



Federal Subsistence Board

1011 East Tudor Road, MS 121
Anchorage, Alaska 99503 - 6199



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

FOREST SERVICE

OSM 20117.EP

SEP 10 2020

Gordon Brower, Chair
North Slope Subsistence Regional Advisory Council
c/o Office of Subsistence Management
1011 E. Tudor Road
Anchorage, Alaska 99503-6199

Dear Chairman Brower:

The Federal Subsistence Board (Board) met on April 20-23 and April 27, 2020 via teleconference to consider proposed changes to Federal subsistence management regulations for the harvest of wildlife on Federal public lands in Alaska. This letter provides a report on the actions taken by the Board on Wildlife Proposals (WP) and Wildlife Closure Reviews (WCR) affecting residents of the North Slope Region.

Section 805(c) of the Alaska National Interest Lands Conservation Act (ANILCA) provides that the Board will accept the recommendations of a Subsistence Regional Advisory Council (Council) regarding take unless, (1) the recommendation is not supported by substantial evidence, (2) the recommendation violates recognized principles of fish and wildlife conservation, or (3) adopting the recommendation would be detrimental to the satisfaction of subsistence needs. When a Council's recommendation is not adopted, the Board is required by Secretarial regulations to set forth the factual basis and reasons for the decision.

Out of 54 proposals submitted, one proposal (**WP20-21**) was withdrawn by the proponent. The Board agreed with the recommendations of the Councils, in whole or with modifications, on 48 of 54 proposals. The Board deferred **WP20-26**, which would allow for the use of snowmachines to assist in positioning wolves or wolverines in Units 9B, 9C, 17B, and 17C, until its summer 2020 work session. Furthermore, the Board accepted the recommendations of the Councils on all 17 WCRs, voting to maintain status quo on 13 of them. Details of these actions and the Board deliberations are contained in the meeting transcriptions. Copies of the transcripts may be obtained by calling the toll free number 1-800-478-1456, and are available online at the Federal Subsistence Management Program website, <https://www.doi.gov/subsistence>.

The Board uses a consensus agenda on proposals where there is agreement among the affected Regional Advisory Council(s), a majority of the Interagency Staff Committee, and the Alaska Department of Fish and Game concerning a proposed regulatory action. These proposals are deemed non-controversial and do not require a separate discussion. The consensus agenda contained one proposal affecting the North Slope Region, which the Board deferred to the North Slope Subsistence Regional Advisory Council (Council) recommendations as follows: the Board *rejected* statewide proposal **WP20-08**, which required traps or snares to be marked with name or state identification number.

The remaining proposals affecting the North Slope Region appeared on the non-consensus agenda. For three of the proposals, the Board took action fully or partially consistent with the Council's recommendations. The Board *adopted* **WP20-46** to provide a year-round bull caribou season and allow calf harvest in Unit 23. The Board *took no action* on **WP20-43/44/45**. The Board *adopted with the Office of Subsistence Management (OSM) modification* **WP20-47** to eliminate the cow moose season in Unit 23. The OSM modification changed the harvest limit to "one antlered bull". The Board *further modified* **WP20-47** by deleting the State permit requirement, which addresses the Council's concern regarding rural community access to permits. The Board *rejected* **WP20-49** to rescind the closure to non-Federally qualified users for sheep hunting in Unit 25A, the Arctic Village Sheep Management Area.

The Board's actions on one WCR for the region was also consistent with the Council's recommendations. The Board *adopted maintaining the status quo* for **WCR20-31** for the moose hunting closure in Unit 26B, remainder, and Unit 26C, except by residents of Kaktovik.

The Federal Subsistence Board appreciates the Council's active involvement in and with the regulatory process. The ten Regional Advisory Councils continue to be the foundation of the Federal Subsistence Management Program, and the stewardship shown by the Regional Advisory Council chairs and their representatives at the Board meeting was truly admirable.

If you have any questions regarding the summary of the Board's actions, please contact Eva Patton, Council Coordinator, at 907-786-3358 or by email at eva_patton@fws.gov.

Sincerely,



Anthony Christianson
Chair

Enclosure

cc: Federal Subsistence Board
North Slope Subsistence Regional Advisory Council members
Sue Detwiler, Assistant Regional Director, Office of Subsistence Management
Thomas Doolittle, Deputy Assistant Regional Director, Office of Subsistence Management
Lisa Maas, Acting Policy Coordinator, Office of Subsistence Management
Tom Kron, Acting Council Coordination Division Supervisor,
Office of Subsistence Management
Eva Patton, Subsistence Council Coordinator, Office of Subsistence Management
Interagency Staff Committee
Administrative Record

FEDERAL SUBSISTENCE BOARD 805(c) REPORT

April 20-24 and April 27, 2020

via teleconference, Alaska

Section 805(c) of the Alaska National Interest Lands Conservation Act provides that the “Secretary ... shall consider the report and recommendations of the regional advisory councils concerning the taking of fish and wildlife on the public lands within their respective regions for subsistence uses.” The Secretary has delegated authority to issue regulations for the take of fish and wildlife to the Federal Subsistence Board (Board). Pursuant to this language in Section 805(c), the Board defers to the Council’s recommendations. However, Section 805(c) also provides that the Board “may choose not to follow any recommendations which [it] determines is not supported by substantial evidence, violates recognized principles of fish and wildlife conservation, or would be detrimental to the satisfaction of subsistence needs.” The purpose of this report is to detail how the Board’s action differed from the Council’s recommendations based on these criteria.

NORTH SLOPE REGION WILDLIFE PROPOSALS (WP)

CROSSOVER PROPOSALS

Proposals WP20-43/44/45/46

DESCRIPTION: WP20-43 requests a year-round bull season for caribou in Unit 23. Submitted by: Kotzebue Sound Fish and Game Advisory Committee. WP20-44 requests that calf harvest be permitted for caribou in Unit 23. (Submitted by the Kotzebue Sound Fish and Game Advisory Committee.) WP20-45 requests a year-round bull season for caribou in Unit 23. (Submitted by the Northwest Arctic Subsistence Regional Advisory Council.) WP20-46 requests a year-round bull season and that calf harvest be permitted for caribou in Unit 23. (Submitted by the Western Arctic Caribou Herd Working Group.)

COUNCIL RECOMMENDATIONS:

North Slope Subsistence Regional Advisory Council supported WP20-45, and took no action on WP20-43/44/46. The Council supported residents of Unit 23, including the North Slope community of Point Hope, to be able to harvest bull caribou at any time and make the decision locally whether the bulls are in rut or not and good to eat. Council members discussed their observations that the migration and movement of caribou are changing and that the caribou have been coming by Point Hope later in the season. The Council expressed that an open bull season would allow flexibility to hunt bull caribou when the timing is right if the caribou are nearby the community and not in rut. The Council felt that while the closure was intended as a conservation measure initially, it would be more beneficial to reduce pressure on cows by lifting the bull closure. Traditional knowledge will inform people when the bulls are in rut, or are good to eat. The Council specifically supported WP20-45 in deference to the neighboring Northwest Arctic Subsistence Regional Advisory Council and the communities in Unit 23 to increase subsistence

opportunity for the harvest of bull caribou. However, the Council had concerns about the proposals that requested the harvest of calves because the WACH is still being managed conservatively. The Council recognizes traditional subsistence uses of calves, but suggested ongoing protection of calves at this time for the future of the herd while the population is still recovering.

Northwest Arctic Subsistence Regional Advisory Council supported WP20-43, opposed WP20-44, and took no action on WP20-45 and WP20-46. The Council stated that WP20-43 would increase subsistence opportunity for Federally qualified subsistence users and supported harvesting young bull caribou when larger bulls are in rut. The Council justified opposition to WP20-44, citing cultural values as the basis for wanting to avoid establishing an open season for any calf, while supporting the incidental harvest of mortally wounded or orphaned calves. The Council discussed the possibility of modifying the proposal to specifically allow incidental harvest of wounded or orphaned calves. An Alaska Wildlife Trooper noted that enforcement of such a modification is impossible given the vast geography and limited number of law enforcement personnel in the region. The Council clarified that harvest of calves is uncommon and suggested modifying the RC907 permit to document the incidental harvest of wounded or orphaned calves. One Council member expressed opposition to the harvest of calves, noting that it is inconsistent with Iñupiaq cultural values.

Western Interior Alaska Subsistence Regional Advisory Council unanimously supported WP20-46, and took no action on WP20-43/44/45 due to action taken on WP20-46. The Council believes this proposal would allow subsistence hunters to target younger, non-breeding bulls versus the older breeding bulls necessary for successful recruitment. The bull:cow ratio is currently very good and above management objectives. The most recent (June 2020) cow:calf ratio was excellent and above management objectives, indicating good calf production. The Council feels confident that the Western Arctic Caribou Herd (WACH) is stabilizing, and that these additional opportunities would not negatively affect the herd's population growth.

Seward Peninsula Subsistence Regional Advisory Council unanimously supported WP20-46 but took no action on Proposals WP20-43/44/45 due to action taken on WP20-46. These actions were consistent with the Office of Subsistence Management (OSM) preliminary conclusions. The Council agreed with OSM that adopting WP20-46 increases harvest opportunity for Federally qualified subsistence users. Eliminating the bull closure may help grow the WACH by reducing harvest pressure on cows. As most people do not target calves, calf harvest is expected to be very low and should not affect the conservation of the herd. Additionally, allowing calf harvest may reduce wanton waste by allowing mistakenly shot calves to be legally salvaged, and would permit harvest of orphaned calves.

BOARD ACTION: Adopt WP20-46 and take no action on WP20-43/44/45

JUSTIFICATION: The Board adopted WP2-46 to establish a year-round bull season for caribou and to lift prohibitions on calf harvest in Unit 23.

The Board supports the position of the Western Interior and Seward Peninsula Councils and the Western Arctic Caribou Herd Working Group. The Board supports a year-round bull season for

caribou in Unit 23 as this would increase harvest opportunity for Federally-qualified subsistence users and may also help grow the WACH by reducing harvest pressure on cows. While there has been repeated testimony in the region that adult bulls are not palatable during the rut, there has also been testimony that the timing of the rut can be variable, and that young bulls may still be consumed during this time.

The Board understands lifting prohibitions on calf harvest is a contentious and complicated issue. The Board has heard from both sides of the issue from the Regional Advisory Councils and NPS Subsistence Resource Commissions. Calf harvest is now legal under newly implemented State regulations in Unit 23 and the Board believes lifting the ban on Federal lands makes sense to streamline regulations and help reduce regulatory complexity. The Board understands most people do not target calves and calf harvest is thus expected to be very low and should not affect conservation of the herd. This regulation change will make it legal for hunters to kill and retain calves that are clearly abandoned or mortally wounded. People who are opposed to the taking of calves can still conform to their cultural norms regardless of this new regulation.

The Board took no action on WP20-43/44/45 due to action taken on WP20-46.