting and trapping setbacks from proposed wildlife crossing structures along the Sterling Highway in Units 7 and 15. This proposal was adopted to align Federal regulations with the recently adopted State regulations and to mitigate any undue impact of funneling and concentrating wildlife in certain areas.

Current Events

The proponent is submitting similar proposals to the BOG for consideration during their upcoming Southcentral Region meeting in March 2026.

Community Background

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 2024, its estimated population was 365 (ADLWD 2024).

Dena'ina Athabascans inhabited the northern Kenai Peninsula long before settlers arrived in the historical era. Dena'ina people spent winters in the area hunting and trapping before moving onto the coast in spring (Holmes 1985). Joseph Cooper came looking for gold and established a trading post in the 1880s (Seitz et al. 1994). For the historical settlers of Cooper Landing, the availability and utilization of wild resources “played an important role in helping residents establish the communit[y]” (Seitz et al. 1994:122). Big game guiding, fox farming, and trapping eventually replaced gold mining as the primary economic activities in the area (Painter 1983). Cooper Landing gradually opened up to more 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 allowed for easy access into the area by non-local tourists, sport fishers, and others (Mead & Hunt & CRC 2014).

Comprehensive subsistence surveys conducted by ADF&G Division of Subsistence provide information about a community's overall use of subsistence resources, including furbearers. Cooper Landing has been surveyed once by ADF&G Division of Subsistence for the 1990 to 1991 study year. Seitz et al. (1994) found that all the surveyed households used wild resources and almost all (94%) harvested wildlife, fish, and plant resources. That year, 11 residents, or 4.3% of the Cooper Landing population, trapped, doing so “just off the road system” along the Sterling and Seward Highways, the road to Hope, Portage Glacier Road, and smaller roads throughout the area (Seitz et al. 1994: 41). They also trapped along the shores of Kenai Lake and north of Skilak Lake (Seitz et al. 1994, **Figure 1**). Residents trapped for beaver, coyote, land otter, snowshoe hare, tree squirrels, and marten (Seitz et al. 1994).

The “Proponent Statement” section of the analysis refers to two surveys conducted by local organizations on the issue of trapping setbacks since 2015, which are described here. The Coalition for Safe Public Trails (Coalition) conducted a survey on attitudes towards trapping in Cooper Landing multi-use areas in 2015. The survey was administered online and was not limited to residents of Cooper Landing. The survey showed wide support for trapping restrictions in high use areas, with eighty-six percent of respondents agreeing with the statement, “reasonable trapping regulations and restrictions may be necessary to control the behavior of trappers who do not adhere to the Trapper's Code of Ethics.” Ninety-one percent agreed that “marking and signage for trap lines and where trapping is in progress are good ideas.”

The Cooper Landing Safe Trails Committee subsequently took over the efforts of the Coalition and in 2021 conducted a second survey. Surveys were mailed to every home/property owner, business, and community organization in Cooper Landing, and were marked with an identification number to avoid duplication. Ninety-three percent of respondents agreed with the statement, “setbacks for traps at trailheads, along trails, at campgrounds and along certain Cooper Landing beaches are necessary for the safety of all users.” Many comments were provided by respondents from both surveys in support and opposition to trapping setbacks. These are summarized below.

Many survey participants had concerns about the safety of dogs and children. “The areas in this survey should be safe for multiple uses. Children and pets should be able to wander off the trails, roads, beaches, and campgrounds without fear of injury.” Respondents said they supported trapping but believed that any reasonable trapper would avoid placing traps adjacent to areas used by people and pets for walking and recreation: “I am a licensed trapper and see no reason for traps close [to] trails and roads.” Some respondents felt that setbacks should be even larger than the widest setback suggested in the survey, ¼ mile. The potential impact of trapping hazards on community well-being and tourism in the area was a concern. Participants said that the use of snowmachines should make it easy for trappers to avoid high foot traffic areas. Others noted that traps need to be clearly marked and have identifying information.

Those in opposition to setbacks frequently stated that off-leash dogs were the cause of the user conflict, rather than traps themselves. Many described negative encounters with dogs around Cooper Landing. One respondent stated that traps along trails can reduce and deter predators that would otherwise be a risk to all users. Another supported smaller setbacks within the boundaries of the community only. Some participants felt that common sense should prevail, without formal rules. One participant stated, “Cooper Landing is not Juneau or Anchorage. Once these types of rule-making start, pretty soon nobody gets to do anything anymore and that would be a shame. We must keep our rural values and traditions which are very important.”

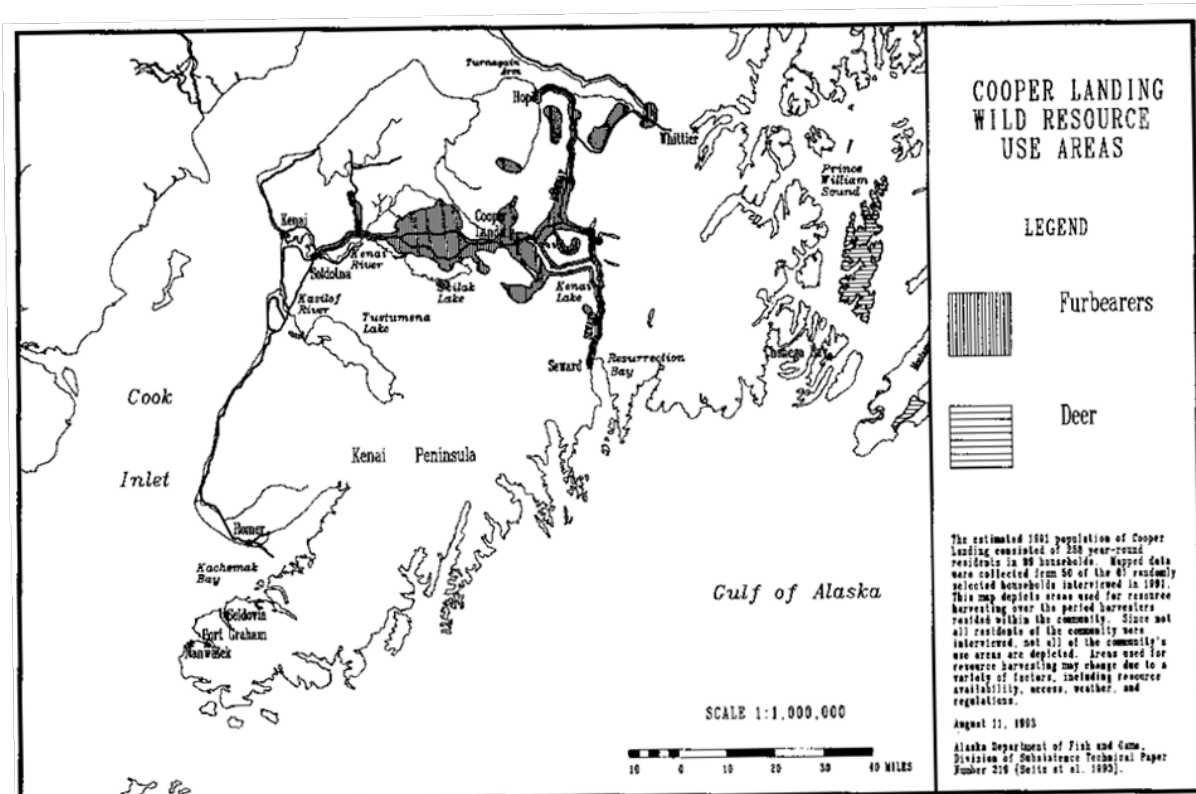


Figure 1. Areas used for trapping by surveyed households in Cooper Landing, 1990-1991 (Seitz et al. 1994).

Synthesis

Proposal WP26-18 requests trapping setbacks along beaches on the north and south side of Kenai Lake (**Table 1**) where there are little Federal public lands (**Maps 1, 2**). The only portion of this request that contains any Federal public land is the beach on the north side of Kenai Lake. However, this section only contains a small portion of Federal lands within the Quartz Creek campground and within a mile past the end of Williams Road (**Maps 1, 2**). Delineating land boundaries may be difficult for trappers and hard to enforce.

Proposal WP26-19 requests setbacks on four USFS campgrounds, which would align Federal regulations with State regulations (**Maps 2-4**). However, State regulations include two campgrounds that were not requested in this proposal, North and South Cooper Creek campgrounds. Upon clarification with the proponent, these two campgrounds were not included in the request because they are not groomed for winter sports and therefore are not used as much as the others. Tenderfoot campground, requested in this proposal, has no corresponding setbacks required by State regulation, allowing federally qualified subsistence users to trap under less restrictive State regulations in this area instead.

Proposal WP26-20 requests trapping setbacks at all highway pullouts accessing backcountry areas along the Seward Highway in the Summit Lake Recreation area and the “Japan Woods” winter trail (**Map 4**). Since the winter trail is not an officially recognized trail by the USFS, the exact location of the trail changes year to year. As there is no designated route for this trail, setback distances would be difficult to measure, confounding enforcement of these setbacks. Seward Highway pullouts are also not officially recognized, making enforcement almost impossible.

Proposal WP26-21 requests federally qualified subsistence users to post a sign stating active trapping in the area at “all access points to an operating trapline.” Many areas where trappers operate may be accessed by different routes. If a recreational user were to come upon a trapline from a direction the trapper did not anticipate, there would be no signage posted. This burdens anyone trapping under Federal regulations, as they would be responsible to find and post any and all access points to their traplines. Additionally, posting signs would be further complicated by the patchwork of Federal lands in the area. As this requirement would only apply to Federal regulations, trappers could just avoid this restriction by trapping under State regulations on Federal lands. Similar to the BOG’s concerns over Proposal 154, enforcement would be confounded if signs fall down or are removed by others, implicating the trapper.

Proposal WP26-22 requests 100-yard setbacks south of Quartz Creek Road, the end of East Quartz Creek Road, along the Old Sterling Highway, and all pullouts on the Sterling Highway. Just a section of Quartz Creek Road that passes near the campground and the very end of East Quartz Creek Road falls on Federal public lands (**Map 2**). This would require users to know exactly where they are and distinguish land statuses as there are no definitive markings between Federal and other land ownerships. The Old Sterling Highway is also a patchwork of land management, making it difficult to

distinguish jurisdictions (**Map 5**). Parking pullouts along the Sterling Highway are not officially recognized.

Proposal WP26-23 requests trapping setbacks along Crescent Creek trail, lower Russian Lakes trail, Bean Creek trail, Resurrection Pass trail, and West Juneau Bench trail (**Maps 1-3, 5**). Crescent Creek, Bean Creek, Resurrection Pass and West Juneau Bench trails have patchwork land management, which may lead to confusion on trapping regulations and enforcement. Lower Russian Lakes trail is located fully on USFS managed lands. However, if this proposal is adopted, users could choose to trap under the less restrictive State regulations.

Alternative(s) Considered

One alternative considered is modifying Proposal WP26-19 to align with State regulations for trap setbacks in Unit 7. The regulations adopted by the BOG are intended to keep children and off-leash dogs safe. Traps set three feet off the hard ground are above a typical dog's height and traps and snares that are enclosed or under water or ice would also be inaccessible for children and pets. This alternative would align Federal and State regulations, reducing regulatory complexity and confusion. It would also prevent Federal regulations from being more restrictive than State regulations if WP26-19 were adopted as submitted.

Discussion and Effects

Proposals WP26-18, -19, -20, -22, and -23 all request trapping setbacks around Cooper Landing in Unit 7, and Proposal WP26-21 requests signs to be posted at active traplines. If these proposals are adopted, trapping opportunity for federally qualified subsistence users would decrease under Federal regulations. No impact to furbearer populations is expected from any of these proposals. However, these proposals would increase regulatory complexity by mostly misaligning with State regulations, requiring trappers to distinguish land status, and complicating enforcement. As mentioned in the synthesis section, many of the areas requested for trapping setbacks contain either a patchwork of or no Federal lands, and some of the requested areas are ambiguous, with nebulous boundaries and inexact locations. Adopting all of these proposals would result in Federal regulations being more restrictive than State regulations, although State regulations already include trapping setbacks in some campgrounds in Unit 7.

If the Board adopts Proposal WP26-18 as written, there will not be any changes as most of the area specified contains no Federal public lands (**Map 2**), and users could just trap under the less restrictive State regulations.

If the Board adopts Proposal WP26-19 as written, Federal regulations will be aligned with State regulations in three out of the four campgrounds proposed for setbacks, reducing regulatory complexity. However, North and South Cooper Creek campgrounds, where setbacks are required under State regulations, would not be included in the Federal trapping setbacks. Portions of each campground occur on State and Federal public lands. Conversely, Tenderfoot campground would be included in the Federal setbacks but has no corresponding setback requirement under State regulations, allowing

federally qualified subsistence users to trap in the area under State regulations instead. It would also make Federal regulations more restrictive than State regulations in this area.

If the Board adopts Proposal WP26-20 as written, trapping setbacks would be required at all highway pullouts accessing backcountry areas on the Seward Highway and on the “Japan Woods” winter trail. Since the winter trail is not an officially maintained trail by the USFS and its location changes year to year, measuring and enforcing set back distances is impracticable. Similarly, the backcountry pullouts are not officially designated, making defining their boundaries and enforcing setback distances impracticable. Users could also just trap under the less restrictive State regulations.

If the Board adopts Proposal WP26-21 as written, federally qualified subsistence users would be required to post a sign stating active trapping in the area at every access point to their trapline. As detailed in the synthesis section, this requirement burdens trappers and would be difficult to enforce. The patchwork land status in the area further complicates compliance and again, users could also just trap under the less restrictive State regulations.

If the Board adopts Proposal WP26-22 as written, trapping setback would be required south of Quartz Creek Road, at the end of East Quartz Creek Road, along the Old Sterling Highway, and at all pullouts on the Sterling Highway. As detailed in the synthesis section, the effectiveness of this request is confounded by the patchwork land status, requiring users to distinguish jurisdictions and pullouts are not officially recognized. Users could also just trap under the less restrictive State regulations in these areas.

If the Board adopts Proposal WP26-23 trapping setbacks would be required along the Crescent Lake trail, lower Russian Lakes trail, Bean Creek trail, Resurrection Pass trail, and West Juneau Bench trail. As detailed in the synthesis section, most of these trails pass through patchwork of land status, requiring users to distinguish jurisdictions; and users could also just trap under the less restrictive State regulations along these trails.

OSM CONCLUSION

Support Proposal WP26-19 with modification to only require trapping setbacks in Quartz Creek, Crescent Creek and Russian River Campgrounds and clarify the regulatory language and **oppose** Proposals WP26-18, WP26-20, WP26-21, WP26-22, and WP26-23.

The draft regulations read:

50 CFR 100.26(n)(7)

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

. . . .

(D) those portions within 50 yards of the Quartz Creek, Crescent Creek, and Russian River campgrounds are closed to trapping; however, trapping is allowed within 50 yards of the campgrounds if the traps are elevated 3 feet above hard ground, enclosed, under water, or under ice.

Justification

Adoption of Proposal WP26-19 as modified aligns Federal regulations with the recently adopted State regulations, reducing regulatory complexity and confusion. This proposal represents a compromise between trappers and other winter recreational users, affording protection to pets and children. While this proposal slightly decreases opportunity for federally qualified subsistence users, most trappers do not trap near campgrounds and, as these setbacks are already required under State regulations, users will no longer need to differentiate land status. There are no conservation concerns.

Adopting Proposals WP26-18, -20, -21, -22, and -23 would result in Federal regulations being more restrictive than State regulations and represent unnecessary burdens and restrictions on federally qualified subsistence users. Since users could choose to trap under the less restrictive State regulations, the proposed regulations would be ineffective. Enforcement of these restrictions is complicated by ambiguously defined or changing areas as well as by the patchwork of Federal lands in the proposed areas.

LITERATURE CITED

ADF&G. 2015. Meeting audio. Alaska Board of Game Southcentral Region meeting, March 13-18, 2015. Alaska Department of Fish and Game. Alaska Board of Game meeting information. <http://www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo&date=03-13-2015&meeting=anchorage>. Accessed June 2, 2021.

ADF&G. 2016. Meeting audio. Alaska Board of Game Statewide Regulations, Cycles A&B meeting, March 18-28, 2016. Alaska Department of Fish and Game. Alaska Board of Game meeting information. <http://www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo&date=03-18-2016&meeting=fairbanks>. Accessed June 2, 2021.

ADF&G. 2023. Meeting audio. Alaska Board of Game Southcentral Region meeting, March 17- 22, 2023. Alaska Department of Fish and Game. Alaska Board of Game meeting information. <http://www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo&date=03-18-2016&meeting=fairbanks>. Accessed June 2, 2021.

ADLWD (Alaska Department of Labor and Workforce Development), Research and Analysis Section. 2024. Cities and Census Designated Places (CDPs), 2020 to 2024. Retrieved April 21, 2025. <https://live.laborstats.alaska.gov/data-pages/alaska-population-estimates>

FSB. 2020. Transcripts of Federal Subsistence Board proceedings. April 21, 2020. Office of Subsistence Management, USFWS. Anchorage, AK.

FSB. 2022. Transcripts of Federal Subsistence Board proceedings. April 12–15, 2022. Office of Subsistence Management, USFWS. Anchorage, AK.

Holmes, C. 1985. Progress report, project F-021-2(15)/(A09812), Sterling Highway archaeological mitigation: phase I excavations at four sites on the Kenai Peninsula. Alaska Department of Transportation and Public Facilities, Division of Geological and Geophysical Surveys. Fairbanks, AK.

Mead & Hunt and Cultural Resource Consultants, LLC. 2014. Alaska roads historic overview: applied historic context of Alaska's roads.

Painter, M. 1983. Cooper Landing. Pages 46-50 in E. Pedersen, ed. A larger history of the Kenai Peninsula. Adams Press. Chicago, IL.

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. ADF&G, Div. of Subsistence Tech. Paper No. 219. Juneau, AK.

SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATION

Southcentral Alaska Subsistence Regional Advisory Council

Support WP26-19 **as modified by OSM** and **Take no action** on WP26-18, WP26-20, WP26-21, WP26-22, and WP26-23. The Council noted there was heavy community support from much of Cooper Landing for trail setbacks due to safety concerns for pet owners, and that many trap lines in the area are not set or maintained by local trappers. The Council stated that this is a long-standing issue for this area, and in this case, it makes sense to align with the existing State regulations.

INTERAGENCY STAFF COMMITTEE COMMENT

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

ALASKA DEPARTEMENT OF FISH AND GAME COMMENT

Wildlife Proposal WP26-18, WP26-20, WP26-21, WP26-22, and WP26-23

This proposal would prohibit trap or snare usage in designated areas on the Kenai Peninsula in Game Management Unit 7 unless they meet certain criteria in addition to requiring “active trapping” to be posed at access points of operating traplines.

Position

The Alaska Department of Fish & Game (ADF&G) **OPPOSES** these proposals as they would currently deviate from state regulations and therefore be seen as contrary to Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and recent directives from the President and Secretary of the Interior because it is not necessary.

ANILCA §1314(a) explicitly states: “Nothing in this Act is intended to enlarge or diminish the responsibility and authority of the State of Alaska for management of fish and wildlife on the public lands except as may be provided in Title VIII...” Title VIII provides only a narrow exception allowing the Secretary to restrict State-authorized harvest when necessary to meet the needs of federally qualified rural residents. Section 802(2) establishes the policy that “nonwasteful subsistence uses of fish and wildlife and other renewable resources shall be the priority consumptive use of all such resources on the public lands of Alaska **when it is necessary to restrict taking in order to assure the continued viability of a fish or wildlife population or the continuation of subsistence uses of such population...**” [emphasis added]. Section 804 reiterates this policy and establishes criteria to implement a priority when the above conditions are met. It does not authorize wholesale replacement of State management. Per §815(3) of ANILCA, “...restriction on nonsubsistence uses are only authorized when necessary for the conservation of healthy wildlife populations or to continue subsistence uses.”

Executive Order 15153, Sec. 3(b)(xxii) directs the Department of the Interior to conduct meaningful consultation with State fish and wildlife agencies prior to enacting land management plans or regulations affecting hunting and fishing opportunities on public lands. This directive was reinforced by Secretarial Order 3447, which calls for removing unnecessary barriers to hunting and fishing, expanding access where compatible, improving coordination with State agencies, and ensuring transparent review of any proposed restrictions.

At the time of the drafting of these comments, it should be noted that the Alaska Board of Game will take up similar proposals at its Southcentral Region meeting March 20-25.

WRITTEN PUBLIC COMMENTS

1. Kathleen James
2. Ben Romig
3. Dan Mico
4. David Nees
5. Jason Aigeldinger
6. Josiah Brown
7. Karen Button
8. Laurie Radzinski
9. Lisa Slepetski
10. Lorraine Temple
11. Rhonda Lynn
12. Sandra Holsten
13. Sylve Montalbo
14. Theo Lexmond
15. Tom Lessard