

WP26–65 Executive Summary	
General Description	Wildlife Proposal WP26-65, submitted by the requests to establish a muskox hunt around Selawik in Unit 23, remainder. <i>Submitted by the Northwest Arctic Subsistence Regional Advisory Council.</i>
Proposed Regulation	<p>Unit 23—Muskox</p> <p><i>Unit 23, south of Kotzebue Sound and west of and including the Buckland River drainage—1 bull by Federal drawing permit or State permit. Aug. 1-Mar. 15.</i></p> <p><i>Unit 23, Cape Krusenstern National Monument—1 bull by Federal drawing permit Aug. 1-Mar. 15.</i></p> <p><i>Unit 23, that portion north and west of the Kobuk River drainage—1 bull by State permit or Federal drawing permit. Aug. 1-Mar. 15.</i></p> <p><i>Unit 23, remainder—1 bull by Federal drawing permit or State permit No open season. Aug. 1-Mar. 15.</i></p>
OSM Conclusion	Oppose Proposal WP26-65
Northwest Arctic Subsistence Regional Advisory Council Recommendation	Oppose
North Slope Subsistence Regional Advisory Council Recommendation	Support
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
Written Public Comments	None

Wildlife Analysis WP26-65

ISSUE

Wildlife Proposal WP26-65, submitted by the Northwest Arctic Subsistence Regional Advisory Council (Council) requests to establish a muskox hunt around Selawik in Unit 23, remainder.

Proponent Statement

The proponent states that the loss of caribou and salmon in the area along with the high cost of food in the region has made users dependent on other species to meet their subsistence needs. Residents of Selawik have noticed an increase of muskoxen near their community but do not have an opportunity to hunt them. There are open muskox seasons north and south of Selawik, but users are limited from utilizing those hunts due to their distance and cost of fuel. Establishing a muskox hunt in Unit 23, remainder, will increase subsistence opportunity.

Current Federal Regulations

Unit 23—Muskox

Unit 23, south of Kotzebue Sound and west of and including the Buckland River drainage—1 bull by Federal drawing permit or State permit. *Aug. 1-Mar. 15.*

Unit 23, Cape Krusenstern National Monument—1 bull by Federal drawing permit *Aug. 1-Mar. 15.*

Unit 23, that portion north and west of the Kobuk River drainage—1 bull by State permit or Federal drawing permit. *Aug. 1-Mar. 15.*

Unit 23, remainder *No open season.*

Proposed Federal Regulations

Unit 23—Muskox

<i>Unit 23, south of Kotzebue Sound and west of and including the Buckland River drainage—1 bull by Federal drawing permit or State permit.</i>	<i>Aug. 1-Mar. 15.</i>
<i>Unit 23, Cape Krusenstern National Monument—1 bull by Federal drawing permit</i>	<i>Aug. 1-Mar. 15.</i>
<i>Unit 23, that portion north and west of the Kobuk River drainage—1 bull by State permit or Federal drawing permit.</i>	<i>Aug. 1-Mar. 15.</i>
<i>Unit 23, remainder—1 bull by Federal drawing permit or State permit</i>	<i>No open season.</i> <i>Aug. 1–Mar. 15.</i>

Current State Regulations

Unit 23—Muskox

<i>Unit 23, Seward Peninsula west of and including the Buckland River drainage</i>	<i>One bull by permit</i>	<i>TX106</i>	<i>Aug 1–Mar 15</i>
<i>Unit 23 that portion north and west of Kobuk River drainage</i>	<i>One bull by permit</i>	<i>TX107</i>	<i>Aug 1–Mar 15</i>
<i>Unit 23 Sheshalik Spit</i>	<i>One bull by permit</i>	<i>TX117</i>	<i>July 1–Oct 31</i> <i>June 1–June 30</i>
<i>Unit 23 remainder</i>			<i>No open season</i>

Extent of Federal Public Lands

Unit 23 is comprised of approximately 69% Federal public lands that consist of 42% National Park Service (NPS), 18% Bureau of Land Management (BLM), and 9% US Fish and Wildlife Service (USFWS) managed lands.

Customary and Traditional Use Determination

Rural residents of Unit 23, south of Kotzebue Sound and west of and including the Buckland River drainage (Unit 23 SW) have a customary and traditional use determination (C&T) for Muskox in Unit 23 SW.

Rural residents of Unit 23, east and north of the Buckland River drainage have C&T for muskox in Unit 23, remainder.

Regulatory History

Please see Regulatory History section in WP26-64.

Current Events

Wildlife Proposal WP26-64 requests to extend the Seward Peninsula Federal muskox season closing date in Unit 22 and Unit 23 SW from March 15 to March 31.

Biological Background

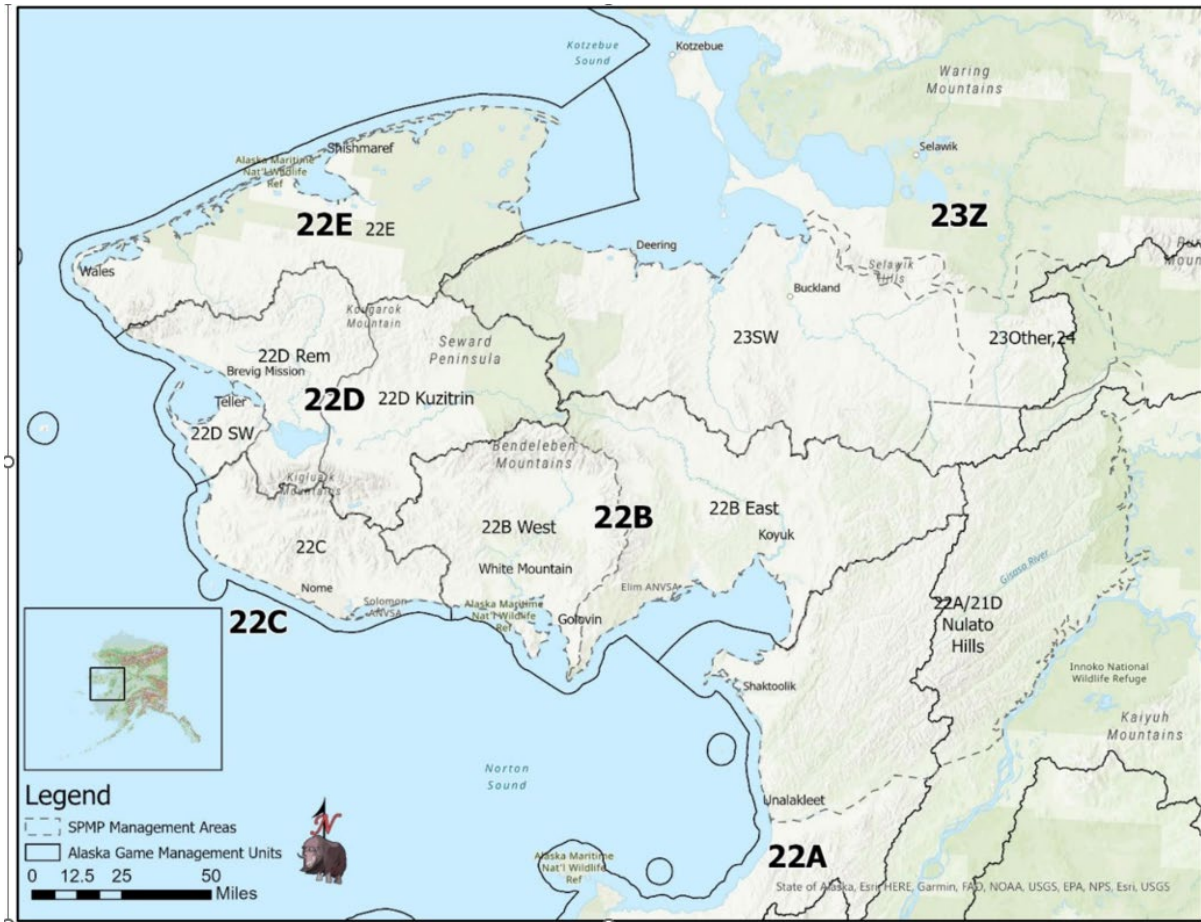
Please see Biological Background sections of WP26-64 for information on the Seward Peninsula muskox and WCR22-27 for information on Cape Thompson muskoxen.

Seward Peninsula muskox population surveys include all of Unit 22, the southern portion of Unit 23, and the western most portions of Units 21D and 24D. The extent of survey activity has grown as the muskox population has expanded in number and area. Survey activities include aerial distance sampling, composition surveys and collaring of muskoxen. The core survey area includes Units 22B, 22C, 22D, 22E, and 23 SW; with herd expansion, northern Unit 22A, southeastern Unit 23, western Unit 21D, and western Unit 24 were added as the expanded count area in 2010 (Dunker and Germain, 2022). The muskox management areas where surveys occur are depicted in **Map 1** and show that the northern extent of the survey areas are just south of Selawik NWR, where this new muskox hunt would occur.

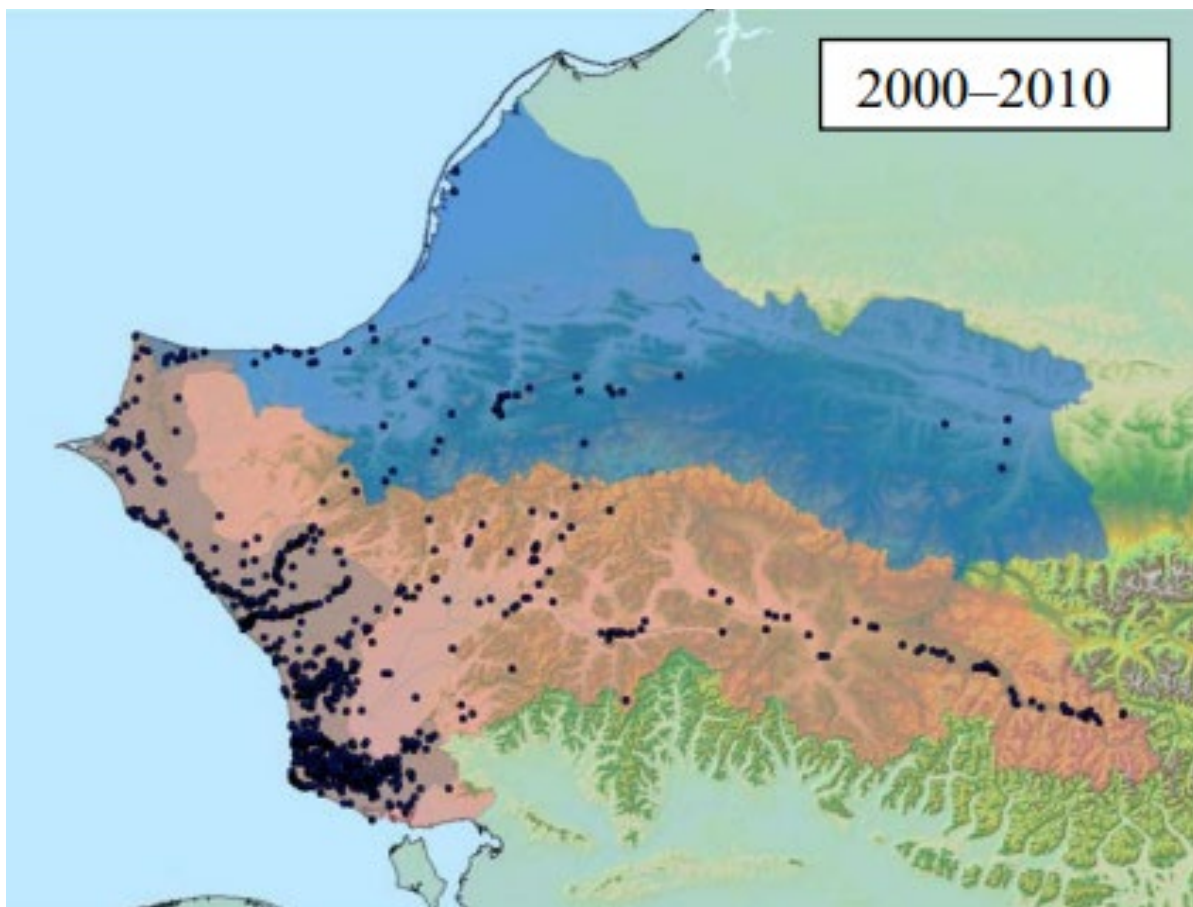
Cape Thompson muskox population surveys were originally conducted around the mouth of the Noatak River within 20 miles of the coast. As the population has grown, count areas have expanded just like on the Seward Peninsula. Survey areas have expanded to cover Unit 26A and Unit 23 north of the Kobuk River (**Map 2**, Hughes 2016).

Since Seward Peninsula muskoxen surveys only extend to Unit 23 SW (**Map 1**), and Cape Thompson surveys only extend to Unit 23 north of the Kobuk River (**Map 2**), Unit 23 remainder has not had any official surveys conducted to determine the status of muskoxen located there, from which population they originate, or whether they are transient or resident. Incidental sightings have been recorded for Unit 23 remainder as agency staff have been conducting surveys on other species and reported by local residents. However, without formal surveys, a harvestable surplus for muskox occurring in Unit 23 remainder cannot be determined. As both the Seward Peninsula and Cape Thompson muskox

populations are closely managed by harvest quotas and limited Tier II and draw permits under State and Federal regulations, respectively, the origin of the muskoxen in Unit 23 remainder needs to be determined so they are managed under the appropriate management plan.



Map 1. Seward Peninsula muskox population (SPMP) management areas. Map from Dunker and Germain 2022.



Map 2. Locations of muskoxen observations from 2000-2010 in Northwest Alaska. Unit 23 is in pink and Unit 26A is in blue. The traditional survey area along the western coast is in gray. Figure from Hughes 2016.

Cultural Knowledge and Traditional Practices

Please see Cultural Knowledge and Traditional Practices section in WP26-64.

Harvest History

Please see Harvest History sections of WP26-64 and WCR22-27.

Alternative(s) Considered

One alternative considered was to eliminate the State permit option since there is no corresponding State hunt in this area. The other Seward Peninsula muskox hunts are by Federal or State permit since there is a corresponding State Tier II permit hunt in these areas. However, the State permit option could be retained in case the State also opens a muskox hunt in Unit 23 remainder.

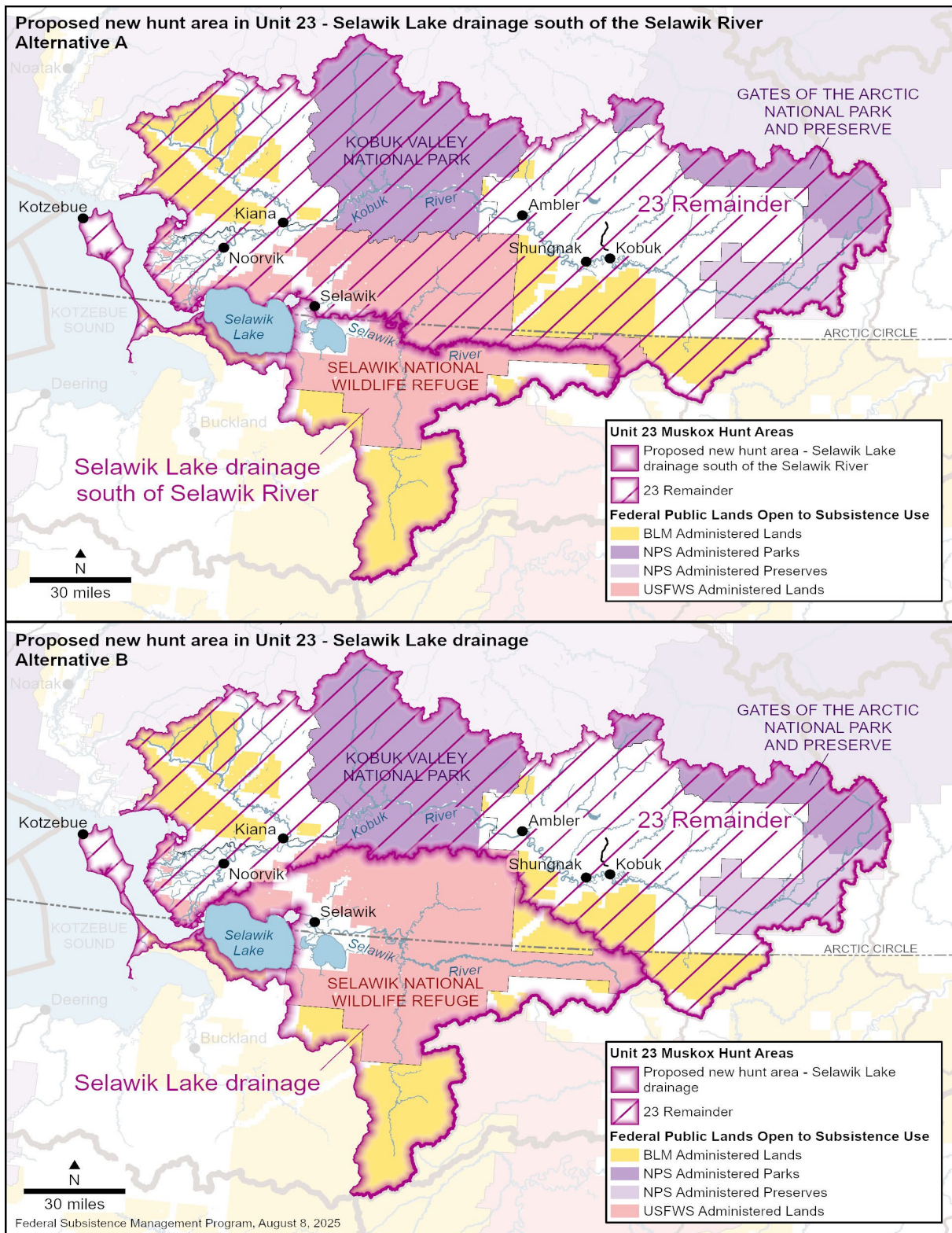
Another alternative considered was to delegate authority to the Selawik NWR manager to administer this new muskox hunt consistent with the other Unit 22 and 23 muskox hunts. Specifically, the

authority delegated would include closing the season, determining the annual harvest quota, and number of permits to be issued. The Seward Peninsula muskox hunts also include delegated authority to determine the method of permit allocation between State and Federal permits. However, since there is no corresponding State hunt in this area, that authority is not necessary for this hunt.

Another alternative considered was to establish a muskox hunt only on Federal public lands within the Selawik River drainage and maintain 'no open season' in the Kobuk River drainage (the remainder of Unit 23 remainder, **Map 3**). This alternative would be more responsive to the desires of the proponent, the Northwest Arctic Council, who discussed an opportunity to hunt muskox around the community of Selawik for the residents of Selawik, and did not discuss muskox presence or hunting opportunity within the Kobuk River drainage. Separating the existing Unit 23 remainder into two hunt areas may also be biologically appropriate. While unknown, it seems likely (due to proximity and geography) that muskox within the Selawik River drainage are from the Seward Peninsula population, while any muskox occurring in the Kobuk River drainage would be from the Cape Thompson population. This could influence determination of the harvestable surplus.

Another alternative considered was to extend the season closing date to March 31 to align with the requests of Proposal WP26-64, which requests extending the Seward Peninsula Federal muskox season closing date in Unit 22 and Unit 23 SW from March 15 to March 31.

A final alternative considered was to modify the C&T determination for muskox in the Selawik River drainage as residents of Buckland and Deering currently do not have C&T for muskox in this area, while Unit 23 residents living much further away (i.e. Point Hope) do have C&T. However, this alternative is well outside the scope of this proposal.



Map 3. Map of proposed hunt area showing two alternatives. Alternative A includes all Federal public lands south of Selawik Lake and Selawik River. Alternative B includes all Federal public lands south of the Selawik River drainage.

Discussion and Effects

Establishing a Federal season for muskoxen in Unit 23 remainder would provide additional opportunity for federally qualified subsistence users to harvest muskoxen on Federal public lands. Currently, there is no Federal subsistence hunt for muskoxen in Unit 23 remainder, nor is there a State season. Additionally, federally qualified subsistence users must compete with all Alaskan residents for the limited number of State Tier II permits available in other hunt areas in this unit, which are also prohibitively far for some local users to travel.

Due to the small size of the muskox populations and their susceptibility to over hunting, muskox are closely managed through harvest quotas and permit numbers. Since the demand for muskoxen is greater than the harvestable surplus, a Federal drawing permit is recommended so that harvest is limited, permits are distributed equitably and the threat of overharvest minimized. As there is no corresponding State hunt in this area, there is no corresponding State permit available. Conservation concerns for this hunt could be mitigated by the limitation on the number of draw permits issued, although the number of permits to issue each year is unknown because the status of the muskox population in Unit 23 remainder is unknown. If harvest does occur on this population of muskoxen, they could be overharvested due to lack of information.

If this proposal is adopted, impacts to the Unit 23 remainder muskox population are unknown because there is currently no population estimate, determination of whether this is a transient or established population, or composition metrics of the herd available to make a determination of a harvestable surplus. Without this basic population information, no informed decisions can be made regarding the management of this population.

OSM CONCLUSION

Oppose Proposal WP26-65.

Justification

Establishing a hunt on a population of muskoxen with no official surveys or results, such as population estimation, herd composition, and recruitment, may result in overharvest of muskoxen. Surveys need to be conducted, and biological data gathered and analyzed to inform any management decisions prior to allowing any harvest, so the harvest does not have a detrimental effect on this muskox group. Once data such as this is gathered and analyzed, a harvestable surplus can then be identified, and a hunt can be responsibly established.

OSM encourages ADF&G and the Federal land management agencies in the area to cooperate in expanding the muskox survey areas into Unit 23 remainder, so that a muskox hunt can be responsibly and sustainably opened in this area in the near future, providing additional subsistence opportunity.

LITERATURE CITED

Dunker, B. R., and S. R. Germain. 2022. Seward Peninsula muskox management report and plan, Game Management Unit 22: Report period 1 July 2014–30 June 2019, and plan period 1 July 2019–30 June 2024. Alaska Department of Fish and Game, Species Management Report and Plan ADF&G/DWC/SMR&P-2022-26, Juneau.

Hughes, L. J. 2016. Units 23 and 26A muskox. Chapter 3, Pages 3-1 through 3-19[In] P. Harper and L.A. McCarthy, editors. Muskox management report of survey and inventory activities 1 July 2012–30 June 2014. Alaska Department of Fish and Game, Species Management Report ADF&G/DWC/SMR-2015-2, Juneau.

SUBSISTENCE REGIONAL ADVISORY COUNCIL RECOMMENDATION

Northwest Arctic Subsistence Regional Advisory Council

Oppose WP26-65. While the Council is the proponent of this proposal, after hearing population information from relevant agencies, the Council believes that there are too many unknowns and data gaps to establish this hunt at this time. The Council noted that with subsistence resources across the region becoming increasingly more difficult to harvest, there may be a time in the near future when muskoxen become an important food source, and at this time, it is more important to see if the population can become more established and grow to allow for more harvest in the future, rather than allow a small harvest now.

North Slope Subsistence Regional Advisory Council

Support WP26-65. The Council believes it is important to support subsistence users in the adjacent regions represented by other Regional Advisory Councils since the Western Arctic Caribou Herd has declined in population size, and this opportunity would provide supplemental meat to Unit 23 residents. Additionally, the Council stated that population estimates are needed since there is no data available since 2009.

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 WP26-65

This proposal seeks to establish a muskox hunt around Selawik in Game Management Unit (GMU) 23 remainder.

Position

The Alaska Department of Fish & Game (ADF&G) **OPPOSES** this proposal as it sees its passage as an unnecessary deviation from state regulations and therefore contrary to Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and recent directives from the President and Secretary of the Interior.

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.