



EASTERN INTERIOR ALASKA SUBSISTENCE
REGIONAL ADVISORY COUNCIL
MEETING MATERIALS

October 4-5, 2023

Arctic Village, Alaska



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the Steese Highway



Photo by Paul Brady

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EASTERN INTERIOR ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Community Hall
Arctic Village, AK
October 4-5, 2023
convening at 9:00am daily

TO JOIN THE MEETING: Call **1-866-436-1163** (toll-free) and enter the conference ID: **734 525 593#**

PUBLIC COMMENTS: Public comments are welcome for each agenda item and for regional concerns not included on the agenda. The Council appreciates hearing your concerns and knowledge. If attending in person, please fill out a comment form to be recognized by the Council Chair. Time limits may be set to provide opportunity for all to testify and keep the meeting on schedule. Written comments may be emailed to subsistence@fws.gov.

PLEASE NOTE: The agenda is subject to change. Contact staff for the current schedule. Evening sessions are at the call of the Chair.

AGENDA

*Asterisk identifies action item.

- 1. Invocation**
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- d. Alaska Board of Game Proposals*
- e. Western Interior Council Draft Sheep Management Plan Guidelines*
- f. Joint Council Letter to North Pacific Fishery Management Council* (*Council Coordinator*)
- g. Kanuti-Yukon Flats Refuges Complexing update (*USFWS*)
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- b. Alaska Department of Fish and Game – Subsistence Section
- c. U.S. Fish and Wildlife Service
 - i. Arctic National Wildlife Refuge
 - ii. Tetlin National Wildlife Refuge (written report)
 - iii. Yukon Flats National Wildlife Refuge (written report)
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 - i. Denali National Park and Preserve
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14. Closing Comments

15. Adjourn (*Chair*)

To join the meeting via teleconference:
Call **1-866-436-1163** and enter the conference ID: **734 525 593#**

Reasonable Accommodations

The Federal Subsistence Board is committed to providing access to this meeting for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to Brooke McDavid, Council Coordinator, at 907-891-9181, brooke_mcdavid@fws.gov, or 800-877-8339 (TTY), by close of business on September 27, 2023.

REGION 9

Eastern Interior Alaska Subsistence Regional Advisory Council

Seat	Year Appointed <i>Term Expires</i>	Member Name and Community
1	2001 2025	Susan L. Entsminger Mentasta Chair
2	2022 2025	Eva D. Burk Fairbanks/Nenana
3	2020 2025	Linda M. Evans Rampart
4	2022 2025	Amanda M. Pope Circle
5	2005 2023	William L. Glanz Central
6	2002 2023	Andrew W. Bassich Eagle
7	2017 2023	Robert C. Wright, Sr. Rampart Vice Chair
8	2017 2024	Charlie Jagow Porcupine River
9	2004 2024	Donald A. Woodruff Eagle Secretary
10	2023 2024	Dorothy Shockley Fairbanks/Manley Hot Springs

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**EASTERN INTERIOR ALASKA SUBSISTENCE
REGIONAL ADVISORY COUNCIL
Meeting Minutes**

Pike's Waterfront Lodge
Fairbanks, AK
March 1-2, 2023

Invocation:

Sue Entsminger provided an invocation.

Call to Order, Roll Call, and Quorum Establishment:

The meeting was called to order Wednesday, March 1, 2023, at 9:02am. Council Chair Sue Entsminger, and Council members Donald Woodruff, Linda Evans, Amanda Pope, and Andrew Bassich were present in person. Robert Wright and Eva Burk were present via teleconference. William Glanz was not present and was not excused. Dorothy Shockley was not present and was excused. With 7 out of 10 seated Council members present, the quorum was established. Charlie Jagow was excused the morning of the first day but joined the meeting in-person in the afternoon and remained present for the remainder of the meeting. This raised the attendance to 8 out of 10 members.

Attendees:

* Denotes attended telephonically

- Office of Subsistence Management (OSM): Brooke McDavid, Katya Wessels, Tom Plank, Liz Williams, Nissa Pilcher, Cory Graham*, George Pappas*
- National Park Service (NPS): Regional Office – Dr. Kim Jochum; Yukon-Charley Rivers NPP – Jeff Rasic, Kyle Joly, Marcy Okada, Matt Cameron, Jordan Pruszenski; Wrangell-St. Elias NPP – Dr. Barbara Cellarius, Dave Sarafin, Kyle Cutting*; Denali NPP – Amy Craver, Patricia Owen
- U.S. Fish and Wildlife Service: Fisheries & Ecological Services – Gerald Maschmann, Holly Carroll; Yukon Flats NWR – Jimmy Fox; Arctic NWR – Nathan Hawkaluk, Paul Leonard
- Bureau of Land Management (BLM): Eastern Interior Field Office – Jim Herriges, Tim Hammond; Regional Office – Chris McKee
- Alaska Department of Fish and Game (ADF&G): Wildlife Conservation – Mark Nelson, Jeff Gross, Tom Seaton, Torsten Bentzen; Commercial Fisheries – Deena Jallen, Christie Gleason, Shane Ransbury; Subsistence – Caroline Brown
- Other Organizations: Tanana Chiefs Conference – Nicole Farnham, Ben Stevens*; Yukon River Drainage Fisheries Association – Gabe Canfield, Catherine Moncrieff; North Pacific Fishery Management Council (NPFMC) – Dr. Diana Stram
- Public: Jan Woodruff, Pamela Miller, Jack Reakoff, Rochelle Adams*, Fred Roberts*, Wilson Twitchell*, Bruce Ervin*, Mark Richards

Review and Adopt Agenda:

- Motion by Member Bassich, seconded by Member Woodruff, to adopt the agenda as presented but to remain flexible to move around items and accommodate time certain items as necessary.

The motion passed unanimously.

Election of Officers

Sue Entsminger and Robert Wright were nominated for Chair. Sue Entsminger was elected Chair.

Robert Wright was nominated and elected as Vice-Chair.

Donald Woodruff was nominated and elected as Secretary.

Review and Approve Previous Meeting Minutes:

- Motion by Member Woodruff, seconded by Member Bassich, to approve the Fall 2022 Meeting minutes as presented.

The motion passed unanimously.

Council Member and Chair Reports:

Robert (Charlie) Wright of Rampart reported on how residents of the Yukon River have been suffering for a lack of salmon for several years now. He said that even local fish, such as Whitefish, are more difficult to catch than they were historically. Member Wright reported that he attended the Alaska Board of Fisheries (BOF) meeting for Area M to advocate for subsistence salmon. He was very discouraged with the BOF decision to not take measures to reduce interception of Arctic-Yukon-Kuskokwim (AYK) salmon in the commercial fisheries along the peninsula. He was also disappointed with the comment letter from OSM that stated that the proposals taken up at that meeting would not impact subsistence fishers in Federal waters in the AYK region. He stressed that sustainable management is supposed to be the utmost priority of all managers from all agencies, and that everyone needs to work together to get salmon numbers back again. Member Wright also reported on his concerns for caribou and moose in the Interior, stating that numbers of both species are way down. He has concerns for the safety of the Fortymile Caribou Herd hunt along the road system and said that you need a bulletproof vest to hunt them. For moose, he said hunters are lucky to get one all season when it used to take only a few days. Member Wright said he is involved on so many boards and committees to make sure that management of subsistence resources is done sustainably so that future generations have the same ability to eat traditional foods as their ancestors. He stated that it is painful to see people going hungry.

Eva Burk of Fairbanks reported that she also attended the Alaska Peninsula Aleutian Island BOF meeting with many other residents of the AYK region to advocate for subsistence salmon. Member Burk said that

AYK salmon began to crash from overfishing decades before climate change also became a real issue, and now the two issues are compounding low returns. She said that every salmon counts at this time and collective action is needed from State, Federal, and Tribal organizations to preserve wild stocks. Other uses, such as commercial fishing, are supposed to be reduced or eliminated when subsistence needs are not being met. AYK people are asking for reduced commercial fishing time in the Alaska Peninsula to allow fish passage to AYK region; they are not asking for the entire fishery to be shut down. Member Burk said that precautionary approaches to salmon management need to be taken and that management decisions need to be based on unbiased data. She also expressed that she was really disappointed with OSM's position that the actions taken at the Area M BOF Meeting would not have a significant effect on subsistence. She characterized the OSM comment as blatant misinformation because AYK salmon definitely migrate through the Alaska Peninsula and Aleutian Islands region.

Don Woodruff of Eagle agreed with Member Wright about the poor returns of Chinook and Chum Salmon and the low numbers of caribou; it is causing a lot of people to be hungry. Member Woodruff was extremely disappointed to see that the BOF shot down Proposal 140 when it had such widespread support across the AYK region. He said that there is no ecosystem level management when it comes to AYK salmon, but that there should be. Member Woodruff feels that it may be time to consider putting Yukon River Chinook and Fall Chum salmon on the threatened species list and requests more information about the process for doing so. He finished his report by raising concerns about the process for conducting subsistence activities on BLM lands. He stated that BLM permitting for trapping and public cabin use should not be an encumbrance to subsistence users.

Linda Evans of Rampart reported that she is dismayed about the state of the fish and game resources that her family has subsisted off all of their lives. Her grandparents, parents, herself, and her kids all rely on traditional foods. She said that the BOF really disregarded people of the Yukon River. She feels like they do not care if people eat or not, and that makes her feel like a lower-class citizen. It is very disappointing. They are supposed to represent subsistence users first. Member Evans said that there is lots of snow and temperatures have been warm, but she has not seen too many animal tracks.

Amanda Pope of Circle reported that she was unable to attend the Alaska Peninsula BOF meeting because she was out on the trapline. She thanked everyone who was able to attend and advocate for subsistence salmon. She said everyone needs to have an open mind about what it is going to take to get salmon to come back and that she agrees with Mr. Woodruff that it might take listing them as a threatened species. Member Pope shared that moose numbers have been down in Yukon-Charley National Preserve and that Fortymile Caribou numbers are also down. People from Circle have not been hunting caribou because of safety and conservation concerns. She is sad to not have even seen a caribou for the last two years. Member Pope stressed that all user groups need to work together when it comes to fish and game resources. She said there is a lot of tension between agencies and user groups, but that it needs to be overcome to achieve good management and conservation results. Member Pope ended her report by sharing an issue her family has been having with obtaining a permit from BLM to use a public use cabin as emergency shelter while trapping. She said their permit has been denied and her family is appealing it. She does not feel it is right to make low-income rural residents provide proof of income and pay large

fees to use cabins for subsistence purposes. Member Pope shared a letter she wrote with the Council and said she wanted to make other members aware of how they are having to fight for their subsistence rights.

Andy Bassich of Eagle reported that he echoes the comments provided by Members Wright and Burk about the salmon fishery and thanked them both for their time spent at the Area M BOF meeting. Member Bassich said there was a large coalition of people that spent a lot of time organizing for that meeting to plead the desperate situation that AYK salmon and people are in. He characterized the actions taken by the BOF as disappointing and a tremendous failure. Member Bassich said their decisions were blatantly against hard science, the Alaska Constitution, and the Alaska Sustainable Salmon Initiative. He questioned whether the current State of Alaska administration cares about people who live in the bush. Member Bassich referenced Member Woodruff's comment about Yukon salmon being a species at risk and said that subsistence users are becoming an endangered species. He said subsistence users are having a hard time and people who have lived this culture for thousands of years are being forced out of their homes and off the land because they cannot even get the food they need to eat. Member Bassich also said that agencies charging subsistence users to use public cabins is not helping the issue. He said there are not many people truly living off the land anymore and they should not be hindered to carrying on that lifestyle. He stated that the only way you can live a subsistence lifestyle is to have consistent, reliable access to resources. Member Bassich expressed concern for dismal moose populations in his area. He spends a lot of time traveling the land in the winter and only saw four or five moose tracks. He estimates only two moose were harvested by Eagle residents this year and only a few of caribou. Member Bassich drew attention to the comment letter sent by OSM to the BOF for the Alaska Peninsula meeting. He said the letter showed zero support for the AYK region even though the Federal Program is in place to protect subsistence opportunities and subsistence lifestyles on Federal public lands. He felt the OSM position that no impact was going to be made by the BOF proposals was negligent and uninformed about how salmon migrations work. He said he would like to see OSM step to the plate and start really looking at protecting local subsistence populations, whether they be fish or wildlife, because he does not feel that this effort is going to come from the State. He firmly stated that management needs to take a long term and ecosystem-based approach and be open to doing things differently than have been in the past especially considering the pace of environmental change. Member Bassich said his subsistence diet has gotten down to muskrats and rabbits recently, and he would really like to see some moose and caribou come back. Considering, he said it is difficult to see \$80,000 jet boats pass him on the river with two or three moose heads on the bow every year.

Sue Entsminger of Mentasta Pass reported that she has seen a fair number of moose in her area along the road system. She said they have had two really bad winters in a row and the snowfall made it nearly impossible to keep a trap line open. Chair Entsminger expressed concerns for low sheep populations in her area and across the state. She said one of her passions is taking young people out and teaching them how to hunt and that it is so awesome to see them enjoy it. This winter she saw a few Nelchina caribou tracks. Chair Entsminger reported on her involvement with the Wrangell-St. Elias Subsistence Resource Commission (SRC) and said the SRC spent a lot of time at their recent meeting discussing the NPS proposed rule. She said she would share more comments about the proposed rule when it comes up as an agenda item. Chair Entsminger said she emphasized with the other Council members who reported on the

salmon crisis as well as the governmental hoops necessary to jump through to use public cabins and practice subsistence. She expressed frustration at the number of regulations just seems to keep growing over time. Chair Entsminger ended her report by saying it is her hope that various user groups will try to keep open arms for working together and be respectful in the process.

Public and Tribal Comment on Non-Agenda Items:

The Council heard public comments on both days of the meeting. *Virgil Umphenour* from the Fairbanks Advisory Committee commented about the Alaska BOF Area M meeting and the failure of Proposal 140. *Pamela Miller* from Fairbanks commented about the importance of holding in-person public meetings while also providing teleconference opportunity at the same time. *Jack Reakoff*, Chair of the Western Interior Alaska Regional Advisory Council, shared his concerns about the complexing of Kanuti and Yukon Flats National Wildlife Refuges. *Rochelle Adams* from Fort Yukon commented about the on-going salmon crisis on the Yukon River, her frustrations with the BOF process, and oil and gas exploration within the Yukon River watershed. *Eva Burk* of the Minto-Nenana Advisory Committee shared her concerns about commercial uses being prioritized over subsistence and conservation. *Bruce Ervin* shared information about the Fresh Eyes on Ice monitoring project. *Mark Richards* of Fairbanks shared information about BOF Proposal 140 and how people can continue to advocate for the State government to reduce Yukon River salmon interception in commercial fisheries.

Old Business:

The Council received presentations on the following topics:

- North American Caribou Workshop and Arctic Ungulate Conference by Tom Plank
- Council Correspondence update by Brooke McDavid
- Council Correspondence Policy update by Katerina Wessels
- Hunter Ethics Education and Outreach Initiative update by Brooke McDavid
- Update on Federal Subsistence Board Actions by Brooke. McDavid
- Update on Alaska BOF Actions by Brooke. McDavid

New Business:

Wildlife Reports:

The Council heard wildlife reports from several agencies:

- *Fortymile Caribou Herd Update* by Jim Herriges, Wildlife Biologist with the BLM Eastern Interior Field Office and by Jeff Gross and Torsten Bentzen Wildlife Biologists with ADF&G
 - Motion by Member Bassich, seconded by Member Pope, to elect Donald Woodruff to represent the Council at any Fortymile Caribou Harvest Management Coalition planning meetings.

Motion passed on a unanimous vote.

- Motion by Member Bassich, seconded by Member Woodruff, that the Council send an alternate member if Mr. Woodruff is unable to attend the Fortymile Caribou Harvest Management Coalition planning meetings.

Motion passed on a unanimous vote.

- *Wrangell St. Elias National Park and Preserve Wildlife Update* by Kyle Cutting, Wildlife Biologist
- *Yukon Flats National Wildlife Refuge Update* by Jimmy Fox, Refuge Manager
- *Yukon-Charley Rivers National Preserve Update* by Marcy Okada, Subsistence Coordinator; Mat Sorum, Wildlife Biologist; Matthew Cameron, Wildlife Biologist; and Jordan Pruszenski, Wildlife Technician
- *Denali National Park and Preserve Update* by Pat Owen, Wildlife Biologist
- *Arctic National Wildlife Refuge update* by Nathan Hawkaluk, Acting Refuge Manager, and Paul Leonard, Lead Ecologist
- *Wood Bison Reintroduction in the Eastern Interior Region Update* by Tom Seaton, Wildlife Biologist with ADF&G
 - Motion by Member Bassich, Seconded by Member Pope, to send a letter to the Federal Subsistence Board recommending they fully support the Wood Bison reintroduction planning efforts in the Eastern Interior Region.

Motion passed on a unanimous vote.

- Motion by Member Bassich, seconded by Member Woodruff, to have Council representatives serve on the Upper Tanana, Lower Tanana, and Yukon Flats Wood Bison reintroduction planning teams.

Chair Entsminger volunteered to represent Upper Tanana region, Member Wright volunteered to represent Lower Tanana region, and Members Evans and Pope volunteered to represent the Yukon Flats region.

Motion passed on a unanimous vote.

Wildlife Closure Reviews:

The Council heard an overview of the analysis for Wildlife Closure Review WCR24-21 Portion of Unit 25A closed to sheep hunting by non-Federally qualified users (Arctic Village Sheep Management Area) from Liz Williams, OSM Cultural Anthropologist.

The Council received public testimony in support of maintaining the closure from Ernest Erick of Venetie, Ernie Peter of Arctic Village, Sarah James of Arctic Village, Pete Peter of Venetie, Tanya Garnett representing Arctic Village Council and Native Village of Venetie Tribal Government, and Robert Sam, First Chief of Arctic Village.

The Council inquired about the possibility of making the Arctic Village Sheep Management Area exempt from routine closure reviews, so it does not continue to come up for reconsideration every four years and burden the community. OSM staff said that was not possible without a change to the Federal Subsistence Board Closure Review Policy.

The Council deferred hearing updates on other Wildlife Closure Reviews in their region until the Fall 2023 meeting.

Proposed Changes to 2020 Hunting and Trapping Regulation on National Preserves in Alaska

David Payor, Regional Wildlife Biologist for NPS, presented on the proposed changes to the 2020 Hunting and Trapping Regulation on National Preserves in Alaska. The Council had a lengthy discussion of the proposed rule and Council members expressed a variety of opinions, both in support and against, the proposed regulations. The Council generally agreed that a “one size fits all” rule should not be applied across all National Preserves in Alaska but that each National Preserve should have the ability to develop regulations based on local conditions and use patterns. The Council voted to write a comment letter to the National Park Service detailing the various comments Council members made regarding the rule and its application on National Preserves in the Eastern Interior region.

- Motion by Member Bassich, seconded by Member Pope, to submit a letter to the National Park Service in regards to the proposed rule changes and that the contents of this letter may include all comments presented verbally in Council discussions and written comments from the Subsistence Resource Councils and Council Chair.

Motion passed on a 7-1 vote.

Call for Federal Wildlife Proposals

Tom Plank, OSM Wildlife Biologist, presented the call for Federal wildlife proposals for the 2024-2026 regulatory years and notified the Council that the proposal deadline is April 12, 2023.

The Council voted to submit three Federal proposals:

1. Extend the marten trapping season in Units 12, 19, 20, 21, 24, and 25 to March 15
 - Motion by Member Bassich, seconded by Member Woodruff, to extend the marten trapping season as stated.

This proposal would add an additional 15 days of opportunity to harvest marten in Units 12, 19, 20, 21, 24, and 25. It will align the marten season end dates with the lynx season end dates in Units 12 and 20E and add additional opportunity for harvest of marten in Units 24A and 25 where the lynx season is open until March 31. Many trappers target both species and this extension would allow trappers the opportunity to harvest a few additional marten, resulting in a small but helpful economic boost for those who sell their

furs. This is important given the rising costs of food and other supplies. Shifting climate patterns are causing warmer falls but pushing cold weather farther into the spring. Marten fur quality is still prime in mid-March. March typically has the best trail conditions for trapping. In recent years of deep snowfall, it has been difficult to access traplines in February. There are no known conservation concerns for marten.

Motion passes on a unanimous vote

2. Extend moose hunting season in Units 25B, 25C, and 25D Remainder until October 15

- o Motion by Member Pope, seconded by Member Bassich, to extend the moose hunting season as stated.

This proposal would provide additional opportunity for Federally qualified subsistence users to hunt moose in portions of Unit 25 after the State of Alaska hunting season closes. These sub-units receive a great deal of harvest pressure, and the additional late fall season harvest opportunity would help decrease competition for this important subsistence resource. Additionally, climate change is shifting weather patterns and it is not becoming cool until later in the fall. Hunting later in the fall during cooler weather reduces the chance for meat spoilage. It is colder during the end of September/October time frame which is more conducive to hanging and drying meat for those who don't have a freezer and continue to do it the traditional way.

Motion passed on a unanimous vote.

3. Add Fort Yukon and Circle to the list of communities with customary and traditional use determinations for moose in Unit 25D West

- o Motion by Member Pope, seconded by Member Woodruff, to modify the customary and traditional use determination as stated.

Residents of Circle and Fort Yukon have historically hunted for moose throughout the Yukon Flats including within the hunt area described as Unit 25D west. People from Circle and Fort Yukon have Native Allotments in the 25D(west) area. However, these two communities are currently excluded from the customary and traditional use determination because their communities lie outside the boundaries of Unit 25D west. Adopting this proposal would allow residents of Circle and Fort Yukon to be able to hunt on their traditional ancestral lands.

Motion passed on a unanimous vote.

Call for Alaska Board of Game Proposals for Interior Region

Brooke McDavid, Council Coordinator, notified Council members of a call for Alaska Board of Game proposals for the Interior Region.

The Council voted to submit one Board of Game proposal:

1. Extend the marten season on State land in units 12, 19, 20, 21, 24 and 25 to March 15
 - o Motion by Member Bassich, seconded by Member Jagow, to extend the marten season as stated.

Extending the season end dates for marten in Units 12, 19-21, 24, and 25 until March 15 would allow trappers targeting lynx during March to have concurrent opportunity to harvest marten. Currently, marten trapping season closes on the last day of February in the aforementioned Units but lynx trapping season is open until March 15 in Units 12, 19A, 19B, 19E, 20, 21B, 21C, 21D, 21E, and 25 and until March 31 in Units 19C, 19D, and 21A. Many trappers target both marten and lynx, and this 15-day season extension would allow trappers the opportunity to harvest a few additional marten. Shifting climate patterns are causing warmer falls but pushing cold weather farther into the spring. Marten fur quality is still prime in early to mid-March. March typically has the best trail conditions for trapping. In recent years of deep snowfall, it has been difficult to access traplines in February. This proposal mirrors a Federal proposal being submitted by the Council and would align State and Federal regulations if both proposals are adopted.

Motion passed with a unanimous vote.

Denali National Park and Preserve Individual Customary and Traditional Use Determinations

Amy Craver, Subsistence Coordinator for Denali National Park and Preserve, presented the analyses of two individual customary and traditional use determination proposals to the Council.

- Motion by Member Bassich, seconded by Member Woodruff, to support Denali National Park and Preserve Individual Customary and Traditional Use Determination Proposals ICTP23-01 for Blaine Mayo and ICTP23-02 for Kevin Mayo.

For their justification the Council referenced the comments provided by the Denali Subsistence Resource Commission and the NPS conclusions, both of which were in support of the proposals. The Council felt that the analyses completed and presented by NPS were thorough and the Council agreed that long-term and consistent patterns of use have been demonstrated by the Mayo brothers.

Motion passed on a unanimous vote.

2021 Council Charter Review

The Council reviewed their Charter as required every two years by the Federal Advisory Committee Act. The Council discussed adding a non-voting youth seat in the Council Membership section of the charter.

- Motion by Member Bassich, seconded by Member Pope, to amend the charter and add a nonvoting youth seat to the Council named the Youth Advocate Seat.

The Council feels it is extremely important to get youth involved in subsistence and on the Council. Many Council members are older and are retiring. This seat would help young people understand the Federal Subsistence Management Program regulatory process and what it means to be a Council member. It would be a beneficial training opportunity because younger people can have a more difficult time getting on the Council due to the scoring and ranking of applicants. It can take years for new Council members to understand the regulatory process and feel comfortable actively participating in the process. The Council wants to encourage long-term service on the Council as opposed to a high turnover rate for members.

Motion passed on a unanimous vote.

- Motion by Member Bassich, seconded by Member Woodruff, to approve the Charter as presented with the amendment request to add a Youth Advocate Seat.

Motion passed on a unanimous vote.

Review and Approve FY2022 Annual Report

The Council reviewed their draft FY2022 Annual Report and proposed two more topics for addition.

- Motion by Member Bassich, seconded by Member Evans, to approve the Annual Report as written and to include two additional topics as follows: 1) OSM comment letter to the Alaska BOF and policy for commenting, and 2) BLM public cabin use permit process.

Motion passed on a unanimous vote.

Fisheries Resource Monitoring Program (FRMP) Update

Liz Williams, OSM Cultural Anthropologist, let the Council know that a call for FRMP research proposals closed in February 2023 and that the proposed projects will be evaluated by the Technical Review Committee in the coming months. The Council will be presented an overview of the projects at their Fall meeting.

Partners for Fisheries Monitoring Program Update

Liz Williams, OSM Cultural Anthropologist, notified the Council that proposed Partners Program proposals were recently evaluated by the Technical Review Committee and selections should be announced in the near future. She explained that the Partners Program aims to increase involvement by Alaska Native and other rural organizations in Federal fisheries management.

Nicole Farnham, Fisheries Biologist with Tanana Chiefs Conference (TCC), presented an overview of recent and upcoming fisheries research projects carried out by the TCC Tribal Resource Stewardship Program. TCC is a current Partners Program organization.

Fisheries Regulatory Cycle Update:

Liz Williams, OSM Cultural Anthropologist, informed the Council that the new fisheries regulations adopted by the Federal Subsistence Board at their January regulatory meeting should be published in the Federal Register by late Spring or early Summer. She reminded the Council that the next fisheries regulatory cycle will begin in Winter 2024 when the Council is presented a call for proposals.

Additional Reports:

- *Salmon Bycatch Report* by Dr. Diana Stram, NPFMC Senior Scientist
- *Yukon River Drainage Fisheries Association Update* by Gabe Canefield, Program and Policy Coordinator
- *USFWS 2023 Yukon River Salmon Fisheries Outlook* by Holly Carroll, Yukon River Fisheries Manager
- *Copper River Fisheries Update* by Dave Sarafin, Fisheries Management Biologist
- *Wrangell-St. Elias National Park and Preserve Subsistence Update* by Dr. Barbara Cellarius, Cultural Anthropologist
- *BLM Travel Management Plans Overview for Steese NCA and White Mountains NRA* by Tim Hammond, Eastern Interior Field Office Manager
- *Office of Subsistence Management Update* by Katerina Wessels, Council Coordination Division Supervisor

Future Meeting Dates:

The Council confirmed their fall 2023 meeting dates as October 4-5, 2023, in Arctic Village.

The Council designated their preferred dates for the winter 2024 All Council Meeting as March 1-4, 2024, in Anchorage.

The Council chose their fall 2024 meeting dates as October 8-10, 2024, in Tanana.

Brooke McDavid, Designated Federal Officer
USFWS Office of Subsistence Management

Susan Entsminger, Chair

Eastern Interior Alaska Subsistence Regional Advisory Council

These minutes will be formally considered by the Eastern Interior Alaska Subsistence Regional Advisory Council at its Fall 2023 meeting in Arctic Village, and any corrections or notations will be incorporated in the minutes at that meeting.

For a more detailed report of this meeting, copies of the transcript and meeting handouts are available upon request. Call Brooke McDavid, Council Coordinator, at 1-800-478-1456 or 907-891-9181, or email brooke_mcdavid@fws.gov.



Federal Subsistence Board Meeting Advisory



U.S. Fish and Wildlife Service
Bureau of Land Management
National Park Service
Bureau of Indian Affairs

Forest Service

For Immediate Release:
August 3, 2023

Contact: Robbin La Vine
(907) 786-3353 or (800) 478-1456
robbin_lavine@fws.gov

Results from the Federal Subsistence Board Work Session

During its August 2-3, 2023, work session, the Federal Subsistence Board (Board) discussed and approved responses to Regional Advisory Council (Councils) FY22 annual reports, reviewed Council recommendations for changes to Council charters, and received briefings on updates to the Regional Advisory Council Correspondence Policy and a letter from the Southeast Council to the Board on transboundary river watersheds.

The Board voted to recommend the Secretaries of the Interior and Agriculture (Secretaries) adopt the Councils' requests to modify their Council charters to add language authorizing a non-voting young leader seat to the Membership and Designation Section of all ten Councils' charters. The Board also voted to recommend that the Secretaries adopt charter language submitted by the Northwest Arctic Council to improve geographic representation on the Council. The Board also approved individual customary and traditional use determination proposals ICTP23-01 and ICTP23-02 pertaining to areas managed by the National Park Service in Unit 13.

In addition to the public work session, the Board held an executive session on Thursday, August 3, 2023. The purpose of this meeting was to develop recommendations to the Secretaries of Interior and Agriculture for appointments to the Regional Advisory Councils. A summary of the executive session will be made available to the Councils and, upon request, to the public.

Information about the Federal Subsistence Management Program may be found on the web at www.doi.gov/subsistence or by visiting www.facebook.com/subsistencealaska.

Missing out on the latest Federal subsistence issues? If you'd like to receive emails and notifications on the Federal Subsistence Management Program, you may subscribe for regular updates by emailing fws-fsb-subsistence-request@lists.fws.gov.

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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

AUG 02 2023

OSM 23069

Sue Entsminger, Chair
Eastern Interior Alaska Subsistence
Regional Advisory Council
c/o Office of Subsistence Management
1101 East Tudor Road, MS 121
Anchorage, Alaska 99503-6119

Dear Chair Entsminger:

This letter responds to the Eastern Interior Alaska Subsistence Regional Advisory Council's (Council) fiscal year 2022 Annual Report. The Secretaries of the Interior and Agriculture have delegated to the Federal Subsistence Board (Board) the responsibility to respond to these reports. The Board appreciates your effort in developing the Annual Report. Annual Reports allow the Board to become aware of the issues outside of the regulatory process that affect subsistence users in your region. We value this opportunity to review the issues concerning your region.

1. Sheep population declines and need for coordinated survey effort

The Council would like to make the Board aware of observed sheep population declines throughout the Eastern Interior Region. The Council is particularly concerned with the low counts of sheep in the Glacier Mountain Controlled Use Area, where numbers have reportedly dropped to only 12 sheep. The Council feels that there needs to be more collaboration between State and Federal partners and more funding available for sheep surveys not only in our region but throughout the State. We request that the Board ask the Federal agencies comprising the Board to make coordinated sheep surveys a priority for 2023.

Response:

The Board acknowledges that low sheep numbers are a concern across all of Alaska. This is a hardship Federally qualified subsistence users are facing in many areas on both Federal and State lands. The Board also recognizes that proper species management and population evaluation is necessary to ensure healthy populations of sheep. Many Federal agencies currently cooperate with each other and the Alaska Department of Fish and Game (ADF&G) to conduct aerial sheep

surveys across the state. The Office of Subsistence Management (OSM) staff is in the process of reaching out to Federal agency field staff inquiring about sheep survey efforts and will communicate the information received to the Council at the fall 2023 meeting. The Board appreciates the concern of the Council.

Dall sheep populations are also a concern of other Councils. The Western Interior Council has submitted draft Dall Sheep Management Guidelines to the Board and ADF&G for review. Your Council may wish to discuss and comment on the guidelines they developed.

2. Management of Fortymile Caribou Herd

Recent Fortymile Caribou Herd management actions implemented by the Alaska Department of Fish and Game (ADF&G) utilized liberalized bag limits to drastically reduce the herd due to concerns about nutritional stress. The Council is concerned about this action and feels that politics have too much influence on the management of this herd. Major management decisions such as this should come before the international Fortymile Caribou Herd Harvest Management Coalition to discuss and agree on. Additionally, the Council feels that managers need to take observations and recommendations from rural residents in the herd's range more seriously.

Lastly, the Council would like to see a greater presence of law enforcement, agency officials, and local community hunter liaisons in road-accessible zones of the Fortymile Caribou Herd during hunting season. The Council continues to have major concerns about safety, hunter ethics, and meat care, especially along the Steese and Taylor highways. We ask the Board to collaborate with the State to take meaningful action to address these issues.

Response:

The Board recognizes your concern regarding the management of the Fortymile Caribou Herd. OSM has invested in the Fortymile Caribou Herd Harvest Management Coalition through assigning staff to participate in the process. The Board forwarded your FY22 annual report, which included your concerns regarding ADF&G management actions to the ADF&G leadership for their awareness.

Additionally, the Board reached out with your concerns to the Bureau of Land Management (BLM) and received the following response.

1). The BLM Eastern Interior Field Office (EIFO) Manager has been delegated to set seasons and harvest limits for the Fortymile Caribou Herd and does so after consulting with Yukon Charley National Preserve, local ADF&G managers, Tetlin National Wildlife Refuge (NWR), and your Council. ADF&G determines the annual harvest quota and BLM works closely with ADF&G to manage a Federal portion of that harvest in a way that is supportive of federally qualified subsistence use. BLM EIFO has passed the Council's FY22 Annual Report along to the local ADF&G office for their consideration.

2). BLM EIFO and the Board share the concerns raised about safety, law enforcement, hunter ethics, and meat care. The Council may not be fully aware of the many agency efforts to

manage the Fortymile Caribou Herd hunt and minimize such concerns during it. The EIFO, ADF&G, State Wildlife Troopers, and other Federal agencies have cooperated to address many of these types of concerns, which are especially problematic with such high-volume, roadside hunts. In addition, Yukon Flats NWR and Yukon Charley National Preserve have sponsored a hunter liaison position at Circle in recent years.

For each of the last several years, numerous state and Federal law enforcement personnel were in the field during the opening periods of fall and winter seasons. Generally, five to six State Wildlife Troopers, including a helicopter, have been based at the BLM Central Field Station for the fall opening of the season. BLM Law Enforcement Rangers, with assistance from other BLM field offices and U.S. Fish and Wildlife Service (USFWS) law enforcement rangers have also been out patrolling during season openings.

The one law enforcement agent on the EIFO staff typically patrolled FMCH Zones 1-4 at least two days per week from August 1 through March 30. Patrols concentrated on heavily hunted Steese/Taylor Highway Corridors. In 2022/23, the EIFO Ranger applied for and received a grant from BLM's Office of Law Enforcement and Security that funded USFWS law enforcement officers to supplement FMCH field enforcement efforts in Zones 1, 3, and 4 for both RC860 and RC867. Joint enforcement efforts targeted busy holiday weekends, North Star Borough spring break, and final weeks of both seasons. This grant is expiring and the support of the Council and OSM may be helpful for renewing and expanding upon this initiative for 2023-24.

Biologists from ADF&G and BLM EIFO are also typically in the field collecting biological samples from hunter-harvested caribou along the Steese Highway during the first few days of the season. This typically involves from three to five ADF&G biologists and from one to two BLM biologists traveling the roads and trails and contacting hunters. The biological sample collection did not occur during the 2022 fall hunt due to low expected harvest.

In addition, BLM's Recreation and Visitor Services Program has a large field presence during the Fortymile Caribou season. While these staff do not have law enforcement authority, they can provide education, assist with emergency communications, and observe and report violations that may be occurring. Recreation staff place OHV limitation signage at the primary access points along the Steese Highway. Staff are present each day for the youth and Federal subsistence hunts and interact with hunters along the road system. Approximately two to three days prior to the State hunt opening, recreation staff are actively engaging hunters at the waysides and along the primary access corridors. They share maps, answer questions, and continually clean the waysides. They also ride ATVs in the heavily traveled areas to interact with hunters and OHV users in those areas.

Along the Taylor Highway, volunteer campground hosts are always available and interacting with the public and are equipped with satellite communication devices. EIFO recreation staff are in the field at any time throughout the hunting season. They are based in Chicken and travel between the waysides to interact with the public and clean and maintain the facilities.

3. On-going salmon fishing closures and record low returns of Yukon River Chinook Salmon

For the third year in a row, there were dismal returns of all Yukon River salmon species. Summer 2022 had the lowest returns on record of Chinook Salmon. Subsistence salmon fishing was closed. Local fishers went without much needed salmon for their families and communities. Even with in-river fishing closed, escapement goals were once again not met. The Council is fearful for the future of our Yukon River salmon resources. We are outraged that Yukon River salmon continue to be bycaught in the Bering Sea and intercepted in the Alaska Peninsula commercial fisheries, while our people along the river are going without. The subsistence priority is not being upheld. People are literally crying for salmon.

The Council believes it is imperative that all State and Federal agencies work together across jurisdictional boundaries to conserve Yukon River salmon stocks using an ecosystem-based management approach. We are asking the Board to take action on this, and if needed, to seek guidance from the Secretaries of the Interior and Agriculture on how to do so.

Response:

The Board supports improving coordination and communication across regional, jurisdictional, and ecological boundaries. Strong coordination and regular communication among management agencies and stakeholders is essential to ensure the conservation of Yukon River salmon. The Secretaries adheres to the ANILCA Title VIII requirement that the Board work closely with other Federal agencies and our state colleagues within the bounds of Board's authority. The Federal Subsistence Management Program continues to rely on the knowledge and expertise of our rural Alaska residents and Tribal representatives to help inform important management actions and strategies.

Following the 2022 summer work session, the Board, in response to the letters from the four Yukon River Subsistence Regional Advisory Councils (Yukon-Kuskokwim Delta, Seward Peninsula, Western Interior, and your Council), forwarded a letter to the Secretaries of the Interior and Agriculture to ask them to liaise with their counterparts at the Department of Commerce regarding the issues of salmon bycatch in the Bering Sea Aleutian Islands pollock fishery.

While the 2023 Yukon River salmon outlook is projected to be similar to 2022, the Federal manager through delegated authority by the Board coordinates closely with the State of Alaska to achieve the common objective of meeting escapement goals and providing subsistence fishing opportunities if salmon numbers are high enough.

The Board appreciates your Council raising this issue and values your continued dedication to addressing salmon along their entire migratory lifecycle.

4. Need for updated moose counts along Yukon River corridor

The Council has requested population estimates from the State of Alaska for moose in Unit 20F for the past two years but has not yet received a report concerning this topic. Residents of Rampart and Tanana have been unable to harvest sufficient moose to meet subsistence needs in

recent years. Coupled with salmon fishing closures, the lack of available moose is compounding food security issues in the region. The Council strongly feels that moose surveys need to be completed in this area, and that these data should be used to inform hunt management instead of relying on harvest reports to estimate population. We ask that the Board pass these concerns on to the ADF&G and request information on population and harvest trends for moose in Unit 20F.

Response:

The Board recognizes the Council's concerns about the moose population along the Yukon River corridor and further understands that requests, specifically for data for the Unit 20F moose population, have not sufficiently been answered. Federally managed lands only comprise 22% of Unit 20F and thus, Federal agencies do not conduct moose surveys in this subunit. The Board recommends the Council work with their Council Coordinator to write a letter to ADF&G requesting population data and an explanation of the limitations that are restricting the State from conducting needed surveys, as well as invite ADF&G staff to discuss the population status of moose in Unit 20F with the Council at a future meeting.

5. Food insecurity

Residents of the Yukon River drainage are experiencing unprecedented food insecurity. This is primarily due to three straight years of subsistence salmon fishing restrictions and closures. Salmon closures put more pressure on hunters to harvest moose and caribou, but there are also concerns about low moose and caribou populations in our region, as stated above. These resources are not abundant enough to serve as a replacement to the missing salmon.

In response to the low salmon runs, there have been efforts to distribute salmon from other parts of the State to Yukon River communities. While these goodwill efforts are appreciated, it is not a long-term solution to the food insecurity problems we face. Additionally, receiving salmon "handouts" does not fulfill our cultural needs. One of the most important aspects of subsistence is the harvesting, processing, and sharing of resources with family and friends, as well as passing cultural traditions and ways to our younger generation. If this trend continues, then much of our cultural heritage and subsistence skills will be irrevocably lost.

Response:

Thank you for bringing this issue to the Boards attention. We recognize that you are uniquely positioned to offer first alerts to changing conditions and important trends that impact subsistence in your region. The Board appreciates and values the traditional knowledge, observations, and expertise you share and will direct staff to track this issue in the future. With this information, the Board is better prepared to make informed decisions.

Under the Federal Subsistence Management Program's Cultural and Educational Program subsistence harvest permits are an important tool available to support sharing of knowledge and harvest practices with younger generations. These permits can be requested from OSM. Upon Board approval, these permits are issued to Federally qualified subsistence users leading culture and educational camps or school programs. An informational flyer on requesting Cultural and

Educational Program subsistence harvest permits is enclosed (see Topic 9 enclosure or follow the link: https://www.doi.gov/sites/doi.gov/files/uploads/cultural_ed_permit_info_flyer_0.pdf). This is an option that communities may consider to continue passing cultural traditions and ways to younger generations.

6. Need for hunter ethics education

The Council asks for the Board's support to resume the pilot projects associated with the Hunter Ethics Education and Outreach initiative our Council spearheaded prior to the Covid-19 pandemic. As subsistence resources become scarcer, the danger of escalation of the user group conflicts is coming more to the forefront all across the state. It is especially true for the road accessible regions. We strongly believe that our Council's initiative can help foster understanding between user groups and reduce conflicts, as well as promote more respect of the resource in the field among all user groups. Eventually, we hope that pilot projects in our region can be expanded to other regions as well because our experience shows that there is an elevated interest to this topic among many regions and all user groups.

Additionally, we ask that the Federal Subsistence Management Program collaborate with the State of Alaska to explore ways to incorporate more robust hunter ethics training into all hunter education courses. Although we feel hunter ethics training should be required for all hunters, we recognize that this may not be possible. Something we do feel is achievable is the creation of easily accessible outreach materials regarding hunter ethics and meat care, as well as a comprehensive list of where excess or unwanted meat can be donated by sport hunters.

Response:

The Board appreciates that the Council continues being proactive in its efforts to mitigate and/or prevent conflict, promote hunter education, and build cultural understanding among different user groups. During the January 31 - February 3, 2023, fisheries regulatory meeting, the Board received a comprehensive update from OSM on the Hunter Ethics Education and Outreach Initiative achievements over the last several years.

The Board applauds the Council for persevering on this initiative; although, its progress was slowed down during the Covid pandemic. The Board also recognizes the effectiveness of a local hunter liaison pilot project that was jointly funded by the USFWS and NPS through an annual funding agreement with the Council of Athabaskan Tribal Governments. Board members, several Council members, and some members of the public noted that it was very beneficial to involve multiple user groups in this initiative from the beginning, bringing a variety of perspectives to help find solutions to issues.

Although the Board cannot direct Federal agencies to fund and staff pilot projects, we enthusiastically and wholeheartedly support resuming the pilot projects associated with the Hunter Ethics Education and Outreach Initiative and voted to prepare a letter of support for the initiative. The letter will highlight the history and successes of the initiative, outline the need for additional funding, anticipated outcomes, and encourage all stakeholders and partners, including the Federal agencies, to consider joining in support of this work. The State has been one of the

most important partners to this initiative from the very beginning, and the Board encourages the Federal Subsistence Management Program to continue involving them in collaborative way.

7. Incorporating local and traditional knowledge into management and need for co-management

The Council would like to see local and traditional knowledge incorporated into fish and wildlife management in more meaningful ways. While we feel there has been a slight increase in efforts to do so in the recent past, we feel that more efforts are needed. Additionally, we encourage the Federal Subsistence Management Program to explore opportunities for co-management agreements with federally recognized Tribes in our region. There are successful examples from other places that can be used as models.

Response:

The Board acknowledges the Council's frustration regarding full incorporation of Traditional Ecological Knowledge (TEK) or Indigenous Knowledge (IK) into fish and wildlife management and strives to continue improving in this area. The Board obtains TEK from a variety of sources to inform management decisions. Although OSM Staff do not conduct primary research or collect data, OSM Anthropologists review transcripts from Regional Advisory Council meetings, Board meetings, public hearings, written public comments, Tribal consultations, and published literature in order to incorporate TEK into analyses. The Board relies on TEK included in analyses and public testimony to help make informed decisions. The Board also appreciates and relies on the TEK provided by Council members and encourages the Council to promote research that incorporates TEK in the region. Developing a list of priority information needs for the Fisheries Resource Monitoring Program is one way that the Council can specify what TEK research would benefit subsistence users in the region most.

In November 2022, the White House Office of Science and Technology Policy issued guidance to all Federal agencies to assist agencies in 1) understanding IK, 2) growing and maintaining the mutually beneficial relationships with Tribal Nations and Indigenous Peoples needed to appropriately include IK, and 3) considering, including, and applying IK in Federal research, policies, and decision making. The full guidance can be found online at the White House website: <https://www.whitehouse.gov/wp-content/uploads/2022/12/OSTP-CEQ-IK-Guidance.pdf>. The agencies represented on the Board are utilizing this guidance to better incorporate TEK and IK into their work.

The Board also appreciates your request to explore opportunities for increased community participation in Federal subsistence management. There are several ongoing efforts to increase co-stewardship and co-management on Federal public lands in Alaska. Co-stewardship is terminology that encourages Federal land management bureaus to recognize and honor the rich traditions and history of Indigenous peoples living with and from the land. In September 2022, Director's Order 227 was enacted by the Director of the U.S. Fish and Wildlife Service Martha Williams. One of the goals of this order is to work with affected Tribes, Alaska Native Corporations, and Alaska Native Organizations to address the co-stewardship of fish and wildlife species and their habitats on Federal lands. Director's Order 227 can be found at:

<https://www.fws.gov/sites/default/files/documents/076566-USFWS-DO.pdf>. The National Park Service and Bureau of Land Management also have similar new directives for carrying out co-stewardship. The Council may also be pleased to know that USFWS has recently hired two Indigenous Knowledge Liaisons and a Directorate Fellow who will be helping the USFWS Alaska region to advance IK and science integration in programs across the state.

For the Federal Subsistence Management Program, the Fisheries Resource Monitoring Program and the Partners for Fisheries Monitoring Program increase opportunities for local participation in scientific and TEK research used to inform Federal subsistence management. More specifically, the Fisheries Resource Monitoring Program supports meaningful involvement in fisheries management by Alaska Native and rural organizations and promotes collaboration among Federal, State, Alaska Native, and local organizations. The Partners for Fisheries Monitoring Program funds salaries for biologist/social scientist/educator positions in Alaska Native and rural nonprofit organizations, with the intent of increasing the ability of these organizations to participate in Federal subsistence management.

Additionally, the Department of Interior has been recently hosting Co-Stewardship Talking Circles across the state to learn from Indigenous leaders and help shape the future of co-stewardship. There will also be a Co-Stewardship Symposium (by invitation only) held in Fairbanks on December 4-8, 2023, to further build this goal (see enclosure). Through these existing tools, such as Fisheries Resource Monitoring Program and Partners for Fisheries Monitoring Program, as well as new directives like DO 227, the Federal bureaus are striving to learn new and thoughtful ways to collaborate with Tribes, Alaska Native Corporations, and Alaska Native organizations in the stewardship of public lands, waters, and wildlife.

8. Climate change impacts, especially to timing of fall moose rut

The Council would like the Board to be aware that residents of the Eastern Interior Alaska Region continue to see impacts of climate change to the landscapes and weather patterns in our region. One impact of note is that fall weather has tended to be warmer later into the season and has resulted in delayed timing of the fall moose rut. This change in moose behavior negatively impacts subsistence hunter success rates. The Board may need to consider shifting or extending fall moose hunts in the near future to address this issue.

The Council also encourages all the agencies represented by the Board to rigorously monitor impacts of climate change in our region and across the state, and to be certain to include local resident observations and knowledge into research and monitoring.

Response:

Thank you for bringing this issue to the Board's attention. Other Councils have raised the issue of delayed timing of the fall moose rut.

The Federal Subsistence Management Program can support adaptation to changing climatic and environmental conditions by ensuring a regulatory process that facilitates flexibility. A responsive regulatory process can also ensure that people continue to access healthy local and

traditional foods during times of unexpected shortage. The Special Action process provides an avenue for responding to unexpected issues and changes, and the Board will continue to be responsive to the need for quick action on out of cycle requests. Flexibility can also be built into the subsistence management system by delegating authority to local land managers. Delegation of authority enables managers to respond more quickly to changes in the timing and availability of subsistence resources from season to season, such as determining season opening and closing dates.

More persistent changes to the seasonality and availability of resources due to issues like climate change can also be accommodated through the regulatory process. Closures to non-federally qualified users, or ANILCA Section 804 prioritizations among federally qualified subsistence users may become necessary if shortages of traditional subsistence resources continue to be prevalent. Other species may also become more abundant and important to subsistence economies with shifts in environmental conditions. In this case, the Federal Subsistence Management Program can assist communities in delineating seasons, harvest limits, and methods and means for harvesting these resources.

The Board also notes that the Council can invite representatives from State, Federal, non-governmental, and other research organizations to give presentations on climate change effects and mitigation at its regular meetings. Some organizations to consider include:

- Alaska Center for Climate Assessment and Policy
- Alaska Climate Adaptation Science Center
- Alaska Department of Environmental Conservation: Climate Change in Alaska
- Experts identified through the U.S. Climate Resilience Toolkit
- Scenarios Network for Alaska + Arctic Planning
- The Alaska Native Tribal Health Consortium
- Conservation of Arctic Flora and Fauna (CAFF)
- Exchange for Local Observations and Knowledge in the Arctic (ELOKA)

9. Support needed for subsistence education and culture camps for children and youth

The Council feels that the Federal Subsistence Management Program and ADF&G should start supporting more subsistence education and culture camps in communities and especially along the Yukon River. Without subsistence salmon fishing opportunities, people are no longer going to fish camp and passing down knowledge and skills to younger generations like was the norm in the past. We feel that more organized educational opportunities are needed to help fill this void. We suggest that the Federal Subsistence Management Program partner with school districts to develop curricula that will teach traditional skills, educate youth about the state of wild resources and climate change impacts, and also about resource management regimes. This will take extra funding and coordination, but if action is not taken there will be gaps in knowledge of how to live off the land. The Council would like to see funding opportunities made available for educational programs and cultural camps that are not necessarily tied to research dollars.

Response:

The Board shares the Council's concern regarding transmission of generational knowledge during times of restricted subsistence harvest and supports community efforts to host youth science and culture camps. Federal land managers are well-positioned to partner with Tribes and communities on youth science and culture camps. Educational programs and culture camps can be funded by the Fisheries Resource Monitoring Program so long as such initiatives are not the primary or only objective of a project.

The following information has also been included in the response to topic 5 "Food Insecurity" of this annual report reply. Under the Federal Subsistence Management Program's Cultural and Educational Program subsistence harvest permits are an important tool available to support sharing of knowledge and harvest practices with younger generations. These permits can be requested from OSM. Upon Board approval, these permits are issued to Federally qualified subsistence users leading culture and educational camps or school programs. An informational flyer on requesting Cultural and Educational Program subsistence harvest permits is enclosed (see Topic 9 enclosure or follow the link: https://www.doi.gov/sites/doi.gov/files/uploads/cultural_ed_permit_info_flyer_0.pdf). This is an option that communities may consider to continue passing cultural traditions and ways to younger generations.

10. Cost to use Bureau of Land Management (BLM) public use cabins for subsistence activities

The Council is concerned about the fees required to use BLM cabins for subsistence activities such as trapping. Most rural residents and subsistence users have limited income, and the application fees to utilize BLM cabins are cost prohibitive. There are very few people still living out on the land and fewer trying to teach their children traditional skills. Subsistence trappers use cabins as occasional shelter when traveling out on the land or as needed for emergency shelter. Subsistence users help maintain the cabins, which is a great benefit to BLM.

The Council strongly feels that there should be a distinction made between the permits and fees required for subsistence users versus for commercial users. Rural residents residing in the region should have no application fee or a very low application fee to use BLM cabins. They should also not be burdened with providing documentation of their income. Subsistence users should be encouraged, not discouraged, to use public use cabins. The Council asks the Board to urge the BLM to change their policies for public use cabin permits for subsistence users to make it easier for rural residents to continue their traditional practices out on the land.

Response:

The Board reached out with your concerns to the Bureau of Land Management (BLM) and received the following response:

First, it is necessary to clarify terminology. Bureau of Land Management (BLM) does not have cabins available to use for subsistence activities. BLM's Public Use Cabins are facilities available for short term reservation by the public. If a subsistence user wishes to reserve a public

use cabin, the fee would be no different than the fee for any user. That said, we believe the Council's concerns relate to fees required to obtain authorization to construct cabins on BLM-managed land or, in some cases, rehabilitate existing cabins to a usable state for use in subsistence activities. Fees for obtaining such authorization are constrained by regulatory requirements.

Section 1316 of ANILCA allows, subject to reasonable regulation, temporary campsites, tent platforms, shelters or facilities directly and necessarily related to the taking of fish and wildlife. The only procedures BLM has to implement are found in regulations at 43 CFR 2920, which allow BLM to grant land use permits (<3 years) or leases (>3 years) for structures on BLM-managed lands. These are generally referred to as "2920 permits." Structures that do not fit the temporary provisions in ANILCA can also be authorized under 2920 permits, generally in support of commercial activities. All such authorizations require an application to be filed and documentation prepared to comply with the National Environmental Policy Act (NEPA).

Per 43 CFR 2804.14, applicants must pay a fee to the BLM for the reasonable costs of processing their application. Reasonable costs are those costs defined in Section 304(b) of the Federal Land Policy and Management Act. Fees are assigned to a category based on an estimate of the amount of time needed to process the application and issue a decision granting or denying the application. Fees for each category are based on an annually updated fee schedule. For 2023, fees range from \$146 for category 1 applications to \$1,393 for category 4 applications (https://www.blm.gov/sites/default/files/docs/2023-01/IM2023-023_att1.pdf). After an initial application review, BLM is required to notify the applicant of the processing category into which their application fits and to collect payment before processing the application.

Temporary structures as outlined under ANILCA Section 1316 can often be considered under a categorical exclusion if the authorization is for 3 years or less and none of the Exceptional Circumstances in Department Manual 516 DM2 Appendix 2 apply. Permanent structures and authorizations longer than 3 years generally require an environmental analysis (EA). Processing time may vary based on details of the proposal, but an authorization that requires a categorical exclusion generally falls in a less costly category than one that requires an EA.

If an authorization is granted, regulations also require that the BLM charge rental based on fair market value of the authorization. This is also determined based on a periodically updated schedule (see Topic 10 Enclosures 1 and 2). The Authorized Officer may also require a Performance and Reclamation bond or other security to insure fulfillment of the terms and conditions of the authorization and protect taxpayers from incurring liability for site reclamation (43 CFR 2820.7(g)).

The BLM State Director may reduce or waive some fees under some circumstances. These include if payment of actual costs would result in undue financial hardship and the applicant would receive little monetary value from the permit relative to the processing and monitoring fees, or if the processing and monitoring fees grossly exceed the costs of constructing the project. It is incumbent on the applicant to demonstrate such hardship based on the applicant's specific financial status, not simply membership in a category (such as being a rural Alaska resident).

In summary, the fees for an authorization to construct shelters, temporary or permanent, on BLM-managed land are governed by regulation. Fees can be waived or reduced under limited circumstances. It is the responsibility of the applicant to demonstrate that their specific circumstances meet the criteria for waiver or reduction.

11. OSM's inaccurate characterization of the impacts of Alaska Board of Fisheries proposals to subsistence

The Council is extremely disappointed with the comment letter submitted by OSM to the Alaska Board of Fisheries (BOF) regarding fisheries proposals for the 2023 Alaska Peninsula/Aleutian Islands/Chignik Finfish meeting. In their comment letter OSM stated, "[OSM] has reviewed the proposals and believes that adoption of any of these proposals will not have significant impacts on Federal subsistence users or fisheries" (see Enclosure 1).

The statement made by OSM is utterly false. Commercial fisheries in the Area M region are mixed-stock fisheries and of the stocks harvested, Arctic-Yukon-Kuskokwim (AYK) salmon compose a significant proportion of the harvest during the month of June. In recent years, AYK subsistence salmon fisheries have been closed or heavily restricted while Area M commercial fisheries continued to operate. As stated above in Topic 3, this is in blatant violation of the subsistence priority spelled out in State and Federal laws. The Area M fisheries indeed have significant impacts to Federal subsistence users and fisheries because the salmon harvested in Area M could instead be fish that return to AYK rivers to spawn or contribute to subsistence needs.

OSM's statement completely disregarded the concerns that this and other Councils have been raising for over a decade about interception of AYK salmon, not to mention our Council comments submitted about Proposal 140 that were reviewed by OSM this year. There were record numbers of testifiers at the BOF Meeting because of regionwide coordination efforts of subsistence users to advocate for our subsistence salmon. OSM's statement undermined the significant efforts of the four AYK Subsistence Regional Advisory Councils and subsistence users to address the Area M intercept fisheries that harvest salmon bound for AYK drainages. Instead of backing us up, OSM opposed us.

After a member of our Council voiced concerns to OSM, OSM withdrew their comment letter and submitted a new comment to clarify the intent of their original statement at the BOF meeting in February (Enclosure 2). However, the new statement still did not address the significant impacts to AYK subsistence fisheries due to salmon intercepted in Area M. OSM explained at our Winter 2023 Council meeting that their policy for a number of years has been to not comment on any proposals outside of Federal Subsistence Management jurisdiction. Our Council requests that the Board direct OSM to revisit this policy because what happens in fisheries outside of Federal jurisdiction can and does have a significant impact on fisheries within Federal subsistence jurisdiction.

In the future, we request OSM to reach out to Councils to discuss comments and recommendations they make that affect subsistence users before they are submitted. Additionally, OSM should review Council comments and correspondence to ensure that OSM's

positions align with the Councils' positions. If they do not, OSM should be required to provide meaningful justification for the reasons. This process will provide for better collaboration and ensure that letters that go to the Alaska BOF and Board of Game will have unified stances on important issues that affect Federal subsistence users. Our Council requests that OSM present at our Fall 2023 meeting on an updated policy for commenting on proposals outside of Federal jurisdiction that impact subsistence within Federal jurisdiction and on how OSM will better collaborate with Councils when submitting comments.

Response:

The Board understands the Council's concern about the comments contained in the cover letter submitted by OSM for the Alaska Board of Fisheries (BOF) 2023 Alaska Peninsula/Aleutian Islands/Chignik Finfish meeting. The Board also thanks the Council for bringing their concerns to OSM so they could clarify their comments on the record and revisit their BOF comment process.

OSM's current practice for BOF comments is to review all Alaska Board of Fisheries proposals and provide input on proposals that may affect federally qualified subsistence users or associated fisheries. However, OSM only comments on proposals falling under the jurisdiction of the Federal Subsistence Management Program. As such, OSM does not comment on proposals affecting fisheries occurring outside of Federal public waters, such as the Area M commercial fishery. The Board acknowledges that this and other Councils have expressed grave concern about the interception of AYK salmon.

OSM will work with the Interagency Staff Committee and the Board to reevaluate OSM's current BOF and Alaska Board of Game comment practices. Once this review is complete, OSM will update your Council and other Councils to seek their input on a revised process.

In closing, I want to thank you and your Council for your continued involvement and diligence in matters regarding the Federal Subsistence Management Program. I speak for the entire Board in expressing our appreciation for your efforts and am confident that the federally qualified subsistence users of the Eastern Interior Region are well represented through your work.

Sincerely,



Anthony Christianson
Chair

Enclosure

cc: Eastern Interior Alaska Subsistence Regional Advisory Council
Federal Subsistence Board
Office of Subsistence Management
Interagency Staff Committee

Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game
Administrative Record



U.S. Fish and Wildlife Service
Bureau of Land Management
National Park Service
Bureau of Indian Affairs

Federal Subsistence Board Informational Flyer



Forest Service

Contact: Anthropology Division Chief
(907) 786-3888 or (800) 478-1456
subsistence@fws.gov

How to Request a Cultural and Educational Harvest Permit

Cultural and Educational Harvest Permits allow the harvest of fish and wildlife on behalf of a qualifying program. Most requests received are from culture camps, substance abuse rehabilitation programs and schools. 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. Once the Federal Subsistence Board (Board) has approved the program for a permit, follow-up requests may be made to the local Federal land or in-season manager.

A qualifying program must have:

- Instructors – please list the name(s)
- Enrolled students – youth/student population
- Minimum attendance requirements – describe your plans to meet minimum attendance requirements
- Set of standards for successful completion of the course – list the curriculum requirements to complete the course

Applications must be submitted to the Board through the Office of Subsistence Management (OSM) and should be submitted 60 days prior to the earliest desired date of harvest. Individuals conducting the actual harvest of fish or wildlife must be Federally qualified subsistence users. The request must include the species, number, date and the area the harvest will occur. The in-season manager has approval authority and may make adjustments based on conservation concerns. Harvest must be reported and any fish or wildlife harvested will count against any established Federal harvest quota for the area in which it is harvested. An application consists of any written request. These guidelines and requirements are found in [36 CFR 242.25](#) and [50 CFR 100.25](#).

How a Cultural and Education Permit request is processed:

1. Once a request for a Cultural and Educational Permit is received, OSM, on behalf of the Board, assigns an analyst and notifies the appropriate Regional Advisory Council (Council) and ADF&G.
2. The completed analysis is presented to the affected Councils and ADF&G for comment, and then is presented to the Interagency Staff Committee (ISC) and the Board.
3. The ISC reviews the analysis and makes its recommendation to the Board.

1011 East Tudor Road MS-121 • Anchorage, Alaska 99503-6199 • subsistence@fws.gov • (800) 478-1456 / (907) 786-3888

Topic 9 Enclosure - Cultural and Educational Harvest Permit Flyer

4. Once the Board approves the request, a Cultural and Educational permit is created for the requesting program.
5. The analyst prepares a letter to the proponent, which is signed by the Chair of the Federal Subsistence Board, to express the decision. The final analysis and permit are enclosed with the letter. Copies of the letter are distributed to the Board, ISC, ADF&G, and the relevant Council chairs.
6. The analyst prepares a Letter of Delegation for the Federal land/in-season manager associated with the permitted activity and distributes accordingly.

Submit your request by:

Mail:

Office of Subsistence Management
Attn: Subsistence Policy Coordinator
1011 East Tudor Road, Mail Stop 121
Anchorage, Alaska 99503-6199

Fax: (907) 786-3898

E-mail: subsistence@fws.gov

Missing out on the latest Federal subsistence issues? If you'd like to receive emails and notifications on the Federal Subsistence Management Program you may subscribe for regular updates by emailing fws-fsb-subsistence-request@lists.fws.gov. Additional information on the Federal Subsistence Management Program may be found on the web at www.doi.gov/subsistence/index.cfm or by visiting www.facebook.com/subsistencealaska.

FINAL MINIMUM RENT ANALYSIS & SCHEDULE

ALASKA DISTRICTS

BLM Land Use Authorizations Tracts of BLM Land to 25 Acres

SUBMITTED TO

Bureau of Land Management
Janet Eubanks, Realty Specialist
2800 Cottage Way
Sacramento, CA 95825

IVIS CASE NUMBER

00036811

IVIS PROJECT NUMBER

L13049

DATE OF REPORT

April 1, 2015

SUBMITTED BY

Anne Renaud-Wilkinson, MAI
Department of the Interior
Office of Valuation Services
1220 SW 3rd Ave., Suite 1010
Portland, Oregon 97204



**UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF VALUATION SERVICES
1220 SW 3RD AVENUE, SUITE 1010
PORTLAND, OREGON 97204-2825**

April 1, 2015

Bureau of Land Management
Janet Eubanks, Realty Specialist
2800 Cottage Way
Sacramento, CA 95825

Re: Fee Schedule of Minimal Rents on BLM small tracts up to 25 acres - ALASKA

Dear Ms. Eubanks:

Per the request of the Bureau of Land Management (BLM) via the Office of Valuation Services, I have conducted a study of comparable commercial practices and other valuation methodologies that are useful in establishing a reasonable rent schedule for Land Use Authorization grants for small uses up to 25 acres. This study was conducted for the purposes of establishing or updating current BLM minimal rent schedule fees for non-linear rights-of-way. A streamlined and uniform approach to establishing small tract rental fees is consistent with provisions of 43CFR§2806. Within the context of this study the terms rent and fee are interchangeable.

Past experience has demonstrated that appraising individual Land Use Authorizations (LUAs) request is not economically beneficial to the U.S. Government as the time and cost associated with an appraisal was substantially higher than the rent achieved. For this reason, development of a rent schedule is warranted. Hence, I have conducted a study and this report provides my findings of comparable commercial practices, as well as establishing a fee schedule for small non-linear tracts of BLM land.

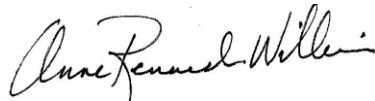
It is important for the realty specialist along with any user of this study to read the study in its entirety in order to understand the analysis prior to using any information or data contained herein.

Please note, as this study is a compilation of a wide variety of information including BLM memorandums, regulations, along with other private and public sources, some of the comments, discussions and explanations may not have been specifically cited.

This fee schedule is not intended to replace existing schedules for mineral, hydroelectric, geothermal, telecommunication, linear right-of-way uses, or any other use fee established by specific authorization. Further, this fee schedule is based on the premise that requested permits are in remote areas with limited access with no public utility systems and with no apparent competition. Appraisals may be necessary for commercial, industrial or long term rent situations on sites that may appeal to multiple users.

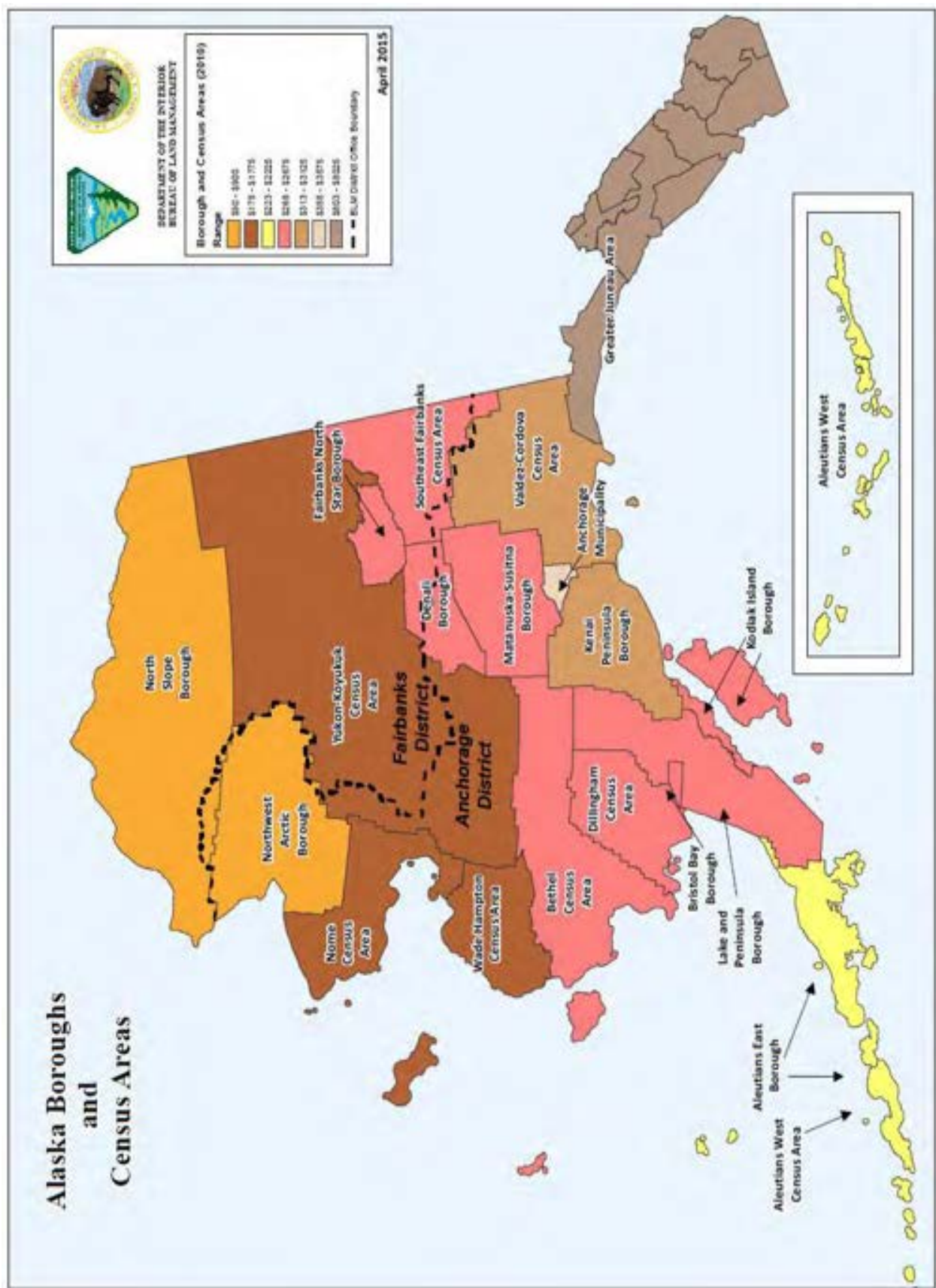
The following pages contain the fee schedule for small minimal rents on BLM lands in Alaska. The schedules are specific to the identified BLM Districts, as well as individual bureaus within Alaska. The schedule is not inconsistent with the current minimum rent schedule that charges \$400 to \$900 for remote possessory leases and \$200 to \$250 for remote non-possessory leases. This new schedule refines that fee with geographic specificity and with an extension of the acreage up to 25 acres. Following the schedule charts is the explanation of how the values were derived.

Respectfully submitted,

A handwritten signature in cursive script, reading "Anne Renaud-Wilkinson".

Anne Renaud-Wilkinson, MAI
Department of the Interior
Office of Valuation Services
1220 SW 3rd Ave., Suite 1010
Portland, Oregon 97204

ANNUAL FEE												
ANCHORAGE DISTRICT OFFICE												
Boroughs/ Census Areas Impact >	0.1 – 5 ACRES			5.1 – 10 ACRES			10.1 – 15 ACRES			15.1 – 25 ACRES		
	Minimal	Moderate	High	Minimal	Moderate	High	Minimal	Moderate	High	Minimal	Moderate	High
Anchorage (143)	\$358	\$536	\$715	\$715	\$1073	\$1430	\$1072	\$1609	\$2145	\$1788	\$2681	\$3575
Denali, Matanuska- Susitna (107)	\$268	\$401	\$535	\$535	\$803	\$1070	\$803	\$1204	\$1605	\$1338	\$2006	\$2675
Kenai (125)	\$313	\$469	\$625	\$625	\$938	\$1250	\$938	\$1406	\$1875	\$1563	\$2344	\$3125
Kodiak, Lake & Peninsula, Dillingham, Bethel, Bristol Bay (107)	\$268	\$401	\$535	\$535	\$803	\$1070	\$803	\$1204	\$1605	\$1338	\$2006	\$2675
Aleutians, East & West (89)	\$223	\$334	\$445	\$445	\$668	\$890	\$668	\$1001	\$1335	\$1113	\$1669	\$2225
Greater Juneau Area (324)	\$803	\$1204	\$1605	\$1605	\$2408	\$3210	\$2407	\$3611	\$4815	\$4013	\$6019	\$8025
Valdez, Cordova, (125)	\$313	\$469	\$625	\$625	\$938	\$1250	\$938	\$1406	\$1875	\$1563	\$2344	\$3125
Nome, Wade Hampton Yukon-Koyukuk (71)	\$178	\$266	\$355	\$355	\$533	\$710	\$533	\$799	\$1065	\$888	\$1331	\$1775
Northwest Arctic (36)	\$90	\$135	\$180	\$180	\$270	\$360	\$270	\$405	\$540	\$450	\$675	\$900



ANNUAL FEE									
FAIRBANKS DISTRICT OFFICE									
Boroughs/ Census Areas <small>Impact ></small>	0.1 – 5 ACRES			5.1 – 10 ACRES			10.1 – 15 ACRES		
	Minimal	Moderate	High	Minimal	Moderate	High	Minimal	Moderate	High
Fairbanks North, S'eat Fairbanks, Denali (107)	\$268	\$401	\$535	\$535	\$803	\$1070	\$803	\$1204	\$1605
North Slope (36)	\$90	\$135	\$180	\$180	\$270	\$360	\$270	\$405	\$540
Yukon-Koyukuk (71)	\$178	\$266	\$355	\$355	\$533	\$710	\$533	\$799	\$1065
							\$888	\$1331	\$1775

CONCEPTUAL OVERVIEW

The Office of Valuation Services has been tasked with the mission of updating and standardizing a state-by-state process of charging fees for individual, sometimes incidental, non-linear uses of small tracts of BLM land. Historically, these fees were established based on linear rights-of-way formulas, comparable fees established by other federal agencies, or appraisals, as dictated by 43 CFR§2806.50:

When neither the linear nor the communication use rent schedule is appropriate, BLM determines your rent through a process based on comparable commercial practices, appraisals, competitive bid, or other reasonable methods.

Setting rents is difficult as there are no generally acceptable standards or methods in setting rents to cover a broad range of uses over a wide geographic area.

In the past, these types of rents were based on surveys of other federal agencies; set arbitrarily and adjusted based on demand, or established by individual appraisals. However, individual real estate appraisals are not economically feasible as the time and cost associated with an appraisal is often substantially higher than the economic benefit to the government with regards to the compensation achieved. Furthermore, appraisal methodologies such as market rent surveys do not translate well for establishing such rent schedules. This is because when considering market rent, the term “market” implies the presence of potentially competing renters for a specific property type along with competitive property owners interested in attracting at least one of those renters. In short, market rent requires that a competitive market exist. Given that small land use authorizations (including linear right-of- ways) are site specific and generally non-competitive, they are not market orientated uses. That is, there are **not** multiple users competing for use of a property where there are multiple substitute properties.

Given the nature of this assignment--- to assist BLM in their development of a statewide fee schedule for sites under 25 acres applicable to users of government land--- it was necessary to consider alternative methods that are more attune to economic reasoning than traditional valuation methodology. Nonetheless, these methods find there basis in those used by other federal agencies.

Intended BLM users of this fee schedule should exercise reasonable judgment in assessing the impact to the proposed rental sites. While the preceding charts provide exact values within the acreage ranges, there is great leeway for the intended users (BLM staff) to interpret the category of use and degree of impact. For instance, a take-off and landing area may only be used intermittently so a fee in the minimal range may be appropriate. And yet, some surface disturbance may be required to clear a rudimentary runway, resulting in a level of exclusivity for the permit holder, and resulting in a moderate to high impact rating. The BLM staff user will have to use some judgment as to the level of impact, depending on the terms of the permit.

Time constraints may also require interpretation with regard to the degree of impact. Use of BLM land as a staging area for a day use may be interpreted as minimal, even though use is exclusive and intense.

SCOPE OF THIS ASSIGNMENT

When determining an appropriate alternative methodology, I relied on the following scope of work:

- I determined if Alaska was operating under an existing minimum rent schedule, or if a schedule needed to be established. I located a survey from March of 2011 that indicated that the Alaska BLM had developed a fee schedule similar to the ROW schedule. Minimum annual rental of \$400 to \$900 was charged for remote possessory leases and \$200 to \$250 was charged for remote non-possessory leases. The schedule did not appear to be borough specific, nor minimum site size specific. (This rent analysis and new rent schedule appears to be reasonable consistent with the existing schedule, although the extension of the rates onto >15 acre tracts creates rental fees that are ostensibly greater.)
- I surveyed other federal agencies, state agencies and private parties for information that might provide data within the context of comparable commercial practices. The State of Alaska, through the Department of Natural Resources, has a fee schedule generally based on a rate of 5% of the underlying land value. Likewise, the Alaska Railroad Corporation has a long term rental policy based on a fee of 8% of land value, although the ARC considers rentals to be based on commercial land values.
- I referenced the Code of Federal Regulations, specifically 43 CFR, Public Lands: Interior, for guidance as to how fees had been established for similar land use. The only applicable codes referenced Linear right-of-ways, Mineral, hydrologic, geothermal and telecommunication uses, with formula-based fee schedules. There was little specific guidance for determining non-linear right of way rental fee schedules. Again, reference 43 CFR§2806.50 is invoked here to rationalize the methodology herein:

When neither the linear nor the communication use rent schedule is appropriate, BLM determines your rent through a process based on comparable commercial practices, appraisals, competitive bid, or other reasonable methods.

METHODOLOGY

After careful consideration, I determined the Rate of Return to Land would provide a reasonable basis for opining rent for use of government lands. This method is similar to that used for the linear ROW schedule used by BLM under 43 CFR 2800, 2880, and 2920.

Derivation of the per Alaska Borough rental rate employed a five step process¹:

1. Determine the LAND VALUE ESTIMATE per area. (State of Alaska, Department of Natural Resources data base was researched.)
2. Derive a RATE OF RETURN. (See following derivation)
3. Determine an ENCUMBRANCE FACTOR. (See following discussion)
4. Apply the RATE OF RETURN to the LAND VALUE ESTIMATE, then multiply the per acre value times the largest acreage size in each of the size brackets (0.1-5 acres, 5.1-10 acres, 10.1-15 acres, 15.1-25 acres). This is the 100% encumbrance rental rate for that size bracket.
5. Apply 50% and 75% to the 100% value from #4 to arrive at a minimal and moderate rate based pm the interpreted level of impact.

LAND VALUE ESTIMATE

Estimating land value over a large geographical area is difficult to say the least. However, given the predominately rural nature of BLM land, using remote land values as the basis for this type of analysis is reasonable. Support for using the USDA/NASS published reports on land value is provided by Congress, which specifically endorsed the use of this data for rental determination purposes when it passed the “National Forest Organizational Camp Fee Improvement Act of 2003” (Pub. L. 108–7) (16 U.S.C. 6231). This law established a formula for determining rent for organizational camps located on NFS lands by applying a 5 percent rate of return to the average per acre land and building value, by state and county, as reported in the most recent NASS Census. The law also provided for a process to update the per acre land values annually based on the change in per acre land value, by county, from one census period to another.

Alaska, however, has relatively little agricultural land, and while the Department of Agriculture does publish statistical data for agricultural land, it has proven to be too limiting for the variety of areas involved. I was able, however, to access the State of Alaska’s Rural Residential land sales via the Department of Natural Resources website. <http://dnr.alaska.gov/mlw/appraise/sold>. I believe this data is a suitable proxy for the NASS data. Within the extensive data base I captured just under 1,000 rural residential land sales that ranged from 1 to 25 acres, between 2010 and 2014. I filtered the sales data based on the following parameters:

¹ This method is recognized in other agencies as being a reasonable and well received method of rent determination. Indeed, under the authority of 16 U.S.C. 792-828c; and 42U.S.C. 7101-7352, the Federal Energy Regulatory Commission established an annual per-acre rental fee based on an adjusted per-acre value multiplied by an encumbrance factor multiplied by the rate of return multiplied by the annual adjustment factor. This formula was established after a lengthy legal challenge and public comment period.

1. Sales were categorized in data sets for location in Southcentral, Southeast, Northern and Statewide Alaska.
2. I recognized that sales were both by auction and over-the-counter, however, this difference was not significant in very rural land sales. Remote tracts with difficult access could be isolated within the data sets and regardless of terms of sale, (over-the-counter and auction) prices were relatively consistent for specific areas.
3. I omitted "outlier" sales data. Sales that were wildly out of line with other sales were omitted from consideration. These outliers were more prevalent within very small acreages; generally sales of 1 to 2 acres had a significant number of outliers and suggested a minimum threshold value recognized by the market, or the presence of improvements. Neither of these conditions were considered appropriate for the market rent determination.
4. I selected random sales within each of the data sets (Southcentral, Southeast, Northern and Statewide Alaska) for verification of locational value attributes. That is, I checked actual locations of the random sales to verify their location within a specific district and then compared the implied per acre values against sales in other districts to see if trends were consistent. This corroborated the relationship between land values and location, i.e. sales in the Kenai Borough were relatively consistent with sales in the Valdez and Cordova Boroughs. Surprisingly, sales in the Greater Juneau Area were far greater than any other Borough and attributable to the small amount of actual private land available in that area. Southcentral data (greater Anchorage area) proved to be the largest data set by far and value estimates in the Anchorage Borough have the highest degree of confidence. As a benchmark of land value, it was then reasonable to find land values falling within ranges relative to Anchorage, i.e., Valdez, Cordova, Mat-Su, and Kenai slightly less and Aleutians and Yukon-Koyukuk far less. Again, the Greater Juneau Area proved to be an anomaly, however, the lack of available private land and relative demand appears to be influencing land values.
5. With very few sales occurring in the North Slope and Arctic area, I researched recent sales from the U.S. Fish and Wildlife Services' recent acquisitions in northern Alaska. I then applied a discount to the State's Department of Resources Northern data set to account for the extremely rural and inaccessible condition of much of the North Slope of the Fairbanks District and the Northwest Arctic Borough in the Anchorage District.
6. I relied on the Bureau of Land Management's Alaska Boroughs and Census Areas map to identify District Offices and corresponding boroughs and census area.
7. I assigned a representative small tract per acre land value to the nine Anchorage District Boroughs and the three Fairbanks District Boroughs. The per acre values were consistent with the limited NASS data agricultural land values, with respect to location. That is, the Greater Juneau Area values were the highest, followed by Anchorage Area, the Kenai Peninsula values, the Fairbanks values, followed by the Aleutian Island values. (This was the extent of the NASS data coverage.)
8. I applied the representative land values to the Rate of Return as derived herein, to determine the Base Land Values.

BASE LAND VALUES

(Numbers in parenthesis in the previous tables)

Anchorage District			Fairbanks District		
Borough (Area)	Representative Land Value \$/acre	Base Land Value (Adj. Land Value times the Rate of Return 3.57%)	Borough (Area)	Adj.Land Value \$/ acre	Base Land Value (Adj. Land Value times the Rate of Return 3.72%)
Gr. Juneau	\$9,000	\$321	Fairbanks North, Southeast Fairbanks, Denali	\$3,000	\$107
Anchorage	\$4,000	\$143			
Valdez, Cordova	\$3,500	\$125	North Slope	\$1,000	\$36
Kenai	\$3,500	\$125	Yukon-Koyukuk	\$2,000	\$71
Denali, Matanuska Susitna	\$3,000	\$107			
Kodiak, Lake & Peninsula, Bristol Bay, Dillingham, Bethel	\$3,000	\$107			
Aleutians, East & West	\$2,500	\$89			
Nome, Wade Hampton, Yukon Koyukuk	\$2,000	\$71			
Northwest Arctic	\$1,000	\$36			

RATE OF RETURN

A rate of return is an income rate that expresses the relationship between rent (income) and the corresponding land value (capital). It is similar to a capitalization (cap) rate that an investor uses to convert income into an indication of value (direct capitalization) when analyzing income producing properties--- ***net income divided by cap rate is an indication of value***. Cap rate, the ratio of income to the property value, is among the most widely used variables to quantify property values and plays an important role in real estate investment decisions. In reverse, a rate of return can be used to indicate rent--- ***land value multiplied by a rate of return is an indication of rent (income)***.

Cap rates are typically extracted from sales of income producing properties. However, given the uniqueness of government property an alternative method is required to opine a reasonable rate of return. In theory, a cap rate, or in this case, a rate of return, is the sum of four components: Expected Inflation, Real Return, Risk Premium, & Recapture Premium.

Expected Inflation

By definition, an investment is the commitment of capital in exchange of a monetary benefit, or a return (income). Investors require a **return of capital invested** as a prerequisite for committing capital to a given venture or property. This required return should first provide for the preservation of the purchasing power of invested capital through time. Hence, the first component of required return is expected inflation, so that the purchasing power of invested capital will not decline through time. Ideally, this component is estimated based on inflation rate forecasts, however, many analysts use an average inflation rate over the past five or ten years.

The Consumer Price Index (CPI) averaged over the past five years as published by Bureau of Labor Statistics (<http://www.bls.gov/home.htm>) was used to project expected inflation.

Year	CPI
2010	1.60%
2011	3.20%
2012	2.10%
2013	2.10%
2014	1.60%
Average	2.12% Expected Inflation

Real Return

The second component of required return is the real return, which is the true monetary benefit that the investor will gain from committing his/her capital--- *return on capital*. This is typically estimated as the difference between the rate on government securities and the inflation rate reflecting a risk free rate or safe rate.

Using the average 30-year Treasury bond rate over the past six years is reasonable for estimating a real return on real estate. This is in tune with ground lease rates and is what the government is paying as a fair return to those who invest in the U.S. Government (<http://www.treasury.gov>).

Year	Rate
2010	4.25%
2011	3.91%
2012	2.92%
2013	3.45%
2014	3.32%
Average	3.57%

Deducting the five year average rate of expected inflation from the 30 year Treasury bond rate results in the real return as illustrated in the following chart.

Real Return

Calculation

Year Average 30-Year Bond Rate	3.57%
5 Year Average Expected Inflation	<u>2.12%</u>
Real Return	1.45%

Risk Premium

A property investment is actually an investment in the property's future income earning capacity. However, there is a lot of uncertainty with this future income earning capacity. This risk is the uncertainty associated with the future income stream and the value of the property. Within this context, real estate investors require a risk premium on top of inflation and real return. The risk premium for a given property depends on the quality of the tenants occupying the property, the length of existing contracts, the property's occupancy rate, the strength of the property's location and expectations regarding the prospects of the economy and the local real estate market.

Since government owned land is not an investment per se, no risk is associated with leasing unimproved government owned vacant land and for this type of analysis, a risk premium is not warranted.

Recapture Premium

Finally, investors require a recapture premium in the case of improved property investments, since improvements depreciate or lose value through time. Since the value of the property represents the owner's invested capital, it follows that by the end of the physical life of improvements, when its value becomes theoretically zero, the investor loses its capital. The purpose of the recapture premium is to replace this capital loss through time. Thus, if the physical life of an improvement is 50 years the recapture premium should be 2% on an annual basis. If we assume though, that the capital that is recaptured every year is reinvested (sinking fund approach) then a less than 2% recapture rate will be required. Since my analysis involves unimproved government owned land, no recapture premium is warranted.

Rate of Return Conclusion

The Rate of Return is estimated as the sum of the four components as discussed above and illustrated in the following:

Expected Inflation	2.12%
Real Return	1.45%
Risk Premium	---
<u>Recapture Premium</u>	<u>---</u>
Rate of Return	3.57%

As an added test of reasonableness for the rate of return analysis above, I considered sales and offerings of properties encumbered with an absolute net lease (also known as a bond lease and reflective of ground leases) as these types of encumbrances are most similar to the characteristics associated with government Land Use Authorizations (LUAs). That is, bond lease tenants are similar to an LUA user in that they would perform all obligations related to the premises including the construction and maintenance of improvements and are fully

responsible--- in essence the only responsibility of the property owner is to cash the rent checks. In the private sector, these types of leases are known as “hell-or-high-water leases” meaning that regardless of what occurs on or off the property, the tenant is obligated to pay rent. Therefore, the credit worthiness of the tenant is similar to a company’s bond rating--- hence, the term bond lease. That is, a strong credit tenant is generally referred to as an investment grade tenant and considered economically similar to an investment grade bond secured by real property. The advantage in leasing to a credit tenant is strong and stable income stream that is risk averse, even when there are negative changes to market conditions.

The following chart illustrates median asking cap rates for properties offered for sale based on the companies that occupy the real estate.

Median Asking Cap Rates by Company Occupied Real Estate

Company	Cap rate	S & P Rating	Risk
McDonald's	4.05%	A	0.33%
Chase	4.60%	A+	0.88%
Wells Fargo	4.70%	AA	0.98%
Bank of America	4.75%	A	1.03%
7-Eleven	5.50%	AA-	1.78%
CVS	5.50%	BBB+	1.78%
Walgreens	5.58%	A	1.86%
AutoZone	5.69%	BBB	1.97%
Advance Auto Parts	6.40%	BBB	-2.68%
Dollar General	6.50%	BB	2.78%
FedEx	6.50%	BBB	2.78%

As shown, there is a relationship between a company’s Standard & Poor’s bond credit rating and real estate cap rate (or rate of return). Extracting the risk premium from the cap rate, further illustrates the association between risk, bond rating, and cap rates.

These added tests of reasonableness support a rate of return conclusion of **3.57%**.

THE ENCUMBRANCE FACTOR

The Encumbrance Factor (EF) reflects the intensity of the proposed use and corresponding impact on the land. An encumbrance factor is mostly considered in easement valuations, i.e., the impact an easement has on market value. Easement valuations are reflected in differences in market value before & after the imposition of an easement. That is, a property is first valued without an easement and then valued with an easement; the difference in value being the easement’s impact on value. Studies regarding the impact on value that a specific easement (or use) will have when it partially encumbers a property is time intensive and costly to perform. Hence, the enactment of the law regarding the BLM Linear Right-of-Way schedule and the development of a non-linear right-of-way schedule. Because of the time and cost, published

studies are typically utilized and referenced when categorizing uses in determining an Encumbrance Factor.

One such study was conducted and published by Donald Sherwood, MAI, SR/WA in the May/June 2006 edition of the Right Of Way magazine, a portion of which is represented as follows:

Easement Valuation Matrix

Percentage of Fee	Comments	Potential Types of Easements
90% - 100%	Severe impact on surface use. Conveyance of future uses.	Overhead electric Flowage easements Railroad ROW Irrigation canals Access roads
75% - 89%	Major impact on surface use. Conveyance of future uses.	Pipelines Drainage easements Flowage easements
51% - 74%	Some impact on surface use. Conveyance of ingress/egress rights	Pipelines Scenic Easements
50%	Balanced use by both owner and easement holder	Water line Sewer line Cable line Telecommunication lines

High Impact (100%)

Characteristics of significant impact of non-linear right-of-way grants or permits warranting a higher rent include: a relatively on going occupation, an exclusivity of use (no other uses would be possible), an industrial type uses, large fenced areas, significant surface disturbance and/or ongoing disruption, high visual impacts, and little or no flexibility as to location. For high impact uses, I have concluded an Encumbrance Factor of **100%** to be applied to land value.

High impact uses might include:

- Electric transformer stations
- Pump and compressor stations
- Equipment storage sites
- Boat dock or warf site
- Fish hatchery site
- Maricultural sites (farming marine products with upland facilities)
- Portal or tunnel sites
- Sewage lagoons
- Water treatment sites
- Large, fenced and gated staging areas for recreation or sport events
- Parking areas with intense use
- Take off and landing sites

- Shooting ranges, guide camps, dog sled touring sites
- Log storage sites

Moderate Impact (75%)

Characteristics of moderate impact non-linear right-of-way grants or permits include small sites where the uses and impacts are minimal because the area and/or uses are short term, intermittent, and/or may be quasi-commercial in nature.

For moderate impact uses, I have concluded an Encumbrance Factor of **75%** to be applied to land value. Moderate impact uses might include:

- Small permanent sign sites
- Gates
- Culverts
- Water pipeline and tank sites
- Historic or commemorative monuments
- Small temporary staging areas for sporting events
- Seasonal work camp or outfitter sites
- Cultural arts or educational events
- Sample collecting
- Research site Conex sites
- Passive reflector sites
- Farm equipment and machinery storage yard
- Large intermittent storage areas
- Highway signs
- Seasonal recreation uses such as camping areas or staging areas for races

Minimal Impact (50%)

Characteristics of minimal impact non-linear right-of-way grants or permits include small sites that are both temporary and long term or permanent, seldom visited, can be easily relocated if necessary, include smaller disturbed or enclosed areas, have little or no ongoing surface disturbance. Typically, these sites can accommodate multiple uses. For instance, a minor water or air quality site would accommodate public access.

For minimal impact uses, I have concluded an Encumbrance Factor of **50%** to be applied to land value. Minimal impact uses might include:

- Mail box sites
- Water and air quality monitoring sites
- Minor water control berms and earthwork
- Seasonal pivot crossings
- Temporary agricultural product storage site

The degree of impact requires a significant level of interpretation on the part of BLM staff that will implement this schedule. Along with the small size and often unique aspect of these land use authorizations comes an implied level of temporariness, adding another layer of interpretation to the authorization. In its most rudimentary interpretation, this rent schedule represents the minimum amount that should be applied to a land use authorization.

End.

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United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Alaska State Office
222 West Seventh Avenue, #13
Anchorage, Alaska 99513-7504
<http://www.blm.gov>

In Reply Refer To:
2800, 2900 (940) P

AUG -7 2015



Instruction Memorandum No. 2015- 010
Expires: September 30, 2016

To: District and Field Managers

From: State Director

Subject: Rent for Remote Non-linear Rights-of-Way, Permits and Leases

Program Area: Lands and Realty

Purpose: This Instruction Memorandum (IM) contains the guidance to inform managers and realty staff that they may elect to apply the attached minimum rental schedule for remote parcels of land to establish the fair market value rather than requesting individual appraisals.

Policy/Action: The Division of Lands, Minerals and Cadastral Survey, Washington Office (WO-350), requested that the Office of Valuation Services (OVS) prepare a nationwide rental fee schedule to reduce the need and expense of requesting individual appraisals to determine rent for the various types of land use authorizations provided under Section 302, and when applicable, under Section 504 of the Federal Land Policy and Management Act of 1976, as amended.

Regulation at 43 CFR § 2920.8 directs the Bureau of Land Management (BLM) to collect rent based either upon the fair market value of the rights authorized in a land use authorization or as determined by competitive bidding. Regulation at 43 CFR § 2806.50 directs the BLM to establish fair market rent for right-of-way grants that are not appropriate under the linear or communication site schedules. In no case shall the rental be less than fair market value.

In accordance with the above regulations, the OVS completed the attached April 2015 *Minimum Rent Analysis & Schedule-Alaska Districts* (schedule) that provides a rental fee for land use authorizations/non-linear rights-of-ways for each of Alaska's district and field offices to maintain a consistent approach to determining fees for annual rentals for minimum land use authorizations on federal lands throughout the state for areas of 25 acres or less. The nationwide template schedule utilizes the National Agricultural Statistical Service' (NASS) that reports agricultural land values by state and county and is published every 5 years. The

OVS used the latest report and adjusted the values to appropriately reflect public land rent values. For a more detailed explanation of how the values were derived, see the attached rent study report. Before using the schedule, it is important that the realty specialist read the report and OVS' memo in their entirety.

The OVS organized the schedule by district office and boroughs or census areas under that district office's jurisdiction. Each borough or census area has a per acre rent value which is adjusted depending on the intensity of the use by 50 percent for minimum impact, 75 percent for moderate impact, and 100 percent for high impact. The realty specialist will select the appropriate borough or census area, identify the range of acreage the use falls within and select the severity of the impact to arrive at the estimated annual rental for the proposed use. The Greater Juneau Area (Southeast Alaska) land value per acre is considerably higher than in other Alaska boroughs or census areas. This area is large and diverse so the value may be more applicable in some areas than others. Exercise caution and reasonable judgment in assessing the location and impact to proposed rental sites in this area.

The examples provided under the minimum, moderate or high impact uses are not inclusive. The realty specialist may use the schedule for any use that is determined appropriate, for example to resolve certain trespass issues or apiary sites. In general, uses which involve any improvements left on the land year around such as cabin sites should be considered as having the highest impact. Again, the realty specialist must exercise discretion in assessing the impact to the proposed rental sites. While the schedule provides exact values within the acreage ranges, there is great leeway to interpret the category of use and degree of impact. If the values are low or high compared to previous annual rents, the realty specialist may consult with the OVS or request a formal appraisal through the Interior Valuation Information System (IVIS).

This schedule is not intended for filming, linear right-of-ways, communication site leases/rights-of-way, special recreation use permits, mineral, hydroelectric, geothermal, oil and gas or related uses that may require a higher annual rent or have established schedules

The BLM realty staff will use the schedule to administratively establish the rental rates to charge for non-linear rights-of-way, permit or lease authorizations located in rural and/or low intensity land use areas where individual appraisal are not economically warranted. By using the schedule, the BLM will provide consistent and fair values to the public for the use of federal lands and the BLM and the OVS will save time and a substantial amount of appraisal costs.

The BLM Alaska shall continue to utilize the schedule developed by the Chugach National Forest for commercial film permits for the calculation of rental. These fees may be applied to each staging or location area authorized.

Commercial Still Photography	
Persons on Site	2015 Minimum Fee Per Day
1 - 10	\$142.56
11-30	\$208.35
>30	\$339.94

Motion Picture & TV Location

Persons on Site 2015 Minimum Fee Per Day

1-10	\$208.35
11-30	\$274.15
31-60	\$690.85
>60	\$756.66

This schedule is adjusted annually and may be accessed at:

<http://www.fs.usda.gov/detail/chugach/passses-permits/event-commercial>

Timeframe: Immediately through September 30, 2016.

Budget Impact. It is anticipated that the adoption of this minimum rental schedule will improve the efficiency of BLM Alaska realty program and result in significant savings to both the public and the Department of Interior. There will be a decrease in workload associated with the appraisal for these types of lands actions.

Background: BLM Alaska faces a significant, continuing budget reduction associated with its Lands and Realty activities (LI4400000). Many of the applications submitted to the Bureau by the State of Alaska or rural communities are exempt from cost recovery. The reduction in the cost and time involved in appraising these types of facilities authorized by grant or permit, lease or easement will help to offset the program's reduction in budget and in doing so, serve to expedite the application processing.

Manual/Handbook Sections Affected: The policy transmitted by this IM supplements the guidance found in BLM Manuals 2800 and 2920.

Coordination: This message has been developed by the Alaska State Office Division of Lands and Cadastral and communicated throughout its development with the district and field offices.

Contact: For information please contact David Mushovic, Acting Branch Chief, Lands and Realty at 907-271-4682.

Attachment: April 2015 *Minimum Rent Analysis & Schedule-Alaska Districts*

Signed by:	Authenticated by:
Bud Cribley	Janine Leist
State Director	Administrative Supervisor

Eastern Interior Council Correspondence Update

Fall 2023

Letters received:

	From:	Subject:
1.	Sara Boario, USFWS Regional Director - Alaska Region	Complexing of Yukon Flats and Kanuti National Wildlife Refuges
2.	Susan Entsminger, Chair, Wrangell-St. Elias Subsistence Resource Commission	SRC recommendations for Wildlife Closure Reviews WCR24-35 (Chisana caribou) and WCR24-42 (Mentasta caribou)
3.	Tim Hammond, BLM Eastern Interior Field Office Manager	Extension of existing withdrawal for the Army Yukon Training Area and Donnelly Training Areas East and West
4.	Jack Reakoff, Chair, Western Interior Regional Advisory Council	Draft Dall Sheep Management Plan Guidelines for the Central Brooks and Alaska Ranges

Letter sent:

	To:	Subject:
1.	Sarah Creachbaum, National Park Service Director – Alaska	Council member comments regarding NPS proposed rule
2.	Anthony Christianson, Chair, Federal Subsistence Board	Support for continued wood bison reintroduction planning in the Eastern Interior Region



United States Department of the Interior

U.S. FISH AND WILDLIFE SERVICE
1011 East Tudor Road
Anchorage, Alaska 99503-6199



In Reply Refer To:

Ms. Sue Entsminger, Chair
Eastern Interior Regional Advisory Council
c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503

Dear Ms. Entsminger:

I am writing to you to share important information about the future funding and staffing of the Kanuti and Yukon Flats National Wildlife Refuges (NWR). We recognize our responsibilities to subsistence users are among the most important work we perform in this region. We are committed to continuing to conduct high-quality resource monitoring, management, and protection of refuges and appreciate this shared value of the Council.

As you may know, the National Wildlife Refuge System has faced budget constraints and uncertainty for the past decade, while costs have continued to rise. This has required us to take various steps to keep operations within budget limits. To date, those steps have included leaving positions unfilled, consolidating refuge operations, and centralizing some functions, such as law enforcement and aviation operations. In 2016, the Refuge Program began working in earnest to identify a better method for addressing budget matters, which resulted in a workload analysis model.

As a result of the workload analysis, the difficult decision was made to merge the operations of Kanuti and Yukon Flats NWRs. This will take place over several years with opportunities for discussions and adaptation, and we have extended the opportunity for Tribes and Alaska Native Corporations to consult with us regarding the implementation of the merger. We would welcome the opportunity to provide more information and answer questions on this merger to the Eastern Interior Alaska Subsistence Regional Advisory Council, as well.

Our plan for merging the operations of these refuges is informed by lessons learned from past budget saving measures, including the closure of the McGrath office for the Innoko NWR operations. Under this merger, some things will not change. Both Kanuti and Yukon Flats NWRs will retain their refuge manager positions, who will remain the primary points of contact for the Regional Advisory Councils, Tribes, Alaska Native Organizations, other partners, and the public on refuge-specific issues. Operations for both Kanuti and Yukon Flats NWRs will continue to be based out of shared office space in Fairbanks. However, the overall percentage of resources allocated to these two refuges, as a proportion of the overall Refuge Program budget will decrease. This change will require us to identify the highest needs and priorities for both Refuges.

Again, additional discussions are needed, and as we move forward, we would like to hear what services currently provided by these refuges are most critical to you so that we can ensure your needs are met as future positions, projects, and activities are prioritized.

Thank you for your continued service.

Sincerely,

A handwritten signature in blue ink, appearing to read 'SBoario', is centered below the word 'Sincerely,'.

Sara Boario
Regional Director – Alaska Region

Wrangell-St. Elias National Park Subsistence Resource Commission

P.O. Box 439
Mile 106.8 Richardson Hwy.
Copper Center, AK 99573

March 1, 2023

Anthony Christianson, Chair
Federal Subsistence Board
U.S. Fish and Wildlife Service
Office of Subsistence Management
1011 E. Tudor Road, MS-121
Anchorage, AK 99503

Subject: Comments on Wildlife Closure Reviews for Caribou in Unit 12

Dear Mr. Christianson:

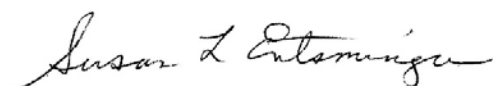
The Wrangell-St. Elias National Park Subsistence Resource Commission (SRC) met in Copper Center, Alaska, on February 23, 2023. The commission is a federal advisory committee that represents subsistence users of federal lands within Wrangell-St. Elias National Park and Preserve. At this meeting, the SRC reviewed two wildlife closure reviews for caribou in Unit 12 and would like to provide the following comments.

WCR24-35 Portion of Unit 12 closed to caribou hunting by non-federally qualified subsistence users (Chisana caribou). The Wrangell-St. Elias National Park Subsistence Resource Commission unanimously supported maintaining the closure. With the low calf population, there is justification for only having the area open to federal users. The Wrangell-St. Elias superintendent has a delegation of authority to manage the federal hunt if needed. Authorizing state harvest would increase competition.

WCR24-42 Portion of Unit 12 closed to caribou hunting by all users (Mentasta caribou). The Wrangell-St. Elias National Park Subsistence Resource Commission unanimously supported maintaining the closure. There is a conservation concern for the Mentasta caribou herd due to the low population numbers.

Thank you for the opportunity to comment.

Sincerely,



Susan L. Entsminger
Chair

Chair: Susan L. Entsminger; Members: Mike Christenson, Mike Cronk, Don Horrell, Suzanne McCarthy, Kaleb Rowland, Daniel E. Stevens, and Gloria Stickwan

*Letter from Wrangell-St. Elias Subsistence Resource Commission
with recommendation for WCR24-35 (Chisana caribou)*

cc: Superintendent, Wrangell-St. Elias National Park and Preserve
Eastern Interior Alaska Subsistence Regional Advisory Council
Southcentral Alaska Subsistence Regional Advisory Council

Chair: Susan L. Entsminger; Members: Mike Christenson, Mike Cronk, Don Horrell, Suzanne McCarthy, Kaleb Rowland, Daniel E. Stevens, and Gloria Stickwan



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Eastern Interior Field Office
222 University Avenue
Fairbanks, Alaska 99709-3816
www.blm.gov/alaska

In Reply Refer To:
F-020174 (2332)
F-35871 (2332)
F-35872 (2332)
(9412)

May 17, 2023

Ms. Susan L. Entsminger, Chair
Eastern Interior Subsistence Regional Advisory Council
Sent via email

Dear Ms. Entsminger:

The Department of the Army (Army) has filed an application with the Bureau of Land Management (BLM) for the extension of the existing withdrawal for the Yukon Training Area (formerly Fort Wainwright Yukon Training Range) and the Donnelly Training Areas East and West (formerly Fort Greely East and West Training Ranges) for 25 years or more. Public Law No. 106-65 withdrew approximately 869,862 acres of public lands from all forms of appropriation under the public land laws, including the mining, mineral leasing, and geothermal leasing laws for the training areas. The withdrawal expires on November 6, 2026, unless further extended by Congress.

As part of the withdrawal extension process, the Army has prepared a draft legislative environmental impact statement (LEIS) in support of the legislative proposal and published the Notice of Availability in the Federal Register on May 12, 2023 (88 FR 30730).

Section 810 of the Alaska National Interest Lands Conservation Act (ANILCA) requires the BLM to evaluate the effects of the withdrawal extension on subsistence uses in the training areas, and to hold public hearings if it is found that the subsistence uses would be significantly restricted. The Army's Notice of Availability also serves to announce the findings of the ANILCA Section 810 evaluation.

The BLM's ANILCA Section 810 preliminary findings are that, relative to the no-action alternative, the proposed withdrawal extension may result in a reasonably foreseeable and significant restriction of subsistence use for the communities in Game Management Unit 20D, including Dot Lake, Dry Creek, Healy Creek, and Delta Junction area communities due to a restriction on access to subsistence resources. This Section 810 analysis is enclosed and can also be found in Appendix 7 of the Army's draft LEIS at the following link <https://www.aklweleis.com/>.

The BLM will hold an ANILCA Section 810 hearing in conjunction with the public meeting in Delta Junction on June 21, 2023. Additionally, the Army and the BLM invite you to review the draft LEIS, and to provide any comments that you may have by July 11, 2023. There are three ways you can submit comments:

- 1) Public meetings held in Fairbanks from 5-7 PM ADT on June 20, 2023 at the Pioneer Park Centennial Center Blue Room, 2300 Airport Way, Fairbanks, AK 99701, and in Delta Junction from 5-7 PM ADT on June 21, 2023 at the Delta Junction Community Center, 2287 Deborah St, Delta Junction, AK 99731.

- 2) You can send written comments by mail to:
Mr. Matt Sprau, Environmental Planning Branch Chief
Directorate of Public Works
ATTN: AMIM-AKP-E (M. Sprau)
1046 Marks Road #4500
Fort Wainwright, AK 99703-4500

or by email to: usarmy.wainwright.id-pacific.mbx.lweleis@army.mil

- 3) Written comments may also be submitted through an interactive document online at <https://aklweleis.com/Home/HowToGetInvolved#commentSection>

If you have any questions or require additional information, please contact Tim Hammond at 907-474-2342 or thammond@blm.gov

Sincerely,

**TIMOTHY
HAMMOND**

Tim Hammond
Eastern Interior Field Office Manager

Digitally signed by
TIMOTHY HAMMOND
Date: 2023.05.17 07:28:03
-08'00'

Enclosure

Identical letter sent to:

Mr. Doug Vincent-Lang, Commissioner
Alaska Department of Fish and Game
P.O. Box 115526
Juneau, AK 99811

Appendix XX.

ANILCA § 810 EVALUATION OF SUBSISTENCE IMPACTS

USAG Alaska is proposing to request that Congress extend the current withdrawal of certain federal public lands in Alaska for continued military use for 25 years or more, or assign control of the lands to the Secretary of the Army until such time as the Department of the Army determines it no longer needs the lands for military purposes. The Draft Legislative Environmental Impact Statement (LEIS) has one action alternative: Alternative 1, extend the Public Law 106-65 Withdrawal for 25 Years or More, or Assign Control of the Lands to the Secretary of the Army. The U.S. Army is the Lead Agency, and the Bureau of Land Management is a cooperating agency. These include 869,862 acres of land which comprise the Yukon Training Area (YTA), Donnelly Training Area East (DTAE), and Donnelly Training Area West (DTAW) and will collectively be referred to here as *training lands*. Federal subsistence regulations do not apply to military training lands, as specified in those regulations (50 CFR § 100.3(d)). The term Federal public lands is used here to refer to Federal lands on which Federal subsistence regulations apply and qualified rural residents are allowed to engage in subsistence activities, including hunting and fishing.

Chapters 3 (Affected Environment) and 4 (Environmental Consequences) of the Draft Legislative Environmental Impact Statement for the Public Law 106-65 Land Withdrawal Extension provide a detailed description of both the affected environment of the Planning Area and the potential effects of the various alternatives to subsistence. This appendix uses the detailed information presented in the Draft Legislative EIS and some supporting information (existing harvest data and published reports) to evaluate the potential impacts to subsistence pursuant to Section 810(a) of the Alaska National Interest Land Conservation Act (ANILCA).

Subsistence Evaluation Factors

Section 810(a) of ANILCA requires that an evaluation of subsistence uses and needs be completed for any federal determination to –withdraw, reserve, lease, or otherwise permit the use, occupancy or disposition of public lands. As such, an evaluation of potential impacts to subsistence under ANILCA § 810(a) must be completed for the Draft Legislative EIS. ANILCA requires that this evaluation include findings on three specific issues:

- The effect of use, occupancy, or disposition on subsistence uses and needs;
- The availability of other lands for the purpose sought to be achieved; and
- Other alternatives that would reduce or eliminate the use, occupancy, or disposition of public lands needed for subsistence purposes (16 USC § 3120).

The evaluation and findings required by ANILCA § 810 are set out for both alternatives considered in the Draft Legislative EIS.

A finding that the proposed action may significantly restrict subsistence uses imposes additional requirements, including provisions for notices to the State of Alaska and appropriate regional and local subsistence committees, a hearing in the vicinity of the area involved, and the making of the following determinations, as required by Section 810(a)(3):

- Such a significant restriction of subsistence uses is necessary, and consistent with sound management principles for the utilization of the public lands.
- The proposed activity will involve the minimal amount of public lands necessary to accomplish the purposes of use, occupancy, or other disposition; and
- Reasonable steps will be taken to minimize adverse effects upon subsistence uses and resources resulting from such actions.

To determine if a significant restriction of subsistence uses and needs may result from either of the alternatives discussed in the Draft Legislative EIS, including their cumulative effects, the following three factors in particular are considered:

- The reduction in the availability of subsistence resources caused by a decline in the population or amount of harvestable resources;

- Reductions in the availability of resources used for subsistence purposes caused by alteration of their normal locations and distribution patterns; and
- Limitations on access to subsistence resources, including from increased competition for the resources.

A significant restriction to subsistence may occur in at least two instances: 1) when an action substantially reduces populations or their availability to subsistence users, and 2) when an action substantially limits access by subsistence users to resources

A subsistence evaluation and findings under ANILCA § 810 must also include a Cumulative Impacts analysis. This evaluation begins with evaluations and findings for both alternatives discussed in the Draft Legislative EIS. Finally, the most intensive cumulative case, as discussed in Chapter 4 (Environmental Consequences) of the Draft Legislative EIS, is evaluated.

When analyzing the effects of each alternative, particular attention is paid to those rural communities that have the potential to be most directly impacted by the proposed actions—Delta Junction and adjacent communities, Healy Lake, Dry Creek and Dot Lake. These communities are nearest the training lands, are located within Game Management Unit (GMU) 20D, and available information indicates that community subsistence use areas include or extend near the Army training lands.

ANILCA § 810(a) Evaluations and Findings for All Alternatives and the Cumulative Case

The following evaluations are based on information relating to the environmental and subsistence consequences of the Action Alternative 1 and the No Action Alternative, and the cumulative case as presented in Chapter 4 (Environmental Consequences) of the Draft Legislative EIS.

1. Evaluation and Findings for the No Action Alternative

Under the No Action Alternative, the withdrawal will not be renewed and the lands would be returned to the public domain for management by BLM and would be considered public lands for subsistence purposes and land uses and access would likely be managed similarly to other general BLM public lands. It is assumed that the lands in question would be opened to general uses in stages. Portions of the withdrawn lands that are currently open to recreation would likely be returned to the public domain first. Existing closure areas (e.g., impact areas) would become available for public use after completion of any necessary cleanup and decontamination. Chapter 3 of the LEIS describes the Affected Environment for Biological Resources, Recreation, Subsistence, and Socioeconomics and Environmental Justice. Large mammals and fish (primarily salmon) made up the bulk of subsistence harvest for most rural communities (Table 3.17-4). Fish are not very available in the Training Areas, and therefore this analysis will focus on large mammals.

Evaluation of the Effect of Use, Occupancy, or Disposition on Subsistence Uses and Needs

Resource abundance and availability.

As discussed in the LEIS (Sections 4.17 Subsistence and 4.13.1.3 Wildlife), the cessation of military activities may result in both benefits and detriments to subsistence species. Disturbance of wildlife from military activities would no longer occur. Fewer mechanized surface disturbances in native habitats would likely occur. However, some wildlife species, such as moose and bison, may benefit from some types of vegetation disturbance, including fire, as well as direct wildlife habitat management activities, by providing earlier successional habitats. As a result, decline in habitats could occur for those species.

Access to resources.

The No Action Alternative would make 869,862 acres eventually available to rural residents for subsistence purposes. Some of this land is relatively accessible and supports high-value subsistence species—including caribou and moose. As discussed in the LEIS (Section 4.17), the No Action Alternative may allow subsistence users to shift some harvest from GMU 13, to the more local training lands. It may also provide additional subsistence opportunity on those training lands, following relinquishment of the withdrawal. The availability of high density moose populations in southern GMU 20D (Bruning 2018) and much of GMU 20A could potentially substitute for or supplement more distant and smaller-bodied caribou and other resources.

Temporary and permanent closures for impact areas and military training would no longer be in place, although access to impact areas and contaminated areas would remain closed until decontaminated. Public access for recreation and subsistence hunting, fishing, and gathering would likely no longer require a permit. Reduced restrictions to access, such as permanent and temporary closures, registration and check-in requirements and fewer complicated rules will result in greater use by Federal subsistence users. Maintenance of roads would no longer be conducted by the military and may result in some loss of hunting access. BLM management and funding would determine the quality and extent of the road and trail network.

Access to wildlife resources may be improved through less restrictive harvest regulations. In areas that are relatively accessible by highway and off-highway vehicles, game managers frequently find ways to slow or limit the harvest and meet population objectives, such as through limited random drawings for permits, antler point restrictions, motor vehicle restrictions, hunt boundaries shifted away from roads, and limited season lengths. As an example, moose harvest in the Delta Junction Management Area, which includes much of the Donnelly Training Area East, is conducted by drawing permit (DM790). In 2021 only 1% of applicants received a permit. Federal subsistence hunts typically involve a more limited pool of hunters, in which case fewer constraints are necessary to keep harvest within goals.

Federal subsistence hunting seasons often provide greater harvest opportunities for rural residents, such as through longer or alternate season dates, more liberal harvest limits, or less restrictive sex and antler size limitations. Longer seasons provide more opportunities to hunt at traditional times, when migrations make animals more available, or when large numbers of non-local hunters are not present, and also to fit subsistence among other activities. In interviews of Upper Tanana rural communities (, Marcotte 1988) the impacts of non-local hunters on subsistence activities were common themes. Dry Creek community members noted that the ADFG prohibition of motorized vehicles for hunting on the Macomb Plateau adjacent to their community was important for their ability to meet their harvest needs by minimizing the number non-local hunters (Holen et al 2012).

Little Federal subsistence opportunity is currently available to rural residents in the Game Management Units in which the Training Lands are located (GMUs 20A, 20B, 20D) because Federal public lands currently available for subsistence activities in those are very limited. They are found mostly in small, scattered parcels or in the mostly remote area of mountains and glaciers along the edge of GMU 13B (see Figure 1below). As a result, most Federal subsistence seasons for large mammals in these areas currently match the State season or there is no Federal open season, and so little to no Federal subsistence priority exists in these GMUs. Currently, there is no Federal open season for caribou or Dall sheep in any of these subunits and none for moose in unit 20D, meaning that all such hunting is done under state regulations. Under the No Action Alternative, Training Lands would add substantially to local subsistence opportunities.

In recent years, a large proportion (92%) of caribou harvest by Delta Junction residents has occurred in GMU 13B (Table 4-17.1), where more extensive Federal public lands exist. This likely reflects the Federal subsistence opportunities provided to rural residents by Federal public lands and subsistence management, as well as the presence of the large, relatively road-accessible Nelchina caribou herd. The relative value of Federal subsistence opportunities in this situation is supported by the observation that nearly a third of moose harvest by Delta Junction residents also occurred in Unit 13B, despite large moose populations more proximate to that community. Also supporting the role of Federal public lands is the observation that, more than 95% of both caribou and moose harvest in Unit 13 by Delta Junction residents occurred under Federal subsistence regulations (and on Federal public lands), when all such users could have chosen to hunt on any lands under state regulations.

The changes in regulations that could occur during the No Action Alternative would benefit federally qualified subsistence users through extended seasons or limits and may contribute to increased resilience of subsistence communities regarding food security and sustainability of subsistence practices and traditions.

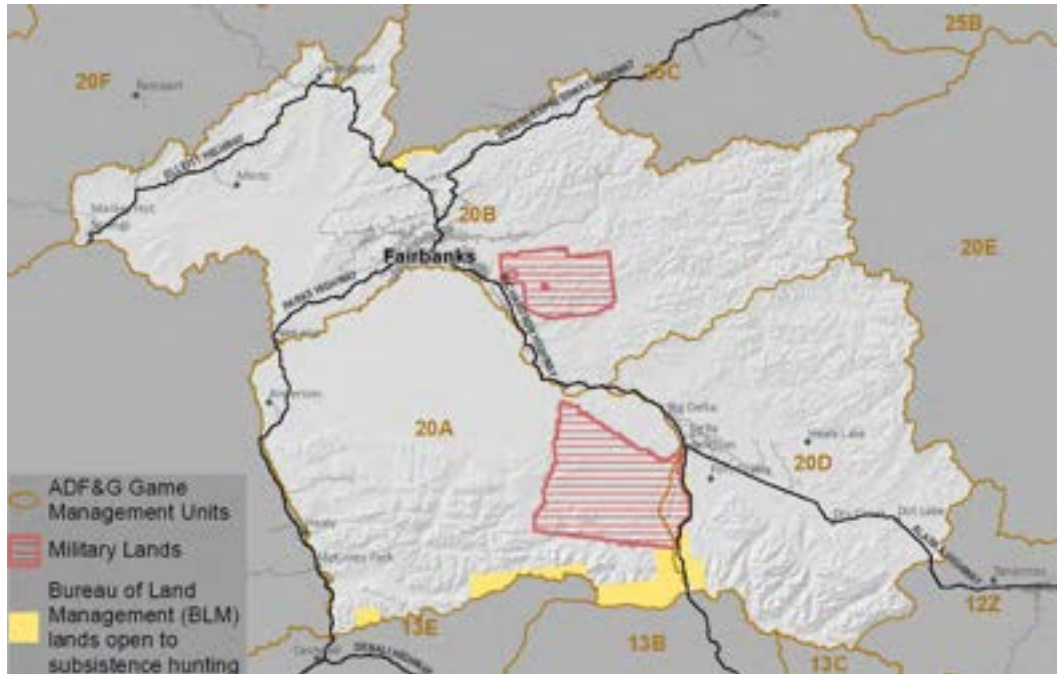


Figure 1. Federal public lands available for subsistence (in yellow) within Game Management Units 20A, 20B, and 20D.

Evaluation of the Availability of Other Lands for the Purpose Sought to Be Achieved

The No Action Alternative would remove Military Training from these areas, which would eliminate the need to evaluate availability of other lands for those purposes as part of this analysis.

Evaluation of Other Alternatives that would Reduce or Eliminate the Use, Occupancy, or Disposition of Public Lands Needed for Subsistence Purposes

The No Action Alternative would cease military training and thus would reduce the use and occupancy of public lands needed for subsistence purposes. Therefore, other alternatives to eliminate this use and occupancy were not investigated.

Findings

The No Action Alternative would not significantly restrict subsistence uses and needs. Cessation of military training would have a net benefit for subsistence use and access.

2. Evaluation and Findings for Action Alternative 1

Under Action Alternative 1, the withdrawn lands would continue to be withdrawn for a period of 25 years or more from all forms of appropriation under the public land laws, or would be assigned to the control of the Secretary of the Army until such time as the Army determines it no longer needs the lands for military purposes. These lands would be reserved for use by the Army for military maneuvering, training, equipment development and testing, and other defense related purposes. If the withdrawal period is extended or control is assigned to the Secretary of the Army, the Secretary of the Interior would continue to manage the lands subject to conditions and restrictions necessary to permit the military use of these lands. Management of these lands would follow all existing, applicable management plans and policies. The Secretary of the Army would close any road, trail, or portion of the lands to public use as needed for public safety, military operations, or national security. The Secretary of the Interior would issue a lease, easement, right-of-way, or authorization for non-military use of these lands with the concurrence of

the Secretary of the Army. Hunting, fishing, and trapping on these lands would be permitted in accordance with the provisions of 10 USC § 2671. The Army is proposing that Congress only extend the period of use of the existing withdrawn areas, not expand or add impact areas on the withdrawn lands. Military activities conducted on the withdrawn lands would be consistent with those conducted since the previous withdrawal in 1999. Training actions would include those that were evaluated in a previous LEIS and additional training and management programs that have been evaluated in subsequent NEPA documents.

Evaluation of the Effect of Use, Occupancy, or Disposition on Subsistence Uses and Needs

The analysis of the effects of Action Alternative 1 on subsistence is presented in Section 4.17 (Subsistence). At issue in this evaluation are the differences between the No Action Alternative and Action Alternative 1, and whether these differences would be significant enough to cause a substantial impact to the populations of subsistence species, or to limit access to subsistence activities and resources by subsistence users under Action Alternative 1. The evaluation of the No Action Alternative described differences between the two alternatives in effects on resources and effects on users. That analysis, and limited supporting information, will be utilized here in evaluating effects of Action Alternative 1.

Resource abundance and availability.

As noted in the LEIS, and in the evaluation of the No Action Alternative (above), the continuation of military activities may result in both benefits and detriments to subsistence species. Continued vegetation and soil disturbance may negatively affect some native habitat. On the other hand, some military surface disturbing and wildlife habitat management activities likely benefit some species such as moose, by providing earlier successional habitats and improved quality or quantity of forage. Military activities may result in at least short-term avoidance and/or changes in habitat use by some species. No more than minor effects on abundance and availability of subsistence species is expected.

Access to resources.

The approximately 870,000 acres of training lands would continue to be unavailable to rural residents for Federal subsistence purposes. Currently 206,000 acres are permanently closed to public access while the remaining lands (664,000 acres) are open for all residents for recreation and hunting, subject to temporary closures. No acres are considered Federal public lands available for Federal subsistence purposes, and therefore there is no subsistence priority for rural residents. In Action Alternative 1 this will not change, and Federal public lands will continue to be very limited in extent and distribution in the Game Management Units in which the training lands are located. Permanent and temporary closures will continue to limit access to wildlife resources by local rural residents. Relative to the No Action Alternative, local rural residents will continue to be limited in access to and ability to harvest subsistence resources and practice subsistence lifestyles.

In addition, opportunities for local rural residents will continue to be limited by hunting regulations necessary to limit harvest to sustainable levels—due to hunting pressure from hunters throughout the state as well as non-residents. Those may include drawing permit hunts with little chance to obtain a permit, hunts that may close suddenly when harvest quotas are met, hunts that are limited in duration or occur at non-ideal time periods, restrictions on motor vehicle access, and harvest limits and sex or age and antler size limitations. Constraints on access will include competition and interference by other hunters, crowding, and potentially safety concerns.

Under Action Alternative 1, Federally qualified subsistence users would not benefit from extended seasons or limits, better availability to harvest permits, or reduced harvest restrictions. While these lands have been not available for federal subsistence, the current and reasonably foreseeable limits on adjacent harvest areas and quotas, subsistence communities would experience relatively lower resilience regarding food security than the No Action Alternative.

Evaluation of the Availability of Other Lands for the Purpose Sought to Be Achieved

The Training Lands analyzed in the LEIS were withdrawn and established as military training areas in the 1950s and have been utilized consistently since then. Considerable investment in infrastructure has been made during that time. The No Action Alternative would result in cessation of training on these lands. The LEIS did not evaluate the availability of other lands for military training.

Evaluation of Other Alternatives that would Reduce or Eliminate the Use, Occupancy, or Disposition of Public Lands Needed for Subsistence Purposes

Procedures and policies for minimizing impacts from military activities on vegetation and wildlife and fish habitats as well as impacts on public users are included in management plans described in the LEIS. These serve to minimize the negative effects of Action Alternative 1 on subsistence resource and abundance.

Although hunting, fishing, and gathering of firewood and vegetation such as berries, is allowed on most of the withdrawn lands, implementation of subsistence regulations is not allowed by federal regulation 50 CFR 100.3(d) which states that "The regulations contained in this part apply on all other public lands, other than to the military, U.S. Coast Guard, and Federal Aviation Administration lands that are closed to access by the general public, including all non-navigable waters located on these lands." A change to this regulation was not considered as an alternative which would improve subsistence opportunities. Public access over most of the training lands (including hunting and fishing) is currently allowed with a free permit. Hunting and fishing under the same conditions, could potentially be allowed under Federal subsistence management and regulations.

Findings

Action Alternative 1 (renewal of the withdrawal and continuation of military training activities) will have both positive and negative effects on abundance and availability of subsistence species relative to the No Action Alternative, but will not result in significant reductions in abundance or availability,

Relative to the No Action Alternative, renewal of the withdrawal and continuation of military training activities (Action Alternative 1) may result in significant reductions in access to subsistence resources by rural communities in Game Management Unit 20D, including Dot Lake, Dry Creek, Healy Creek, and Delta Junction area communities.

3. Evaluation and Findings for the Cumulative Case

The goal of the cumulative analysis is to evaluate the incremental impact of the Action Alternative 1 in conjunction with all past, present, and reasonably foreseeable future actions in or near the Planning Area.

Evaluation of the Effect of Such Use, Occupancy, or Disposition on Subsistence Uses and Needs

Section 4.18.3 of the LEIS contains a description of past, present, and reasonably foreseeable future actions and Section 4.18.4.15 describes potential cumulative effects for subsistence. No significant cumulative effects were identified related to subsistence under Action Alternative 1, but three factors were identified that could affect subsistence resources or opportunities.

The population of Alaska has shown long term growth since before statehood, including a 3% increase from 2010 to 2020. Continued population growth could lead to increased competition and conflict between users of subsistence resources and may result in reduced abundance or more restrictive harvest regulations.

Fish and wildlife may suffer short or long-term population declines, resulting in community resource shortages, such as those seen in recent years in Yukon River communities and continuing in 2022 with closures of the Yukon River to all salmon fishing. Shortages in one resource could increase needs in other resources. In some Upper Tanana communities, salmon are more important than big game in terms of quantity of subsistence meat harvest. Salmon populations in the Copper River, where most Upper Tanana residents harvest salmon (Holen et al 2012), are not currently in a similar long-term decline. Climate change may result in long-term changes in subsistence resource abundance.

Some Native corporations have taken steps to prohibit some types of access or uses and require payment for others.

Ahtna regional corporation currently prohibits hunting (other than predator hunting) by non-shareholders and has implemented fee collection for other recreational access. Implementing such restrictions on more lands in the State could result in redistribution of resource users to Federal public lands which would increase competition, conflict, and resource shortages.

These cumulative effects may be additive and increase the probability that Action Alternative 1 may result in significant restrictions to subsistence uses for rural communities in Game Management Unit 20D and potentially also for communities more distant from the training lands.

Evaluation of the Availability of Other Lands for the Purpose Sought to Be Achieved

The Training Lands analyzed in the LEIS were withdrawn and established as military training areas in the 1950s and have been utilized consistently since then. Considerable investment in infrastructure has since been made. The No Action Alternative would result in cessation of training on these lands. The LEIS did not evaluate the availability of other lands for military training.

Evaluation of Other Alternatives that would Reduce or Eliminate the Use, Occupancy, or Disposition of Public Lands Needed for Subsistence Purposes

Procedures and policies for minimizing impacts from military activities on vegetation and wildlife and fish habitats as well as impacts on public users are included in management plans described in the LEIS. These serve to minimize the negative effects of Action Alternative 1 on subsistence resource abundance.

Although hunting, fishing, and gathering of firewood and vegetation such as berries, is allowed on most of the withdrawn lands, implementation of subsistence regulations is not allowed by federal regulation 50 CFR 100.3(d) which states that "The regulations contained in this part apply on all other public lands, other than to the military, U.S. Coast Guard, and Federal Aviation Administration lands that are closed to access by the general public, including all non-navigable waters located on these lands." A change to this regulation was not considered as an alternative which would improve subsistence opportunities. Public access over most of the training lands (including hunting and fishing) is currently allowed with a free permit. Hunting and fishing under the same conditions, could potentially be allowed under Federal subsistence management and regulations.

Findings

The cumulative case, as presented in this analysis, may result in a reasonably foreseeable and significant restriction of subsistence use for the communities in Game Management Unit 20D, including Dot Lake, Dry Creek, Healy Creek, and Delta Junction area communities, due to a restriction on access to subsistence resources. This is the same finding presented for Action Alternative 1.

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Toll Free: 1-800-478-1456

In reply refer to:

OSM.23059

MAY 18 2023

Douglas Vincent-Lang
Commissioner
Alaska Department of Fish and Game
P.O. Box 115526
Juneau, Alaska 99811-5526

Dear Commissioner Vincent-Lang,

I write to you on behalf of the Western Interior Alaska Subsistence Regional Advisory Council (Council). The Council is seeking feedback on the enclosed draft Dall Sheep Management Plan (DSMP) for the Central Brooks and Alaska Ranges.

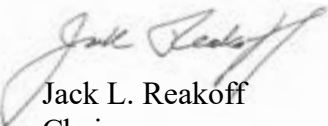
The Council represents subsistence harvesters of fish and wildlife resources on Federal public lands and waters in the Western Interior Alaska Region. The Council was established by the authority in Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and chartered under the Federal Advisory Committee Act. Section 805 of ANILCA and the Council's charter establish the Council's authority to initiate, review and evaluate proposals for regulations, policies, management plans, and other matters related to subsistence uses of fish and wildlife within the region. The Council also reviews resource management actions occurring outside their regions that may impact subsistence resources critical to communities served by the Council. The Council provides a forum for the expression of opinions and recommendations regarding any matter related to the subsistence uses of fish and wildlife within the region.

Over the last ten years, the Council has become increasingly concerned about the population decline of Dall sheep in the Central Brooks and Alaska Ranges. These declines are due to multiple climate events that have negatively impacted the sheep's ability to survive winter. The sheep population in these areas has been reduced to numbers far below the long-term carrying capacity of the habitat. The Council members that reside in the region would like to take a proactive role in ensuring the sheep population rebounds as quickly as possible. These animals are relied on for subsistence needs, and the Council wishes to address this decline so that residents can continue to rely on these animals for consumptive use. The enclosed DSMP, which was introduced and discussed at the Council's Winter 2023 meeting, is the Council's way of furthering multi-agency conversations and actions on these concerns to ultimately establish an agreed upon management plan for sheep in these areas.

Currently, the Council is in the process of soliciting comments from the Alaska Department of Fish and Game as well as affected Federal agencies, and the North Slope and Eastern Interior Regional Advisory Councils on the DSMP. The Council will revisit the DSMP, review and assess comments received, and update the plan's draft at their Fall 2023 meeting, which will take place on October 11-12, 2023 in Fairbanks. Afterwards the Council plans on presenting the DSMP to the Federal Subsistence Board for their review and decision.

The Council would like to thank you and the Alaska Department of Fish and Game in advance for reviewing and providing comments on the DSMP. Any questions or comments regarding this matter can be addressed to me or through the Council Coordinator Nissa Pilcher at (907) 891-9054 or nissa_batespilcher@fws.gov.

Sincerely,



Jack L. Reakoff
Chair

Enclosure

cc: Federal Subsistence Board
Office of Subsistence Management
Western Interior Alaska Subsistence Regional Advisory Council
North Slope Alaska Subsistence Regional Advisory Council
Eastern Interior Alaska Subsistence Regional Advisory Council
Interagency Staff Committee
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Projects Coordinator, Alaska Department of Fish and Game
Administrative Record

WIRAC Dall Sheep Management Plan Guidelines

April 2023

The Western Interior Alaska Regional Advisory Council continues to have grave concerns regarding the current Dall sheep populations within the Central Brooks and Alaska Ranges. The Council's authority to ensure healthy populations of fish and wildlife using recognized scientific principles is found in ANILCA Title VIII, sec. 805 (3) (A) through D.

Sec 805 (3) (A) is explicit regarding evaluation and recommendation concerning policies and management plans. (3) (D) (i) through (iv) requires councils to identify and make recommendations regarding management of fish and wildlife to ensure subsistence uses.

The Dall sheep populations have been reduced to numbers far below the long-term carrying capacity of the habitat. These declines are due to multiple climate events in the past decade and in some excessive harvest mortalities in popular sport hunting areas. Local Rural residents have utilized and relied on these sheep for non-wasteful consumptive use. The Customary and Traditional use determinations reflect these uses. Many local rural residents have recognized the critical declines in the sheep populations and voluntarily reduced harvest.

The State of Alaska Board of Game endeavored to develop a sheep management plan in 2014/15. The broad based user group's participants could not come to a consensus on several issues. The planning process was a failure. Without a plan to set basic parameters for Dall sheep management, the populations can be harvested beyond sustainability.

WIRAC has successfully advocated for FSB regulatory closure for all hunting of suppressed sheep populations in GMU,s 24A and 26B west of the Sagavnirktok River through 7/1/2024.

The Council is compelled to recommend management strategies regarding the biological parameters needed rebuild and maintain the Dall sheep populations and the subsistence and non-subsistence uses on Federal public lands.

Sheep Ecology

It is a recognized fact that Dall Sheep are a very social animal with minimal movements within their learned habitat. Dall sheep are to be managed within the Game Management Unit (GMU) and sub-units they reside in. These sub populations should not be expected to provide the large majority of sport harvests for the entire mountain Range encompassing multiple GMUs. GMU and sub-units with snow shadow that hold higher sheep populations should not be combined with areas with typically higher snowfalls.

Dall sheep rams and ewes are raised and learn the use areas for the various times of year, feeding, rutting, and mineral uses. Sheep rarely move over 6 to 12 linear miles throughout their lives. As sheep move with older animals than themselves, they learn predator evasion strategies. Younger sheep will run to the mature sheep to lead them out of harms way. Sheep routinely live to 10-12 years of age under normal conditions. Many lightly hunted areas routinely sustain 10-12 year old ram harvests.

Wind scouring of winter habitat is very important to all sheep. Early wet snow with rain on snow seals the ridges, not allowing wind scouring. Dall sheep are not very tall (12-20" to the belly), and have a climbing hoof not conducive to excavating a lot of snow.

Rain on snow, deep snow, and late springs that exhaust the weaker individuals of the population cause population declines. Weaker individuals that are lost first are young of the year, smaller yearlings that were late-born, and older animals over 10 to 12 years old. Most rams 2 to 10 years old survive in real hard winters. Ewes are approximately 50% smaller and have higher mortalities in deep snow than rams.

When winter-stressed ewes survive deep wet snow and/or late springs, their physiological recovery can take all summer, and fecundity is affected for the next reproductive cycle. Lambs produced by stressed ewes will typically be late born, smaller than average, with reduced winter survival rates, especially if another bad winter is encountered. Young ewe sheep that survived to adulthood after a hard winter start in life may not produce lambs until their fourth birthday.

Sheep rely on snow melt-off on steep south-facing slopes to access new growth in late April. They will move to very low elevations to get green florescence as soon as it is available. With each additional week that the melt off is delayed, overall sheep mortality increases, especially gestating ewes and yearlings. A one-month delayed melt-off in 2013 proved to be extremely detrimental to vulnerable segments of the sheep population. Most yearlings, older sheep, and lambs died; causing a greater than 50% decline in the overall sheep populations. The severely stressed ewe component again produced extremely low lamb numbers in 2014. The end-result caused three recruitment cohorts, (2012, 2013, and 2014) to be predominately missing.

Sheep move up the south-facing, melted slopes with the green up. In mid to late May through the 14th of June most sheep are on south-facing alpine slopes that have Dryas and other wildflower forbs in pre-blossom and in flower. This is the critical period when there is high protein pollen available to put into muscle recovery and lactation. Periodic rain events delay pollenating insect activity, providing longer access for sheep to this high-quality feed. The sheep move onto ridges and north-facing slopes as the wildflower forbs come into later phenology blossom. Damp, cloudy summers are a big advantage to sheep because this extends their access to high protein. Recruiting lambs will have much heavier fall weights. Conversely, rapid melt off with hot weather maximizes the insects to pollenate the forbs. When they pollinate quickly, the high-protein food source is available for a shorter period of time. Lactating ewes will have less exposure to high quality feed, affecting fall lamb weights, yearling growth rates, and the ewe's own fat reserves. Very young rams leave their natal ewe group in the summer of their second or third year, having 1/4-1/2 curl horns. Established 1/2 and 3/5 curl rams typically ostracize these young rams, as they endeavor to join ram groups. Most rams separate from ewes in summer/and fall working out their pecking orders for dominance. These young rams are inexperienced in predator detection so are at a vulnerable position before they are accepted into a ram group. Young rams all run to the oldest rams when predators are detected. Mature sheep lead the way to escape terrains they know intricately in their home range.

Management should assure that sufficient adult rams (>7 years old) are available post hunting season. Mature rams aged 7 to 12 years old have fat reserves to endure the rutting activity and combat with other rams. Heavy fat reserves translate to kinetic energy when

butting horns. Adult rams' orbital gland weeps a strong pheromone that is attractive to ewes. Adult rams will provide more synchronous first estrus with best advantage to the lamb's survival. These adult rams have a much higher winter survival rate than if only young rams are available. Young rams 3 to 6 years old have less pheromone with a disruptive effect on breeding ewes. Younger rams left as primary breeders reduce successful recruitments to the population. In the absence of older rams, younger rams will expend a tremendous amount of energy chasing ewes that are essentially rejecting them. Often, ewes will pass their first estrus without breeding when only younger rams are available. If they do breed with these younger rams, it may be during their second estrus, resulting in late-born lambs not hearty enough for the coming winter. Young rams with much lower fat reserves and body mass expend too much energy as primary breeders and die prematurely in normal winter stress.

The social presence of 7 to 12 year-old rams is very important to the overall sheep populations' survival. Mature rams defend ewes from young rams while in rut, saving young rams' fat reserves. Mature rams are larger and have more experience evading predators, helping younger rams' survival throughout the annual cycle. Mature rams' larger body mass allows them to access varied feeding areas in winter by break trails for smaller sheep on the mountain. Mature rams and ewes lead younger cohorts throughout their home ranges, to mineral sources, spring feeding sites, rutting areas, and in predator avoidance.

Dall Sheep Management Plan

Remote weather monitoring by staff

Winter weather events should be monitored by federal management agencies that have sheep and habitats. Many times there are remote sensing instruments and weather reporting stations to draw data from. There are also webcams that can be remotely accessed. Regional Advisory Councils' and State Advisory Committees' comments on local conditions such as deep snow, rain on snow, late spring, far fewer animals observed, etc. need to be taken seriously for sheep conservation and management. There should be open dialogue and sharing of findings between managers and local users.

Adverse conditions to sheep's over-winter success:

- Early winter deep snow with rain events
- Extended warm up with liquid rain that freezes crusts on snow throughout the winter.
- Late spring melt off timing

Positive conditions for sheep's successful wintering:

- Freeze up before significant snowfall
- Cold snowfall at typical levels throughout the winter
- High winds to scour the ridges
- Melt-off commencing in late April on south facing slopes

Survey timing and methodology

- Dall sheep are to be managed within the Game Management Unit (GMU) and sub-units they reside in. These subpopulations should not be expected to provide large sport harvests for the entire mountain Range encompassing

multiple GMUs. GMU and subunits with snow shadow that hold higher sheep populations should not be combined with areas with typically higher snowfalls.

- Sheep aerial and ground surveys should be conducted immediately after lambing and when sheep are aggregated on south facing slopes and ridges from June 5 to June 20. Weather is typically still in a dry air mass with good visibility. The sheep are very easily found when on green slopes gorging on flower blossoms in the sun. Federal agencies should seriously look at changing when aerial sheep surveys are conducted. Arbitrarily doing surveys in mid July has large disadvantages. Sheep have dispersed into north-facing shadowed areas, especially during hot weather, making them much harder to spot. By July, wildfire smoke can be excessive in hot summers, affecting sight-ability, or preclude if the surveys can be conducted that season. Mid-July also enters into the typical weather shift to higher precipitation with cloudy weather. Mountain obscuration is normal from Mid-July to late August during the highest precipitation of the entire year. These disadvantages add additional expensive flight time.
- The currently depressed sheep population should be surveyed using what is known as the minimum count method. Distance sampling with extrapolation has very high error rates that have not been documented when sheep populations are historic lows. At a minimum, there needs to be some minimum count units throughout the area where distance sampling is conducted. Depressed sheep population groups since 2018 are few and far between. Encountering an aggregate can overestimate sheep presence and underestimate if the group is missed in the extrapolation calculation.
- Ram groups need to have composition documentation to calculate age classes present in the overall sheep population, and success or loss of certain cohorts. This is best achieved with high definition digital video with optical zoom cameras. All ram groups should be video recorded during the survey, to make classification assessments after the survey. Classification of rams by curl should be 1/2, 5/8, 3/4, 7/8, and 4/4 full curls. It is a management imperative to know if there are adult rams entering a hunted population. Only enumerating only full curl rams that may be killed before the next breeding season is futile. The delineation of the various ram cohorts is a strong indicator of the ewe age classes. Missing cohorts from multiple years can be used to anticipate longer recovery times.
- Data interpretation should not consider recruitment values for neonatal lamb:ewe ratios. Lambs are not recruited until June of the following summer. Lambs can have high mortalities with adverse conditions. The recruitment performance is determined by overall “ewe-likes” relative to the previous surveys. The ewe-like trend shows if gains or losses of the core population are occurring. Rams survive at higher rates than the ewe-likes. Ram trends can be disparate to ewe-like. Ram:ewe ratios can markedly increase as the core ewe-like population is declining. Some managers are encouraged with higher ram:ewe ratios or lamb:ewe ratios, but this is a false understanding and interpretation of the data sets.

Carrying capacity

- There are data sets from surveys done for the last >20 years. Many of the sheep populations have shown the carrying capacity of the habitats. If areas have historically shown 1500-1800 sheep and are currently 500-600, then harvest needs to be curtailed on mature rams to maintain the breeding composition. Sheep populations with healthy breeding cohorts will return to carrying capacity if weather events permit. When suppressed populations have missing cohorts, as determined by composition data, there is a need to reduce hunter encounter rates and harvest to ensure enough mature rams are present through the impending young ram trough. Once more abundant younger ram cohorts move up to mature status, hunting opportunity can increase utilizing “full-curl/both-horns-broken” only management. Many hunters miscount annual ring annuli, mistakenly taking immature rams. Moving away from sport hunters counting annuli is an essential part of this management plan.
- There is only minor documentation of incidental hunting mortalities. The state seizures of sublegal rams at sealing of harvested rams are only the tip of the iceberg. In many areas where moose have antler restrictions, several illegal bulls are found abandoned in the field by Fish and Wildlife enforcement every year. The USFWS Atigun Gorge sheep composition data from 1986 to 2012 reflects young ram cohorts missing after $\frac{3}{4}$ curl when mature 360-degree full curl rams are unavailable. *(below)
- The State Regulation allowing hunters to estimate age of sheep annuli for 8 rings causes hunters to take $\frac{3}{4}$ curl to below full-curl rams. Most rams with horns $\frac{3}{4}$ to just under full curl that are taken are not 8 years old, illegal, and are lost for recruitment as mature rams.

Allocation of Dall sheep on Federal lands

- Priority one is to maintain healthy populations of the Dall sheep resource, using best science. If the recourse needs harvest reduction, this needs to happen once the population data is available. When survey data is unavailable or incomplete for a struggling sheep population, management should default to restrictive management. A lack of data should never lead to overharvest.
- Healthy populations of Dall sheep at carrying capacity will support subsistence harvests annually. This is a priority use, typically nominal when rams only are taken. Some subsistence ewe harvest when sheep populations are at or above carrying capacity is sustainable, especially in remote or limited eligibility areas like Park units.
- Road accessible areas like the Dalton Highway area in GMU 24A, and 26B have high impact use by non-federally qualified resident and commercial hunters, typically 10-20 miles from the road. Sheep move perpendicular to the road in mountainous habitats. Sheep ram populations within the 20-mile zone move in and out of the Dalton Highway Corridor management area. The ram populations are subjected to multiple encounter rates by walk in, aircraft, and boat hunters. The complete lack of any mature rams >7 years old within the Dalton Highway corridor management area's 5-mile-zone attests to the full extirpation by these user groups, primarily with firearms outside of the Archery area.
- Commercial allocations within the high road impact zone 20 miles should be calculated for a small percent of available legal rams. This would maintain subsistence allocation and for the high resident non-federally qualified hunter

participation. Management on Federal public lands should never allocate all available legal rams to commercial permitted guides, as has been happening until recently. Guided hunter success rates are very high.

- Federal management is charged with maintaining healthy populations of fish and wildlife using recognized scientific principles on Federal public lands. When sheep populations show declines with missing cohorts and the need to protect mature rams, it is incumbent to inform the Regional Advisory Council to anticipate needed restrictions. The State should be informed of the same need for conservation. Ideally both Federal and State Boards will support conservation until the sheep populations are well on the way to achieving carrying capacity.

The Alaska Range GMU 19 B and C have had large declines in Dall sheep populations also. The Council is very concerned about the Dall sheep recovery in these units also. The recent Board of Game action to eliminate non-resident harvest will help reduce the most successful segment of the hunting public. There will still be a lot of resident hunters that will continue to affect the recovery of the sheep population. The western Interior Council represents rural residents who have used sheep in GMU 19.

* The data below was provided by USFWS Dall Sheep Composition work done by ground survey annually from 1986 to 2012 in the Atigun Gorge in the Arctic NWR. This area starts near the road extending east. Hunting was closed until 1982, the haul road was open to permitted commercial use only through 1992. Commercial guides were permitted, and many resident hunters gained access with false commercial mining claims. By 1986 hunting pressure was extensive in the Atigun valley where this survey work was done. Most sheep hunters walk out of the archery corridor 5 miles to use firearms. Unfortunately this data did not continue into the brutal declines of 2013 to 2020. The ram composition average, on the bottom line graphically shows that rams below 3/4 curl have low mortality rates. Approximately 60% of 7/8 curl sub-legal rams are miss aged by hunters in the long-term average. Few mature rams are left.

Sheet1		Age comp		Yr_L ratio		L_E ratio													
Dates	Year*	Even	Od	Ylgs	2Yr	1/4 out	3/8 out	1/2 out	5/8 out	3/4 out	7/8 out	1/1 out	Link	Total	Ann Growth	% change			
6 June	1986	79	42	62	24	0	18	9	0	10	0	1	0	254					
15 June	1987	93	47	20	17	7	13	10	10	12	7	0	0	236	0.93	-7			
14 June	1988	138	80	54	29	0	11	13	15	10	6	3	16	375	1.59	59			
19 June	1989	145	40	50	36	16	15	16	21	12	7	0	0	364	0.97	-3			
11-13 June	1990	112	69	19	21	13	8	15	8	13	5	0	0	283	0.78	-22			
11-17 June	1991	193	122	82	21	22	10	16	3	18	4	2	22	515	1.82	62			
14-15 June	1992	171	39	81	35	22	7	15	0	10	2	0	0	382	0.74	-26			
10 June	1993	127	24	21	35	23	5	10	12	14	5	1	0	277	0.73	-27			
5 June	1994	169	89	25	13	18	10	12	9	13	3	5	0	366	1.32	32			
11 June	1995	165	26	41	18	23	5	10	8	8	4	5	0	307	0.84	-16			
6-7 June	1996	90	49	16	8	7	4	4	2	2	0	0	2	184	0.60	-40			
14-16 June	1997	51	16	27	13	13	8	3	5	7	4	0	0	147	0.80	-20			
11-12 June	1998	90	70	42	0	7	4	9	3	2	0	0	2	238	1.62	62			
10-12 June	1999	83	40	29	22	9	8	6	2	4	3	0	8	229	0.92	-8			
14-16 June	2001	95	44	16	22	12	5	6	1	5	2	0	0	208	0.97	-3			
7-9 June	2003	161	88	52	43	20	10	10	3	8	3	1	10	389	1.37	37			
6-8 June	2004	138	34	29	26	17	15	10	6	8	1	3	3	286	0.74	-26			
6-8 June	2005	148	80	19	21	22	20	18	6	10	5	2	3	355	1.54	24			
8-10 June	2006	123	55	29	20	2	6	13	7	10	4	4	17	290	0.82	-18			
11-12 June	2007	44	19	12	14	4	5	4	4	3	1	1	9	120	0.61	-59			
7-9 June	2008	90	46	16	20	10	4	9	6	4	3	1	13	228	1.90	90			
7-8 June	2011	71	38	14	5	8	6	7	6	2	2	0	3	162	0.89	-11			
7-8 June	2012	63	39	18	11	6	1	10	8	9	3	1	1	170	1.05	5			
2014																			
Average =		116	51	34	23	12	8	10	7	8	3	1	5	276					
Ram Composition, Alquis Pass, 1986-2014																			

Eastern Interior Alaska Subsistence Regional Advisory Council

c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199
Phone: (907) 786-3888, Fax: (907) 786-3898
Toll-Free: 1-800-478-1456

In Reply Refer To:
RAC/EI.23028.BM

MAR 15 2023

Sarah Creachbaum, Regional Director
National Park Service
Alaska Regional Office
240 West 5th Avenue
Anchorage, AK 99501

Dear Ms. Creachbaum,

I write to you on behalf of the Eastern Interior Alaska Subsistence Regional Advisory Council (Council) to provide the Council's comments on the Proposed Rule regarding Hunting and Trapping in National Preserves in Alaska (RIN 1024-AE70).

The Council represents subsistence harvesters of fish and wildlife resources on Federal public lands and waters in the Eastern Interior Region. It was established by the authority in Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and is chartered under the Federal Advisory Committee Act. Section 805 of ANILCA and the Council's charter establishes the Council's authority to initiate, review and evaluate proposals for regulations, policies, management plans, and other matters related to subsistence uses of fish and wildlife within the region. The Council also reviews resource management actions occurring outside their regions that may impact subsistence resources critical to communities served by the Council. The Council provides a forum for the expression of opinions and recommendations regarding any matter related to the subsistence uses of fish and wildlife within the region.

The Council held a public meeting on March 1-2, 2023 in Fairbanks. Among the items discussed was the National Park Service (NPS) Proposed Rule. During the discussion, Council members had a variety of comments regarding the Proposed Rule and voted to include all comments in this letter due to variations in viewpoints from different parts of the region that the Council represents. Comments shared by one or more Council members during the meeting are summarized below:

- Most Council members agreed that there should not be a blanket rule applied across all NPS units in Alaska. Differences exist among each National Park and Preserve unit in Alaska, including wildlife populations, human populations, ease of access, and harvest pressure. These conditions even differ among the three National Preserves located in the

Eastern Interior Region (Denali, Yukon-Charley Rivers, and Wrangell-St. Elias).

Separate rules should be developed that are appropriate for each Preserve, and Superintendents should have the delegated authority to make decisions on hunting and trapping based on localized conditions and harvest practices.

- Bear baiting is a subsistence practice in some parts of the Eastern Interior Region but not in others.
- Two Council members expressed that unmarked bear baiting stations are creating safety concerns in or near Denali National Preserve. It is illegal to not mark a baiting station, and violators need to be held accountable. The opportunity to legally bait bears under sport hunting regulations in Denali National Preserve has resulted in an influx of hunters from other areas of the state and, therefore, increased competition for black bears between local subsistence hunters and non-local sport hunters. Furthermore, these Council members did not consider bear baiting to be a traditional practice that should be allowed in the Preserve.
- The requirement for bait stations to be a certain distance from roads, trails, and buildings and to be marked are ample measures to prevent user conflicts and provide for public safety in other less populated parts of the Eastern Interior Region, such as near Wrangell-St. Elias and Yukon-Charley Rivers National Preserves. Bear baiting has not caused a decline in bear numbers in these parts of the Eastern Interior Region. Instead, subsistence users consider bear baiting beneficial because it helps to sustain moose and caribou populations. Five Council members from these parts of the Eastern Interior Region were not aware of any user conflicts or public safety issues associated with bear baiting under sport hunting regulations.
- The NPS Proposed Rule came top-down from Washington, D.C, which is not an appropriate process for enacting regulations on public lands in Alaska. The rule was not proposed by Alaskans, who are aware of traditional subsistence activities and on the ground situations regarding subsistence resources. NPS should be required to follow the Federal Subsistence Board regulatory process and put in wildlife proposals to change hunting and trapping regulations just like everyone else. This would allow the proposed changes to be more objectively analyzed by staff outside of NPS, utilize a more involved public process, and allow all affected Regional Advisory Councils to make recommendations.
- One Council member commented that the NPS Proposed Rule goes against the Alaska Constitution and ANILCA.
- The Proposed Rule will increase concerns for safety and user conflicts along rivers and streams because under State regulations, bait stations can be placed on beaches and gravel bars below the mean high-water mark. Prohibiting bear baiting on NPS managed land will result in an increase in bait stations on adjacent State managed lands including those below the mean high-water mark. Therefore, people traveling or recreating within these river corridors will encounter bears more frequently.
- Food security is a huge issue in Alaska, and the NPS Proposed Rule would reduce hunting opportunity and access to wild game meat. With dismal salmon runs on the Yukon River and reduced populations of moose and caribou in recent years, residents in some parts of the Eastern Interior Region have been relying on bear meat as their primary source of protein.
- Regulations and permitting processes can be adapted in an area-specific manner where

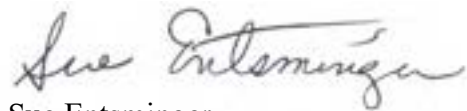
known issues or conflicts are occurring. Additionally, increased outreach can be completed to improve safety and compliance with regulations where it is an issue.

- NPS should give deference to Alaskans, especially to federally qualified subsistence users, when reviewing the comments on the Proposed Rule.
- The definition of trapping should include the use of firearms, which are necessary to use at times during trapping, such as when an animal escapes a trap or becomes aggressive.

In addition to the comments above that were provided orally during the Council meeting, the Council also requests that the NPS consider the written comments provided by the Wrangell-St. Elias and Denali National Park Subsistence Resource Commissions and the personal written comments provided by the Council Chair (enclosed).

The Council thanks you for the opportunity to comment on this Proposed Rule. If you have any questions or would like to follow up, please contact me through our Subsistence Council Coordinator Brooke McDavid at (907) 891-9181 or brooke_mcdavid@fws.gov.

Sincerely,



Sue Entsminger
Chair, Regional Advisory Council
Eastern Interior Region

Enclosures

cc: Federal Subsistence Board
Eastern Interior Alaska Subsistence Regional Advisory Council Members
Office of Subsistence Management
Interagency Staff Committee
Administrative Record

**Wrangell-St. Elias National Park Subsistence Resource Commission
Comments on Proposed Changes to National Park Service Regulations for
Hunting and Trapping in National Preserves in Alaska
Published in the Federal Register on January 9, 2023 (RIN 1024-AE70)**

General Comments:

We disagree with the assertion that these proposed changes will not impact subsistence. They would affect subsistence users. For some species, there is no federal season, such that if a local subsistence user wants to hunt or trap, he or she must do so under state regulations. Additionally, non-rural relatives of a local subsistence user would not be able to come out to assist the local resident with traditional subsistence harvest activities in the National Preserve. Subsistence users also benefit from the harvest of predators by people hunting under state regulations. There are too few subsistence hunters to make a difference in the taking of the predator species. Prohibiting bear baiting under state regulations would also negatively impact subsistence users because it eliminates an economic opportunity for local rural residents. Guiding sport hunters, including at bait stations, is a way that rural residents can support themselves and still live where they grew up.

As citizen volunteers, commenting on these proposed regulation changes is burdensome. The proposed regulations should specifically provide information about how the proposed National Park Service (NPS) regulation changes relate to existing state and federal regulations. It is a large burden for reviewers to look this information up.

NPS-qualified subsistence users also hunt and trap on state lands under state regulations, as do others. Regulations that are consistent across the landscape, across different jurisdictions, are easier for users to understand and follow. When different rules apply to people hunting and trapping under state regulations on NPS lands, there is the potential to result in confusion. The NPS has an obligation to make things easy and understandable for hunters and trappers. For example, there should be clear information about whether state and federal regulations are the same or different.

Each National Preserve in Alaska is different. Instead of applying the same regulations statewide, there should be different regulations tailored to each Preserve made through the Board of Game process.

§13.1 Definitions:

We recommend a modification to the definition of “trapping” as follows (recommended addition is bolded and underlined): “*Trapping* means taking furbearers with a trap **or with a firearm** under a trapping license.” This would clarify that firearms could be used, for example, to take a furbearer that has broken away after having been caught in a trap or snare.

§13.42 Taking of wildlife in national preserves:

Regarding proposed paragraph (f), which would prohibit predator control or predator reduction activities: We recommend not adopting this provision. Restrictions on predator control are a Lower-48 policy that is unnecessary in Alaska. Alaska is different from the Lower-48 states. Upon statehood, the State of Alaska was given management authority over wildlife. Sound game management requires harvesting all species in the ecosystem. Wolves, coyotes and bears take moose and caribou calves, which reduces the number of moose and caribou that are available for harvest. Some species need to be controlled through harvest in order to maintain a balance.

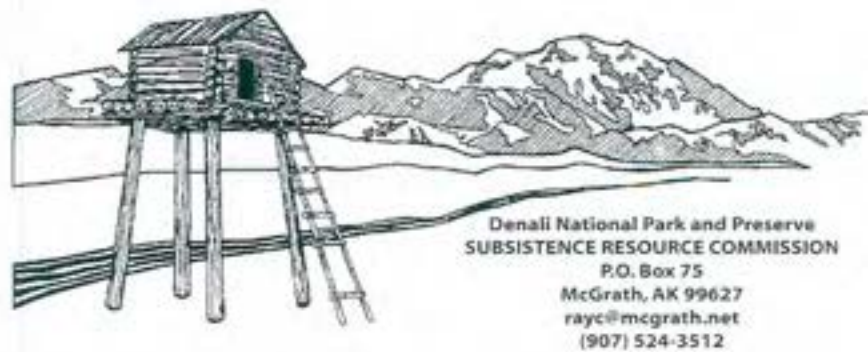
Regarding paragraph (k) and the associated table: We recommend not adopting these provisions for the following reasons.

- Many of the prohibitions in this table also appear in state regulations. If a prohibition exists in state regulations, there is no need to repeat it in NPS regulations.
- Any exceptions to the prohibitions allowed in state regulations should continue to apply. They often provide customary and traditional harvest opportunities that were requested by Alaskan residents, both Native and non-Native, and that may not exist under federal subsistence regulations.
- Finally, to the extent that the prohibitions listed in the table do not exist in state regulations, we question the need for them, as described below. Upon statehood, the State of Alaska was given management authority over wildlife, and the state regulations should stand.

Regarding bear baiting: Bear baiting is allowed under state regulations and should be allowed in National Preserves. We disagree with the justification presented in the Proposed Rule for prohibiting baiting based on public safety concerns. One of the SRC member has been baiting for 10 years. Baiting bears only takes place in the spring, before the tourists arrive, and is done away from people. There are already provisions in regulations restricting baiting close to trails, roads and houses. Bears are more habituated to wild game from a kill than they are to bait stations. At bait stations, they just eat and leave. Grizzly bears are extremely wary of people. They will spook when they smell a human – they not only leave the bait station, but they don't come back. Also, bait stations are only up for a couple of months. When food source is gone, the bears don't come back. If there is a problem area, it could be addressed through a proposal to the Board of Game for an area-specific closure.

Rather than increasing public safety concerns, bear baiting is a mitigation measure that increases safety by reducing the number of bears. Baiting also benefits subsistence by reducing the number of bears that prey on other species including moose and caribou.

Concerning the seasons for wolves and coyotes (bullet #12 in the table): Fur sewers in our area attest to the fact that the fur of wolves harvested in May is attractive and very usable for handicrafts and garments. Coyotes are not native and have moved into Alaska. Harvesting them in the summer is not a problem.



October 15, 2012

Dear Acting Denali Superintendent,

The Denali National Park Subsistence Resource Commission (SRC) met at Denali National Park and Preserve headquarters on August 28, 2012. During this meeting the SRC received a briefing from park staff about NPS' concerns regarding authorizing bear baiting on NPS lands.

The SRC supports the National Park's proposed compendium entry that would restrict the baiting of bears in the preserve. While not wanting to see further regulations, the Denali SRC finds this activity incompatible with subsistence practices and therefore should be restricted. The SRC knows of no subsistence users ever having engaged in bear baiting in the park or preserve.

Although sport hunting is authorized under ANILCA, generally natural and healthy populations take precedent over subsistence, and subsistence activities takes precedent over sport hunting. Bear baiting on park and preserve lands is a new practice. The SRC is opposed to the feeding of bears because this is not a traditional activity. Additionally, the SRC is concerned that subsistence users and others could unknowingly stumble upon a bait station; thus compromise their safety.

In closing, the SRC supports the Park's action to exclude NPS lands from state bear baiting rules. Thank you for the opportunity to share our comments with you. We appreciate your consideration of Denali's SRC input on this important issue.

Sincerely,

/s/ Ray Collins

Ray Collins, Chair

cc: Sue Masica, Alaska Regional Director, NPS
Eastern Interior Regional Advisory Council
Western Interior Regional Advisory Council

Sue Entsminger Comments on NPS Proposed Rule

There are a few things that bother me about the Proposed New Rule and how NPS has presented it. I do not believe it was true when they have said that nothing in the proposed rule would affect subsistence uses. For one, is the point we discussed on changing the definition of "trapping". NPS Regional Staff presentations at fall meetings of EI RAC's, and WRST SRC. I do not remember them once mention any change to the definition of trapping. The Register Notice of the rule does not provide any substantial background or sound reasoning for the change, other than to say that in the 2015 Rule "inadvertently omitted the reference of traps." Trapping is most commonly thought of as harvesting furbearers, not necessarily using a "trap". It makes more sense to keep the Part 13 Alaska NPS regs in line with definitions found in Part 50 for Subsistence uses in General Domain Lands of Alaska. Since details of background and reasoning were not adequately spelled out in the Notice, it may be a violation of the rule making process and people may not even know this would be something to comment on.

Another part would be in 13.42 (f) that is directed at what they perceive to be predator control. It seems that this is where they would not allow the extended seasons on some species, likely for both subsistence and non-subsistence users. From last week's SRC meeting, it was a good point that coyotes are not technically "native" to the area, as it is roughly the last century when they were found to document Alaska. It seems likely this was connected to development of roads and human settlement. NPS mentions concern of harvest during the denning season, but then has extensive programs and efforts to eradicate non-native plants that are spreading in the State. I commented on useful quality of fur from the offseason as a good point that fur is still usable as it is shorter and not as long making it very nice for mittens, hats, & trim for slippers and gloves.

The WRST SRC comments addressed my concerns for the connection to providing a limited source of income for bear baiting to assist with maintaining a subsistence lifestyle. And Clint Marshall comments that bear baiting and harvest may actually reduce risks of bears to local residents for their public safety concern.

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Eastern Interior Alaska Subsistence Regional Advisory Council

c/o Office of Subsistence Management
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199
Phone: (907) 786-3888, Fax: (907) 786-3898
Toll-Free: 1-800-478-1456

In Reply Refer To:
RAC/EI.23034.BM

APR 24 2023

Anthony Christianson, Chair
Federal Subsistence Board
1011 East Tudor Road, MS 121
Anchorage, Alaska 99503-6199

Dear Mr. Christianson,

I write to you on behalf of the Eastern Interior Alaska Subsistence Regional Advisory Council (Council) to recommend that the Federal Subsistence Board support the wood bison reintroduction planning efforts in the Eastern Interior Region.

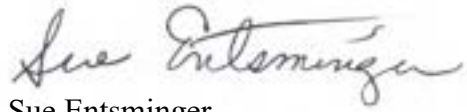
The Council held a public meeting on March 1-2, 2023, in Fairbanks. Among the items discussed were the on-going planning efforts for wood bison reintroduction in our region, which are being led by the Alaska Department of Fish and Game (ADF&G). Our Council was presented information that wood bison were historically present in our region but went extinct in the early 1900s due to overharvest and other factors. Their reintroduction would not cause negative impacts to other species that rural residents rely on for subsistence, such as moose and caribou, because they occupy different habitat niches. Additionally, wood bison may have positive contributions to the ecosystem.

Although there is much planning that needs to happen to determine the most suitable locations for reintroduction and how future harvest opportunity would be allocated among users, the reintroduction of wood bison could result in additional hunting opportunity for subsistence users and more food in our freezers. Given on-going concerns for food security, the Council would like to see reintroduction planning efforts continue.

Our Council recommends that the Board support the wood bison reintroduction planning efforts with the caveat that ADF&G continue to work closely with communities, Tribes, Federal agencies, and other landowners in the Eastern Interior Region to collaboratively develop plans for reintroduction and management.

The Council thanks you for your consideration of this matter. If you have any questions or would like to follow up, please contact me through our Subsistence Council Coordinator, Brooke McDavid, at (907) 891-9181 or brooke_mcdavid@fws.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sue Entsminger". The signature is fluid and cursive, with the first name "Sue" written in a larger, more prominent script than the last name "Entsminger".

Sue Entsminger
Chair, Regional Advisory Council
Eastern Interior Region

cc: Federal Subsistence Board
Eastern Interior Alaska Subsistence Regional Advisory Council Members
Office of Subsistence Management
Interagency Staff Committee
Benjamin Mulligan, Deputy Commissioner, Alaska Department of Fish and Game
Mark Burch, Special Projects Coordinator, Alaska Department of Fish and Game
Administrative Record



U.S. Fish and Wildlife Service
Bureau of Land Management
National Park Service
Bureau of Indian Affairs

Federal Subsistence Board News Release



Forest Service

For Immediate Release:
May 25, 2023

Contact: Holly Carroll
(907) 351-3029
holly_carroll@fws.gov

2023 Federal Subsistence fishery management strategy for the Yukon Area

The Office of Subsistence Management (OSM) received special action request FSA23-02 asking the Federal Subsistence Board (Board) to close Federal public waters of the Yukon River drainage to the harvest of Chinook, Chum and Coho salmon except by federally qualified subsistence users from June 1 through September 30, 2023, and to require that Federal subsistence fishing schedules, openings, closures and methods be determined by the Federal Fisheries Manager. This request falls within the scope of authority of the Federal manager, Holly Carroll and has been transferred to her by the Board.

After considering the request; the testimony at a public hearing; discussions at Tribal Consultations; public discussion at the preseason fishermen meeting; and after coordination with staff from OSM and the management team from the Alaska Department of Fish and Game (ADF&G), the Federal management strategy will be as follows:

- The 2023 run assessment, outlook and anticipated management strategies created jointly by U.S. Fish and Wildlife Service (USFWS) and ADF&G project poor returns for Chinook, summer and fall Chum salmon. Therefore, salmon fishing closures for these species are needed throughout the Yukon River Area to meet escapement goals. **Closures will begin next week** in the Coastal District and lower river and will be announced in upriver districts based on salmon migration timing, and/or assessment data.
- The numbers projected for Chinook and summer Chum are so poor that no salmon openings for federally qualified subsistence users are justified at this time.
- Salmon fishing closures will be announced starting with the Coastal District and the lower river by advisory announcements jointly written by the USFWS and ADF&G management team and distributed widely by email, Facebook, and fax as in previous seasons.
- While salmon fishing is closed, only non-salmon fishing opportunity will be allowed, and all gillnets will be limited to 4-inch or smaller mesh and 60 feet or less in length. There is not a conservation concern for non-salmon species, so fishing opportunities for non-salmon are not limited to federally qualified subsistence users.
- USFWS and ADF&G will review assessment data to determine if harvestable surplus becomes available inseason. **If subsistence salmon fishing opportunities are offered, the Federal manager will issue special actions to close Federal public waters to the harvest**

of salmon except by federally qualified subsistence users in order to provide a rural preference for federally qualified subsistence users and to continue subsistence uses of salmon in the Yukon Area. These special actions will be issued by the USFWS, separately from the ADF&G advisory announcements, and will include maps showing Federal public waters by district.

This management strategy is necessary because the 2023 Yukon River Chinook and summer Chum salmon runs are forecasted to be poor with little to no harvestable surplus available for subsistence uses. Actions implemented under this strategy will be based on the provisions of Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) and delegation of authority letter from the Federal Subsistence Board. ANILCA allows for the closure to nonsubsistence uses “to assure the continued viability of a particular fish or wildlife population.”

For additional information concerning Yukon River Federal Special Actions contact Yukon River Federal Manager, Holly Carroll, at (907) 351-3029.

For information concerning State management actions, contact Yukon River Summer Season Manager, Deena Jallen, in Fairbanks at (907) 459-7274 or in Emmonak at (907) 949-1320.

Information about the Federal Subsistence Management Program may be found on the web at www.doi.gov/subsistence or by visiting www.facebook.com/subsistencealaska. Fishery special actions are posted here: [Fisheries Special Actions | U.S. Department of the Interior \(doi.gov\)](https://www.doi.gov/subsistence/fisheries-special-actions) (<https://www.doi.gov/subsistence/fisheries-special-actions>)

Missing out on the latest Federal subsistence issues? If you’d like to receive emails and notifications on the Federal Subsistence Management Program you may subscribe for regular updates by emailing fws-fsb-subsistence-request@lists.fws.gov.



U.S. Fish and Wildlife Service
Bureau of Land Management
National Park Service
Bureau of Indian Affairs

For Immediate Release:
June 12, 2023

Federal Subsistence Board News Release



Forest Service

Contact: Scott Ayers
(907) 744-3824 or (800) 478-1456
scott_ayers@fws.gov

Federal Subsistence Board Approves Administrative Action to Enact the Customary and Traditional Use Determinations for Coastal Yukon Communities Recognized in FP23-02

The Federal Subsistence Board (Board) approved Emergency Special Action FSA23-03 to temporarily enact the customary and traditional use determinations recognized in proposal FP23-02.

This special action request, which was submitted by the Office of Subsistence Management, asked the Board to temporarily enact the customary and traditional use determinations made by the Board during the Fisheries Regulatory Meeting in February 2023 prior to the publication of the final rule in the Federal Register. The action allows the communities of Scammon Bay, Hooper Bay, and Chevak to harvest salmon in the Yukon River drainage if a harvestable surplus is available and opportunity is provided by the Federal Manager.

This action by the Board is administrative in nature and is in accordance with their recent vote on proposal FP23-02. This action takes effect starting June 20, 2023, which is the approximate mid-point of the summer Chum Salmon run in the lower Yukon River and will expire after 60 days or upon publication of the final rule in the Federal Register, whichever is sooner.

Additional information on the Federal Subsistence Management Program may be found on the web at www.doi.gov/subsistence or by visiting www.facebook.com/subsistencealaska.

Missing out on the latest Federal subsistence issues? If you'd like to receive emails and notifications on the Federal Subsistence Management Program, you may subscribe for regular updates by emailing fws-fsb-subsistence-request@lists.fws.gov.

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Federal Subsistence Board News Release



U.S. Fish and Wildlife Service
Bureau of Land Management
National Park Service
Bureau of Indian Affairs

Forest Service

For Immediate Release:
July 26, 2023

Contact: Robbin La Vine
(907) 206-0900 or (800) 478-1456
robbin_lavine@fws.gov

Federal Subsistence Board Closes Fall Caribou Season in Unit 13

The Federal Subsistence Board (Board) approved WSA23-01/03 to close the Federal caribou season in Unit 13 from August 1–September 30, 2023.

Emergency Wildlife Special Actions WSA23-01, submitted by the Alaska Department of Fish and Game (ADF&G), and WSA23-03, submitted by the Bureau of Land Management and the Ahtna Intertribal Resources Commission, request that the fall caribou season in Unit 13 be closed due to a dramatic decline in the Nelchina caribou herd population.

The Board approved WSA23-01/03 recognizing that conservation concerns warrant a closure to all users for the fall 2023 season. The most recent population information shows the Nelchina Caribou Herd in serious decline. The fall 2022 estimate was 17,433 animals, a reduction in 50% from the fall 2021 estimate and well below the State management objective of 35,000–40,000 caribou. Additionally, composition metrics for the herd are concerning, with a calf:cow ratio of 16:100 and a bull:cow ratio of 26:100, both of which are well below the management objective of 40:100 for each. ADF&G has closed all State caribou seasons throughout Unit 13, and it is prudent that Federal lands be closed in unison to protect the viability of the herd. Such a closure is consistent with ANILCA Section 816(b) and is needed for conservation of the Nelchina Caribou Herd and to provide for the continuation of subsistence uses of the caribou resource in the long-term.

Additional information on the Federal Subsistence Management Program may be found on the web at www.doi.gov/subsistence or by visiting www.facebook.com/subsistencealaska.

Missing out on the latest Federal subsistence issues? If you'd like to receive emails and notifications on the Federal Subsistence Management Program you may subscribe for regular updates by emailing fws-fsb-subsistence-request@lists.fws.gov.

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Federal Subsistence Board News Release



U.S. Fish and Wildlife Service
Bureau of Land Management
National Park Service
Bureau of Indian Affairs

Forest Service

For Immediate Release:
August 4, 2023

Contact: Robbin La Vine
(907) 206-0900 or (800) 478-1456
robbin_lavine@fws.gov

Federal Subsistence Board Closes Fall 2023 Sheep Season in Yukon-Charlie Rivers National Preserve

The Federal Subsistence Board (Board) approved WSA23-05 to close the sheep season to all users in Yukon-Charley Rivers National Preserve (YUCH) within Units 20E and 25C from August 10 – September 20, 2023.

Emergency Wildlife Special Action WSA23-05 was submitted by the National Park Service requesting the sheep season in Yukon-Charley Rivers National Preserve be closed for fall 2023 to assure the continued viability of the sheep within YUCH. The Board approved WSA23-05 recognizing a conservation concern due to a dramatic decline in the number of observed sheep within YUCH south of the Yukon River.

The most recent minimum count survey data from NPS shows the sheep abundance within YUCH is in serious decline. The July 2023 count was 72 total animals detected, a decrease of 67% since the last survey in 2018 and a 77% decrease from the long-term average. The minimum count survey observed only two legal rams across all survey areas. Unit 25B is not included in this closure as sheep abundance in the Ogilvie Mountains survey area has declined by only 28% since the 2018 survey. The closure only affects NPS managed lands in Units 20E and 25C. Excluding NPS-managed lands in Unit 25B from the closure will provide some subsistence opportunity while also allowing for State harvest. This closure within YUCH in Units 20E and 25C is consistent with ANILCA Section 816(b) and is needed for conservation of sheep within YUCH and to provide for the continuation of subsistence uses of the sheep resource in the long-term.

Additional information on the Federal Subsistence Management Program may be found on the web at www.doi.gov/subsistence or by visiting www.facebook.com/subsistencealaska.

Missing out on the latest Federal subsistence issues? If you'd like to receive emails and notifications on the Federal Subsistence Management Program you may subscribe for regular updates by emailing fws-fsb-subsistence-request@lists.fws.gov.

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Mr. Anthony Christianson
Federal Subsistence Board, Chair
1011 East Tudor Road
Anchorage, Ak 99503

Chair Christianson:

As you are aware the Alaska Department of Fish and Game (department) recently issued an Emergency Order with accompanying Advisory Announcement (attached) closing all Nelchina caribou hunts under state regulations in Game Management Unit (GMU) 13. This letter is a request that the Federal Subsistence Board close all Nelchina caribou hunts on federally managed land in GMU 13 for conservation purposes. Such closure is authorized by Section 816(b) of ANILCA “to assure the continued viability” of the Nelchina caribou herd, following consultation with the department. We request an immediate closure for sixty days under an emergency special action, followed by a longer-term closure under a temporary special action for the entire 2023-2024 season.

In the fall of 2022, the Nelchina caribou herd was estimated at 17,433 animals with a bull:100 cow ratio of 26 (objective 40:100) and a calf:100 cow ratio of 16 (objective 40:100). The herd experienced severe winter conditions (i.e., deep snow, early and persistent snow, high precipitation) in the winters of 2021/22 and 2022/23, followed by late spring, coinciding with late migration and a late calving period. Overwinter mortality of adults and calves was high, resulting in a reduction in overall population numbers and low recruitment of the 2021 and 2022 calf cohort into the population; 87% of the collared 2022 calf cohort died prior to spring. Productivity and recruitment for 2021–2023 has not been sufficient to grow the herd with the unusually high levels of mortality that have been observed. Additional caribou abundance surveys will be conducted in July 2023 but at this time there is no harvestable surplus.

There is public support for closing all Nelchina caribou hunts. In February, Ahtna Incorporated requested a closure of all Nelchina caribou hunting until the herd recovers to within the State’s population objectives. In addition, we have consulted with Ahtna Inter-Tribal Resource Commission and understand they intend to make a similar request to close any federal hunt to allow the herd to recover to a sustainable level. Because of the action taken by the department,

permittees of Tier I and Community Subsistence caribou hunts will be released from the permit condition limiting their caribou hunting to GMU 13.

Thank you for your time and consideration of this request. If you or your staff have any questions, please contact Ryan Scott at (907) 465-4191 or email ryan.scott@alaska.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Lang", is positioned above the printed name.

Doug Vincent-Lang
Commissioner

Cc: George Pappas- State Subsistence Liaison, Office of Subsistence Management, US
Department of the interior
Ben Mulligan- Deputy Commissioner, Department of Fish and Game, State of Alaska
Mark Burch- Wildlife Biologist, Division of Wildlife Conservation, Department of Fish
and Game, State of Alaska



THE STATE
of **ALASKA**
GOVERNOR MIKE DUFF LEAVY

Alaska Board of Game

1255 West 8th Street
P.O. Box 115526
Juneau, Alaska 99811-5526
Main: 907.465.4110
Fax: 907.465.6094

July 25, 2023

Mr. Anthony Christianson, Chair
Federal Subsistence Board
1011 East Tudor Road
Anchorage, Ak 99503

Dear Chair Christianson:

The Alaska Board of Game is fully aware that the Alaska Department of Fish and Game (department) recently issued an Emergency Order closing all Nelchina caribou hunts under state regulations in Game Management Unit (GMU) 13.

This letter is a request that the Federal Subsistence Board (FSB) close all Nelchina caribou hunts on federally managed land in GMUs 11, 12, and 13 for conservation purposes and to assure the continued viability of the herd. The most recent survey indicates there is no harvestable surplus of Nelchina caribou at this time. Any harvest of Nelchina caribou will negatively affect the future health of the herd and delay any potential growth and resumption of subsistence use opportunity. ANILCA Title VIII Sec. 801(3), 802(1)(3), 804, 815(1), and 816(b) all direct the Secretaries to close harvest opportunities when necessary to "assure the continued viability" of resources for continued subsistence uses.

The State of Alaska has taken the necessary step to curtail harvest from the core Nelchina Herd consistent ". . . with recognized scientific principles. . ." It is only reasonable that the federal system cooperates as per Sec. 802(3) with the State management agencies. Chair Christianson and members of the FSB, this an opportunity for both boards to work cooperatively as mandated in ANILCA Sec. 802 (3) to ensure the sustainable and continued viability of the Nelchina caribou herd for future uses.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jerry Burnett".

Jerry Burnett, Chair
Alaska Board of Game

cc: Doug Vincent-Lang, Commissioner, Alaska Department of Fish and Game
Ryan Scott, Deputy Director, Div. of Wildlife Conservation, Alaska Department of Fish and Game
Sue Detwiler, Asst. Regional Director, Office of Subsistence Management, US Department of the Interior
George Pappas, State Subsistence Liaison, Office of Subsistence Management, US Department of the Interior

Presentation Procedure for Proposals and Closure Reviews

1. Introduction and Presentation of Draft Staff Analysis

2. Report on Board Consultations:

- a. Tribes
- b. ANCSA Corporations

3. Agency Comments:

- a. ADF&G
- b. Federal
- c. Tribal

4. Advisory Group Comments:

- a. Other Regional Advisory Council(s)
- b. Fish and Game Advisory Committees
- c. Subsistence Resource Commissions

5. Summary of Written Public Comments

6. Public Testimony

7. Regional Council Recommendation (motion to support)

8. Discussion/Justification

- Is the recommendation consistent with established fish or wildlife management principles?
- Is the recommendation supported by substantial evidence such as biological and traditional ecological knowledge?
- Will the recommendation be beneficial or detrimental to subsistence needs and uses?
- If a closure is involved, is closure necessary for conservation of healthy fish or wildlife populations, or is closure necessary to ensure continued subsistence uses?
- Discuss what other relevant factors are mentioned in OSM Draft Staff Analysis

9. Restate final motion for the record

10. Council's Vote

WP24-32 Executive Summary	
General Description	Wildlife Proposal WP24-32 requests extending the Federal marten trapping season in Units 12, 19, 20, 21, 24, and 25 from Nov. 1–Feb. 28 to Nov. 1–Mar. 15. <i>Submitted by: Eastern Interior Alaska Subsistence Regional Advisory Council.</i>
Proposed Regulation	<p>Unit 12, 19, 20, 21, 24, 25–Marten</p> <p><i>Marten: No limit</i></p> <p><i>Nov. 1–Feb. 28–Mar. 15</i></p>
OSM Preliminary Conclusion	Support Proposal WP24-32.
Western Interior Alaska Subsistence Regional Advisory Council Recommendation	
Eastern Interior Alaska Subsistence Regional Advisory Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	None

DRAFT STAFF ANALYSIS WP24-32

ISSUES

Wildlife Proposal WP24-32, submitted by the Eastern Interior Alaska Subsistence Regional Advisory Council (Eastern Interior Council), requests extending the Federal marten trapping season in Units 12, 19, 20, 21, 24, and 25 from Nov. 1–Feb. 28 to Nov. 1–Mar. 15.

DISCUSSION

The proponent states changing the closing date of the season will account for changes in climate. Fall temperatures and snowfall have been more variable in recent years making it more difficult to access trapping areas early in the season. This proposal will also allow trappers to take advantage of colder spring temperatures at the end of the season when it is feasible to access traplines. In Units 12 and 20E this proposal will align the marten closing date with the lynx closing date. In Units 24A and 25 it will further extend marten season into lynx season and allow users to harvest both furbearers at the same time. Many users target both animals while trapping and this season extension will allow for the harvest of more marten.

Existing Federal Regulation

Units 12, 19, 20, 21, 24, 25–Marten

Marten: No limit

Nov. 1–Feb. 28

Proposed Federal Regulation

Unit 12, 19, 20, 21, 24, 25–Marten

Marten: No limit

*Nov. 1–~~Feb. 28~~–
Mar. 15*

Existing State Regulation

Units 12, 19–21, 24, and 25–Marten

Marten: No limit

Nov. 1–Feb. 28

Extent of Federal Public Lands/Waters

Unit 12 is comprised of 60% Federal public lands and consists of 48% National Park Service (NPS), 11% U.S. Fish and Wildlife Service (USFWS) and 1% Bureau of Land Management (BLM) managed lands.

Unit 19 is comprised of 20% Federal public lands and consists of 15% Bureau of Land Management (BLM), 4% National Park Service (NPS) and 1% U.S. Fish and Wildlife Service (USFWS) managed lands.

Unit 20 is comprised of 21% Federal public lands and consist of 15% NPS and 6% BLM managed lands.

Unit 21 is comprised of 48% Federal public lands and consist of 27% USFWS and 21% BLM managed lands.

Unit 24 is comprised of 65% Federal public lands and consists of 22% NPS, 22% USFWS and 21% BLM managed lands.

Unit 25 is comprised of 72% Federal public lands and consists of 56% USFWS, 14% BLM and 2% NPS managed lands.

Customary and Traditional Use Determinations

All rural residents have a customary and traditional use determination (C&T) for marten in Units 12, 19, 20, 21, 24, and 25.

National Parks and Monuments

Under the guidelines of Alaska National Interest Lands Conservation Act (ANILCA), NPS regulations identify qualified local rural subsistence users in National Parks and National Monuments by: (1) identifying Resident Zone Communities that include a significant concentration of people who have customarily and traditionally used subsistence resources on park lands; and (2) identifying and issuing

subsistence use (13.440) permits to individuals residing outside of the Resident Zone Communities who have a personal or family history of subsistence use within the park or monument.

Regulatory History

Federal regulations were adopted from State regulations in 1990. The Federal and State marten seasons and harvest limits in these units have not changed since 1990.

In 1993, Proposal P93-51 requested to shorten the marten season from Feb. 28 to Jan. 31 in Unit 21 to protect the female portion of the population. This proposal was opposed by the Federal Subsistence Board on the consensus agenda due to the marten population being healthy and expanding. The State season for marten would still have continued until February 28, making the proposal unenforceable. The mink season would also occur concurrently, and there would have been a chance of incidental take of marten.

Current Events

The Eastern Interior Council submitted a similar proposal to the Alaska Board of Game to maintain regulatory alignment were this proposal to be adopted. The Eagle Advisory Committee has also submitted a similar proposal to extend the marten trapping season under state regulations. Both proposals will be decided upon during the March 2024 Board of Game meeting.

Biological Background

In North America, marten range from Alaska to the southern Sierra Nevada and to New Mexico (Powell et al. 2003). They mostly inhabit mixed age conifer forests with structural diversity at ground level and abundant overhead cover (Powell et al. 2003). Both sexes reach sexual maturity by age one, although effective breeding may not occur before age two. Alaska marten give birth in April or early May to an average three young (Shepherd and Melchior 1994). Breeding occurs shortly after parturition; however, implantation is delayed. Juvenile marten disperse from their rearing territory by fall. Marten populations fluctuate greatly in response to food availability, habitat conditions, and trapping pressure (Powell et al. 2003, Shepherd and Melchior 1994), although methods and means to evaluate the basic parameters of furbearer populations such as size, composition, and habitat do not exist for Alaska (Nelson 2021). Marten are subject to high natural mortality rates, particularly through predation by raptors, larger carnivores and other marten (Hodgman et al. 1997, Bull and Heater 2001). They are also easily trapped, which can lead to overharvest (Powell et al. 2003, USFS 2008). Trapping seasons in Alaska are set to reduce the chance of overharvest (Shepherd and Melchior 1994).

According to the 2021 Alaska Trapper Report (Bogle 2022) marten abundance is believed to be stable. Harvested marten are not sealed or recorded so there are no firm indices about their abundance, only replies to the Alaska Trapper Questionnaire. In 2021 the relative abundance index of marten in these units was described as scarce with no change in the trend over the previous season. There appears to be no conservation concern regarding marten as trapping regulations have not changed since 1990.

Harvest History

Marten harvest data are collected annually through the voluntary Alaska Trapper Questionnaire mailed to everyone who purchases a trapping license and occasionally through community subsistence harvest surveys conducted by the ADF&G Division of Subsistence. Although the response rate to the Alaska Trapper Questionnaire is typically low, the 2021 response rate was 8.9%, results of the questionnaire show marten are one of the most important and consistently targeted species by trappers in these units (Bogle 2022).

The number of marten voluntarily reported harvested has fluctuated greatly since 2011 and appears to be a function of trapper numbers/effort, marten abundance, and fur prices (**Figure 1**). Responses to the Alaska Trapper Questionnaire indicate that marten availability has remained consistent with the effort from trappers (Bogle 2022) and harvest appears to be occurring at sustainable levels (Stout & Longson 2021). Since the response rate to the questionnaire is low, actual marten harvest may be quite higher than reported harvest.

ADF&G community subsistence survey data provides an estimated harvest of marten by community per year, but only for years when the surveys were conducted. These surveys are conducted sporadically and are not consistent enough to establish trends, but they do show variability from community to community and an overall decrease in harvest (ADF&G 2023). This may be attributable to fewer users trapping or fewer people responding to the surveys.

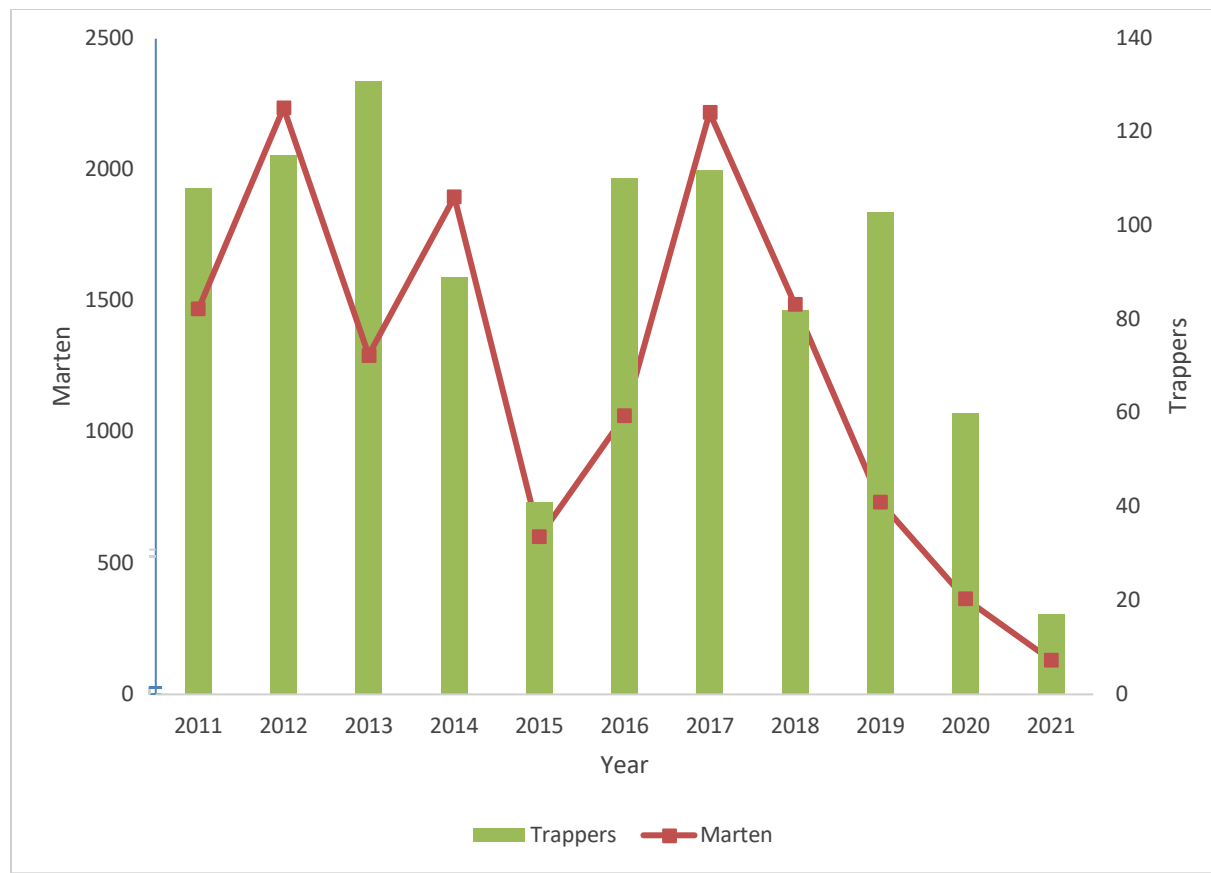


Figure 1. Number of marten reported harvested in Units 12, 19, 20, 21, 24, and 25 as reported in ADF&G Trapper Questionnaire 2011–2021. Number of trappers responding to questionnaire shown (ADF&G 2023).

Table 1. Estimated community harvest of marten for select communities. (ADF&G 2023)

Community	Year	Estimated Harvest
Allakaket/Alatna	1982	1,195
Allakaket/Alatna	1983	1,037
Allakaket/Alatna	1984	875
Allakaket/Alatna	2011	66
Dot Lake	1987	83
Dot Lake	2004	1
Dot Lake	2011	0
Minto	1984	299
Minto	2004	28
Minto	2012	20
Northway	1987	676
Northway	2004	486
Northway	2014	244
Tok	1987	2,273
Tok	2004	476
Tok	2011	695

Effects of the Proposal

If this proposal is adopted the marten season will be extended by two weeks and allow federally qualified subsistence users increased opportunity for marten, especially since most are still trapping lynx. Milder temperatures and more daylight in March may allow an increase in trapping effort and harvest as people would have greater access to areas farther from the roads. This may be a concern as there are reports from trappers that more females than males get trapped in the late winter. Since this is the breeding portion of the population that is close to parturition, this would be considered additive mortality. However, there currently is no evidence that this would occur in the interior region of Alaska, but if it did it may lead to a conservation concern. Agency staff noted during the comment period that most trappers self-limit their efforts when they start to catch more females than males, which may alleviate this concern. There are opinions among trappers that fur condition is not as prime in March as it is earlier in the season and is worth less on the market. This may deter people from trapping at this time were the season to be extended. At this time, with no current harvest limit in place there does not appear to be a conservation concern, and impact to the resource is expected to be minimal. Adopting this proposal would misalign Federal and State season dates, which may lead to regulatory confusion.

OSM PRELIMINARY CONCLUSION

Support Proposal WP24-32.

Justification

The marten population in these units shows no indication of a change. Harvest is reported to be occurring at a sustainable level and trends in concert with effort by trappers. Increased participation in

a lengthened season would be moderated by other factors such as cost of fuel, fur prices, fur condition, and marten availability, all of which contribute to trapper effort and trappers are noted to self-regulate harvest of marten when populations are perceived as low. Therefore, extending the season is not expected to have an impact on the current population by itself but would be one factor in the decision process by trappers whether or not they participate in an extended season.

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WP24-33 Executive Summary	
General Description	<p>Proposal WP24-33 requests that the fall moose season in Units 25B, 25C, and 25D remainder be extended until October 15.</p> <p><i>Submitted by: The Eastern Interior Alaska Subsistence Regional Council</i></p>
Proposed Regulation	<p>Units 25B, 25C, and 25D remainder—Moose</p> <p><i>Unit 25B—that portion within the Porcupine River drainage upstream from (but excluding) the Coleen River drainage—1 antlered bull</i></p> <p><i>Aug. 25 – Oct. 7 15</i></p> <p><i>Dec. 1 – Dec. 10</i></p> <p><i>Unit 25B—that portion within Yukon-Charley National Preserve—1 bull</i></p> <p><i>Aug. 20 - Oct. 7 15</i></p> <p><i>Unit 25B—that portion, other than Yukon-Charley National Preserve, draining into the north bank of the Yukon River upstream from (and including) the Kandik River drainage, including the islands in the Yukon River—1 antlered bull.</i></p> <p><i>Sep. 5 - Oct. 7 15</i></p> <p><i>Dec. 1 - Dec. 15</i></p> <p><i>Unit 25B remainder—1 antlered bull</i></p> <p><i>Aug. 25 - Oct. 7 15</i></p> <p><i>Dec. 1 - Dec. 15</i></p> <p><i>Unit 25C—1 antlered bull</i></p> <p><i>Aug. 20 - Sep. 30 Oct. 15</i></p> <p><i>Unit 25D remainder—1 antlered moose</i></p> <p><i>Aug. 25 - Oct. 4 15</i></p> <p><i>Dec. 1 - Dec. 20</i></p>
OSM Preliminary Conclusion	Support

Eastern Interior Alaska Subsistence Regional Advisory Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	None

DRAFT STAFF ANALYSIS WP24-33

ISSUES

Proposal WP24-33, submitted by Eastern Interior Alaska Subsistence Regional Council (Council), requests that the fall moose season in Units 25B, 25C, and 25D remainder be extended until October 15.

DISCUSSION

The proponent states that this proposal would provide additional opportunity for federally qualified subsistence users to hunt moose in portions of Unit 25 after the State hunting season closes. These sub-units receive a great deal of harvest pressure, and the additional late fall season harvest opportunity would help decrease competition for this important subsistence resource.

Additionally, climate change is shifting weather patterns and it is not becoming cool until later in the fall. Hunting later in the fall during cooler weather reduces the chance for meat spoilage. It is colder during the end of September/October time frame, which is more conducive to hanging and drying meat for those who don't have a freezer and continue to process harvested meat the traditional way.

Existing Federal Regulation

Units 25B, 25C, and 25D remainder—Moose

<i>Unit 25B—that portion within the Porcupine River drainage upstream from (but excluding) the Coleen River drainage—I antlered bull</i>	<i>Aug. 25 – Oct. 7</i> <i>Dec. 1 – Dec. 10</i>
<i>Unit 25B—that portion within Yukon-Charley National Preserve—I bull</i>	<i>Aug. 20 - Oct. 7</i>
<i>Unit 25B—that portion, other than Yukon-Charley National Preserve, draining into the north bank of the Yukon River upstream from (and including) the Kandik River drainage, including the islands in the Yukon River—I antlered bull.</i>	<i>Sep. 5 - Oct. 7</i> <i>Dec. 1 - Dec. 15</i>
<i>Unit 25B remainder—I antlered bull</i>	<i>Aug. 25 - Oct. 7</i> <i>Dec. 1 - Dec. 15</i>

Unit 25C—1 antlered bull *Aug. 20 - Sep. 30*

Unit 25D remainder—1 antlered moose *Aug. 25 - Oct. 1*

Dec. 1 - Dec. 20

Proposed Federal Regulation

Units 25B, 25C, and 25D remainder—Moose

Unit 25B—that portion within the Porcupine River drainage upstream from (but excluding) the Coleen River drainage—1 antlered bull *Aug. 25 - Oct. ~~7~~15*
Dec. 1 - Dec. 10

Unit 25B—that portion within Yukon-Charley National Preserve—1 bull *Aug. 20 - Oct. ~~7~~15*

Unit 25B—that portion, other than Yukon-Charley National Preserve, draining into the north bank of the Yukon River upstream from (and including) the Kandik River drainage, including the islands in the Yukon River—1 antlered bull. *Sep. 5 - Oct. ~~7~~15*
Dec. 1 - Dec. 15

Unit 25B remainder—1 antlered bull *Aug. 25 - Oct. ~~7~~15*
Dec. 1 - Dec. 15

Unit 25C—1 antlered bull *Aug. 20 - ~~Sep. 30~~Oct. 15*

Unit 25D remainder—1 antlered moose *Aug. 25 - Oct. ~~1~~15*
Dec. 1 - Dec. 20

Existing State Regulation

Units 25B, 25C, and 25D remainder—Moose

<i>Residents: Unit 25B—within the Porcupine River drainage upstream from, but excluding the Coleen River drainage- One bull</i>	<i>HT</i>	<i>Sep. 10 – Sep.25</i>
<i>Nonresidents: Unit 25B—within the Porcupine River drainage upstream from, but excluding the Coleen River drainage- One bull with 50-inch antlers or antlers with 4 or more brow tines on at least one side</i>	<i>HT</i>	<i>Sep. 10 – Sep.25</i>
<i>Residents: Unit 25B remainder—1 bull OR</i>	<i>HT</i>	<i>Sep. 5 – Sep.25</i>
<i>1 bull OR</i>	<i>HT</i>	<i>Dec. 1 – Dec. 15</i>
<i>1 bull by permit OR</i>	<i>CM001</i>	<i>Sep. 5 – Sep.25</i>
<i>1 bull by permit</i>	<i>CM001</i>	<i>Dec. 1 – Dec. 15</i>
<i>Nonresidents: Unit 25B remainder—1 bull with 50-inch antlers or antlers with 4 or more brow tines on at least one side</i>	<i>HT</i>	<i>Sep. 5 – Sep.25</i>
<i>Residents: Unit 25C—1 antlered bull.</i>	<i>HT</i>	<i>Sep. 1 – Sep.15</i>
<i>Nonresidents: Unit 25C—1 antlered bull with 50-inch antlers or antlers with 4 or more brow tines on at least one side</i>	<i>HT</i>	<i>Sep. 5 – Sep.15</i>
<i>Residents: Unit 25D remainder—1 bull OR</i>	<i>HT</i>	<i>Sep. 10 – Sep.20</i>
<i>1 bull OR</i>	<i>HT</i>	<i>Feb. 18 – Feb. 28</i>
<i>1 bull by permit OR</i>	<i>CM001</i>	<i>Sep. 10 – Sep.20</i>
<i>1 bull by permit</i>	<i>CM001</i>	<i>Feb. 18 – Feb. 28</i>
<i>Nonresidents: Unit 25D remainder— 1 bull with 50-inch antlers or antlers with 4 or more brow tines on at least one side</i>	<i>HT</i>	<i>Sep. 10 – Sep.20</i>

Extent of Federal Public Lands/Waters

Unit 25B is comprised of 82% Federal public lands and consists of 37% Bureau of Land Management (BLM) managed lands, 36% U.S. Fish and Wildlife Service (USFWS) managed lands, and 8% National Park Service (NPS) managed lands.

Unit 25C is comprised of 73% Federal public lands and consists of 63% BLM managed lands, 8% NPS managed lands, and 2% USFWS managed lands.

Unit 25D is comprised of 63% Federal public lands and consists of 62% USFWS managed lands, and 1% BLM managed lands.

Customary and Traditional Use Determinations

Residents of Units 20D, 20E, 25B, 25C, 25D, Tok and Livengood have a customary and traditional use determination for moose in Unit 25B and Unit 25C.

Residents of the remainder of Unit 25 have a customary and traditional use determination for moose in Unit 25D remainder.

Regulatory History

In the early 1980s, the Alaska Board of Game (BOG) divided Unit 25D into Unit 25D West and Unit 25D remainder to allow use of regulatory schemes that reflected the difference status of the moose populations (permits are required in Unit 25D west due to low moose density and relatively high demand for moose by local residents, while harvest tickets are required in Unit 25D remainder) (Caikoski 2014).

Federal moose hunting regulations for Unit 25B were adopted from State hunting regulations in 1990. There were three hunt areas: Unit 25B, that portion within the Porcupine River drainage upstream from but excluding the Coleen River drainage (Porcupine River hunt area); Unit 25B, that portion within the Yukon River drainage upstream from and including the Kandik River drainage (Yukon River hunt area); and Unit 25B remainder. The harvest limit for all hunt areas was one bull. The seasons for the Porcupine River and Unit 25B remainder hunt areas were Aug. 25 – Sep. 25 and Dec. 1 – 10. The season for the Yukon River hunt area was Sep. 5 – 25 and Dec. 1 – 10.

In 1990, the Federal moose season for Unit 25D remainder ran from Aug. 25 – Sep. 25 and Dec. 1 – Dec. 10 with a harvest limit of one bull.

In 1991, the Federal Subsistence Board (Board) adopted Proposal P91-74 to extend the winter season in Unit 25D remainder 10 days to Dec. 20 in order to provide greater harvest opportunity, particularly to accommodate inclement weather in December.

In 1992, the Yukon River drainage hunt area was not listed under Federal regulations; the fall season closing date for the Porcupine River hunt area was extended 5 days to Sep. 30; and the winter season closing date for Unit 25B remainder was extended 5 days to Dec. 15. In 1994, the harvest limit for moose in Unit 25B was changed to one antlered bull.

The current Federal and State regulations for moose in Unit 25C have been in place since 1993.

In 1993, the Board adopted Proposal P93-61 to modify the harvest limit in Unit 25D remainder to one antlered moose.

In 1995, the Board adopted Proposal P95-52, allowing the take of moose and caribou in Unit 25 from a snowmachine or motorboat. This was done to alleviate unnecessary restrictions on federally qualified subsistence users in Unit 25 as this provision was already allowed in other units across the State.

In 1996, the Board adopted Proposal P95-58, which established a hunt area along the Yukon River in Unit 25B with a season of Sep. 5 – 30 and Dec. 1 – 15. Specifically, the hunt area was Unit 25B, those portions draining into the north bank of the Yukon River upstream from and including the Kandik River drainage, including the islands in the Yukon River. This proposal was adopted to provide additional hunting opportunity to local hunters at the end of September when the weather was cooler and competition from State hunters was reduced.

In 1997, Proposal P97-72 was submitted by the Eagle Fish and Game Advisory Committee (Eagle AC) and requested changes to moose hunting seasons in Unit 20E and in the Yukon River hunt area of Unit 25B in order to provide local hunters more opportunity and relief from competition with nonlocal hunters. The Board adopted P97-72 with modification to only modify Unit 20E moose seasons with no regulatory changes for Unit 25B. The justification for maintaining the existing season in Unit 25B was to reduce regulatory complexity via continuing alignment of Federal and State seasons and because the proposal would not have had the desired effect of reducing competition from nonlocal hunters due to the lack of a customary and traditional use determination for moose in Unit 25B. Therefore, all rural residents would be able to hunt in Unit 25B under an extended Federal moose season.

In 1998, the Board adopted Proposal P98-105 with modification to create a new hunt area in Unit 25B within Yukon-Charley Rivers National Preserve with a season of Aug. 20-Sep. 30. The proposal, as submitted by the Eagle AC, also requested a March moose season to provide winter harvest opportunities during safer river trail conditions. However, due to conservation concerns about additional bull harvest, the proponent deferred the proposed March season until a C&T determination was made for moose in Unit 25B (and Unit 20E).

In 2000, the BOG established a community harvest permit program for the Chalkyitsik Community Harvest Area (CM001), which includes Unit 25D remainder and Unit 25B remainder (Caikoski 2014).

In 2010, the Board adopted Proposal WP10-93 with modification to extend the closing date of the fall moose season in Unit 25D remainder from Sep. 25 to Oct. 1 to provide additional harvest opportunity. The modification only extended the fall season six days. This was consistent with the proponent's request to provide for some additional harvest opportunity, while addressing conservation and meat spoilage concerns of starting the fall season in early August. The Board also adopted Proposal WP10-86, extending the moose season in Unit 25C from Sep. 1 -Sep. 15 to Aug. 20- Sep. 30 providing additional harvest opportunity and aligning fall season dates throughout the Yukon-Charley Rivers National Preserve.

In 2012, the Board adopted Proposal WP12-63, which required edible meat to be left on the bones of caribou and moose harvested in Unit 25 until removed from the field and/or processed for human consumption. This was done to reduce meat spoilage.

In 2018, the Board adopted Proposals WP18-53a and WP18-53b. Proposal WP18-53a refined the Customary and Traditional use determination for moose in Units 25B and 25C to only include residents of Units 20D, 20E, 25B, 25C, 25D and communities of Tok and Livengood. Proposal WP18-53b extended the moose season to October 7 in Unit 25B, providing additional harvest opportunity for federally qualified subsistence users and ease meat care and reduce spoilage issues.

Biological Background

Moose populations in Unit 25C is difficult to identify due to infrequent surveys and low moose densities. For low-density populations of moose, such as those found in Unit 25C, the State management goals are to: 1) provide for a sustained harvest and 2) promote moose habitat enhancement by allowing natural fires to alter vegetation. Alaska Department of Fish and Game (ADF&G) monitor harvest in Units 20C, 20F, and 25C to determine if management objectives are being met in these subunits. The State management objective for these subunits is to maintain a bull:cow ratio of $\geq 30:100$ in areas with aerial surveys and $\geq 20\%$ large bulls in the harvest in areas without aerial surveys (Hollis 2018).

Moose densities in Unit 25B have historically been low and recent population trends are not well understood due to limited data (Caikoski 2014). No population or composition surveys have been conducted for moose in Unit 25B since the late 1980s. However, reports from experienced guides and pilots suggest moose numbers in Unit 25B have declined since the late twentieth century. While uncertain, moose are currently believed to be widespread at low density throughout the unit (Caikoski 2014). Moose population data from adjacent subunits is the best available information for northern Unit 25B.

State management goals and objectives for moose in Unit 25B and Unit 25D include (Caikoski 2018):

- Protect, maintain, and enhance the Yukon Flats moose population and habitat, maintain traditional lifestyles, and provide opportunities for use of the moose resource.
- Provide the greatest sustained opportunity to participate in hunting moose.
- Increase the harvestable surplus of bull moose in key hunting areas near local communities by reducing mortality from bear and wolf predation.
- Maintain a minimum of 40 bulls:100 cows in the posthunt population
- Maintain a 5-year running mean of ≥ 25 bulls harvested annually in Unit 25B.
- Maintain a 5-year running mean of $\geq 30\%$ success rate in Unit 25B.

Moose surveys have been conducted in Yukon-Charley Rivers National Preserve (YUCH) for nearly 30 years. The past seven surveys have occurred within a 30-40 mile wide corridor along the Yukon River between Eagle and Circle, and included portions of Units 20E, 25B, and 25C. Between 1997 and 2022, moose densities ranged from 0.20-0.37 moose/mi² (**Table 1**, Sorum et al., in review). Over the

same time period, bull:cow ratios have remained consistently high, averaging 61 bulls:100 cows (Sorum et al., in review), which greatly exceeds the State management objective of 40 bulls:100 cows (**Table 1**). Calf:cow ratios observed in YUCH surveys averaged 27 calves:100 cows between 1997 and 2022 (Sorum et al., in review), indicating a stable moose population in this area (**Table 1**).

Moose densities have been historically low across Unit 25D. During the 1980s and 1990s, when ADF&G and USFWS began conducting regular surveys, moose densities ranged from a low of 0.1 moose/mi² in 1984 to a high of 0.64 moose/mi² in 1989 (Caikoski 2014). Between 1999 and 2007, moose densities in Unit 25D remainder averaged 0.25 moose/mi² (range: 0.18-0.34 moose/mi², **Table 2**). No population or composition surveys were completed in 2011 or 2012 due to poor survey conditions (Caikoski 2014). In 2015, moose density in Unit 25D remainder was estimated at 0.34 moose/mi² (Bertram 2017, pers. comm.).

Between 1999 and 2015, fall bull:cow ratios in Unit 25D remainder averaged 64 bulls:100 cows (range: 35-95 bulls:100 cows), meeting management objectives (40 bulls:100 cows) in all years except 2015 (**Table 2**, Caikoski 2014; Bertram 2017, pers. comm.). Fall calf:cow ratios of < 20 calves:100 cows, 20-40 calves:100 cows, and > 40 calves:100 cows may indicate declining, stable, and growing moose populations, respectively (Stout 2012). Between 1999 and 2007, fall calf:cow ratios in Unit 25D remainder averaged 48 calves:100 cows (range: 37-59 calves:100 cows), suggesting a stable or growing moose population (**Table 2**, Caikoski 2014). In 2015, fall calf:cow ratios were extremely high at 80 calves:100 cows (Bertram 2017, pers. comm.). However, Caikoski (2014) cautions that interpretation of demographic trends may be confounded by variations in survey areas and small sample sizes.

Habitat is not considered a limiting factor. Unit 25 as a whole, contains excellent moose habitat that is maintained by wildfires (Caikoski 2014). Within YUCH, improved forage quality from flooding (2009) and wildfires (1999 and 2004) may have contributed to increases in moose abundance (Sorum and Joly 2016). Predation by wolves and bears; however, appears to be limiting the Unit 25 moose population (Caikoski 2014). Lake et al. (2013) investigated wolf kill rates of moose in Unit 25D. They found that wolf kill rates approximated those in areas with higher moose densities, suggesting that wolf predation is contributing to persistent low moose densities (Lake et al. 2013). Similarly, Bertram and Vivion (2002) found that while calf production is high in Unit 25D, only 20% of radio collared calves survived their first year. Predation of neonates (< 1 month old calves) by black and brown bears was the primary source (84%) of mortality. High predation rates combined with illegal cow harvest and low predator harvest may act in concert to maintain low moose densities in Unit 25D (Bertram and Vivion 2002; Caikoski 2014).

Table 1. Bull:cow, calf:cow, and moose densities for Yukon-Charley Rivers National Preserve (Sorum et al., in review).

Survey Year	Bulls:100 Cows	Calves:100 Cows	Density (moose/mi ²)
1997	60	28	0.22
1999	51	36	0.30
2003	60	25	0.22
2006	73	33	0.20
2009	60	27	0.36
2012	68	24	0.25
2015	72	25	0.37
2019	49	28	0.28
2022	60	19	0.24

Table 2. Moose density and composition data for Unit 25D remainder (Caikoski 2014; Bertram 2017, pers. comm.).

Year	Bulls:100 cows	Calves:100 cows	Density (moose/mi ²)
1999	57	59	0.28
2000	79	49	0.25
2001	95	43	0.18
2004	43	51	0.26
2005	80	58	0.34
2006	60	37	0.27
2007	64	39	0.20
2015	35	80	0.34
Average	64.13	52.00	0.27

Cultural Knowledge and Traditional Practices

The moose hunt is central to the subsistence harvest of many Eastern Interior residents who are observing warmer weather later into the fall which delays the moose rut. When the rut is delayed, the pre-rut movement of bull moose is delayed. The pre-rut movement is best time to harvest bull moose. When this movement occurs late in fall and after the regulatory hunting season, it is difficult for federally qualified subsistence users to harvest a moose, one of the most important resources upon which they depend.

The Athabascan peoples of the Eastern Interior region have a long history of harvesting moose. Indigenous and Traditional knowledge of moose and moose hunting is part of the culture of many Athabascan people (AFG&G 1992, Nelson 1973, Nelson et al. 1978). The communal harvest and

sharing of moose is a central aspect of these subsistence economies (ADF&G 1992, Sumida and Alexander 1985, Sumida 1988, 1989, 1990). Euro-Americans who reside in the area depend heavily on moose as a subsistence staple.

A 2012 study by the Council of Athabascan Tribal Governments and ADF&G Division of Subsistence with Yukon Flats communities provided local perspectives on the effects of changing weather patterns on subsistence moose hunters:

...hunters have expressed concerns about possible changes in moose behavior resulting from warmer fall temperatures. An elder from Fort Yukon observed that as temperatures stay warmer longer into the fall, the moose do not move around as much but instead, 'will stay back in the lakes and in the timber if it's too warm.' As a result, hunters have to look around more and travel farther in order to successfully harvest a moose. In the past, hunters relied on intimate knowledge of moose behavior, weather, and seasonal changes, such as the turning of leaves, to gauge the best time for hunting. The respondent believed that a rapidly changing climate has created a situation where such intergenerational knowledge of the seasons may no longer be valid. Other respondents reported observations of seasons shifting, with the cold fall temperatures characteristic of the expected time of the year that moose begin their rut, which is occurring later in September and into October. Additionally, some respondents reported experiencing August temperatures too warm for the proper care of moose meat following a harvest. These observations were accompanied by suggestions for shifting the regulatory moose seasons to coincide with shifts in the onset of the rut (Van Lanen et. al 2012: 45-46).

Residents of Circle shared similar observations:

One key respondent indicated that in recent years, he has started hunting earlier in September to avoid competition from other hunters: 'The last five years you have to go out right at the beginning of the hunting season, because if you don't there is other people that come in from [other communities].' Another key respondent said he has no choice but to hunt moose in late September when the weather is colder: 'Well, now we kinda have to wait till like the end of September, because we don't really have a way to freeze our moose and so we have to hang it until it freezes.' Finally, a key respondent said he tends to start moose hunting a little later than in the past because the moose mating season tends to start later: 'If you start hunting a little later, they are rutting a little later now. So, you have to hunt a little later.' (Trainor et. al 2020:69).

Although this proposal was submitted by the Eastern Interior Council, other regions of the state are also experiencing warm temperatures that last late into fall. In 2005, two members of the Western Interior Council described this change:

...the bulls were kind of moving late and so the Chairman of our Ruby Advisory Committee submitted a request for an emergency order for one week and I think that was -- it may have been granted by the Feds. But I think it's kind of late in the year I mean it's kind of late to -- I mean in the future if we had to do this again, I think that there was -- I think it would be good

if there was a process where we could kind of speed that up and maybe not wait so late...there's about half the population that did not get a moose this year and I have to agree with him that the season was late, it was warm, it was warm all through the season and they just weren't moving. Because they did get some moose right on the last day, and they were still good, you know, they weren't really into rut and stuff like that (WIRAC: 2005: 28-29).

Interdisciplinary researchers have documented these climate changes noting that warm weather in late fall causes meat spoilage for subsistence harvesters and that Board of Game proposals to change moose harvest seasons in Interior Alaska show that rural subsistence hunters are adapting to climate change (McNeeley and Shulski 2011; 468-470; Hasbrouck et. al 2020: 2).

Harvest History

The average annual reported harvest in Unit 25B from 2011-2021 was 29 moose. The number of reported hunters during the same time period averaged 82 hunter/year with 70 being residents (**Figure 1**, Caikoski 2018; ADF&G 2023). Few household surveys have been conducted for communities in Unit 25B (ADF&G 2017b). Additionally, much of the harvest data collected from these surveys is not spatially explicit resulting in the proportion of the moose harvest occurring in Unit 25B to be uncertain. In household surveys of Unit 25D communities in regulatory years 2008/09, 2009/10, and 2010/11 (which extrapolate harvests from sampled households to the entire community, resulting in fractions of animals), 5.1 moose, 5.1 moose, and 12.4 moose were estimated as harvested in Unit 25B, respectively (Van Lanen et al. 2012; CATG 2011). Chalkyitsik and Fort Yukon accounted for most of the moose harvested from Unit 25B (Van Lanen et al. 2012; CATG 2011). As there are no communities in Unit 25B, the communities in Unit 25A are far from the Unit 25B boundary, and Eagle residents primarily hunt moose in southern Unit 25B along the Yukon River, these household survey data indicate moose harvest by local residents in northern Unit 25B is very low.

In Unit 25C, most successful hunters resided outside of Unit 25, including nonlocal residents of Alaska and nonresidents. This difference can be attributed to the fact that relatively few people reside within Unit 25C but portions of the unit are on the road system. The average annual reported harvest in Unit 25C from 2011-2021 was 84 moose. The total number of reported hunters during the same time averaged 352 with 307 being residents (**Figure 2**; Hollis 2018). From 2003 through 2014 the average number of reported hunters was 337. Of that only 19 of them were local on average, the rest were nonlocal or nonresidents. Only five of the 19 local residents were successful each year during the same time frame (Hollis 2018).

The average annual reported harvest in Unit 25D from 2011-2021 was 42 moose. The total number of reported hunters during the same time period averaged 112/year with 97 being residents (**Figure 3**; ADF&G 2023). Most of the reported moose harvest in Unit 25D remainder occurs during the 2nd and 3rd weeks of September (Caikoski 2014, 2018). However, as the State season closes Sep. 20, any harvest reported during the last week of September is by federally qualified subsistence users (i.e. Unit 25 residents except residents of Unit 25D west). Household surveys of all Unit 25D communities in

2008-2010 showed that the vast majority of moose harvest by local hunters occurs in September (~90%) with no harvest documented in October (CATG 2011; Van Lanen et al. 2012). Boats are the primary transport method used by moose hunters in Unit 25D remainder (Caikoski 2014).

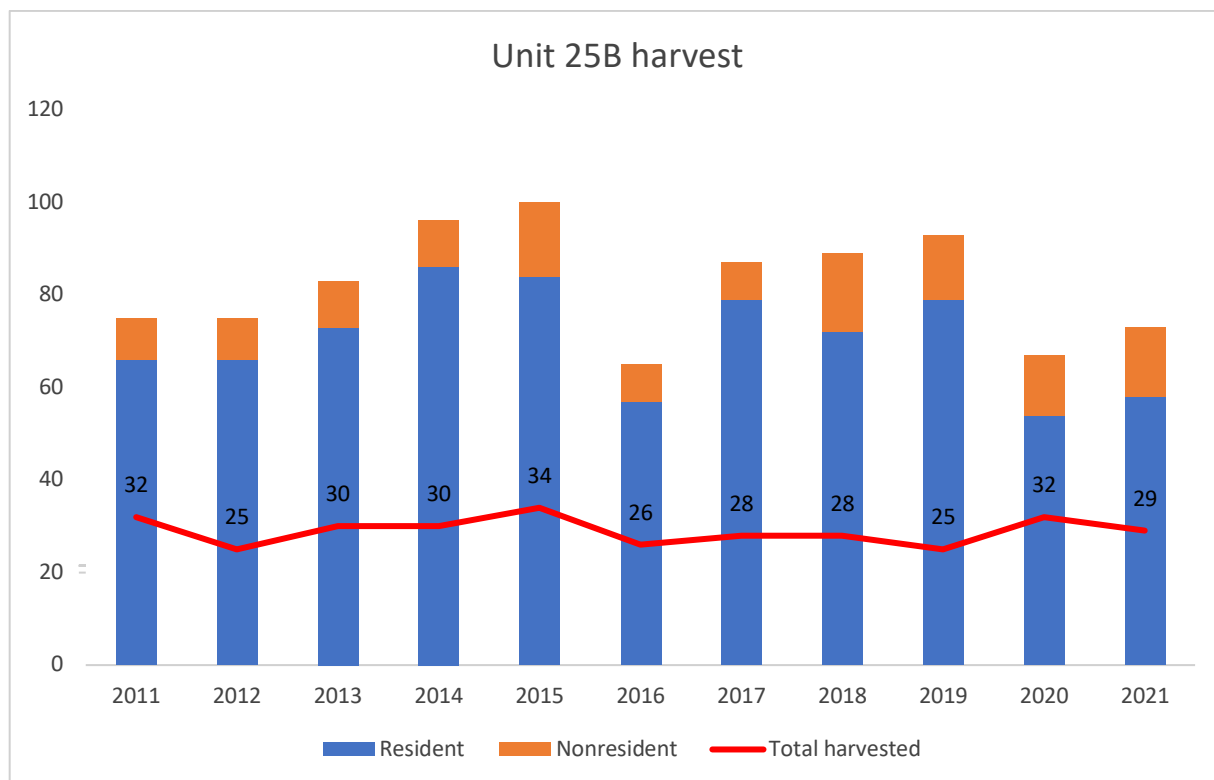


Figure 1. Reported moose harvest and number of hunters in Unit 25B (Caikoski 2018; ADF&G 2023).

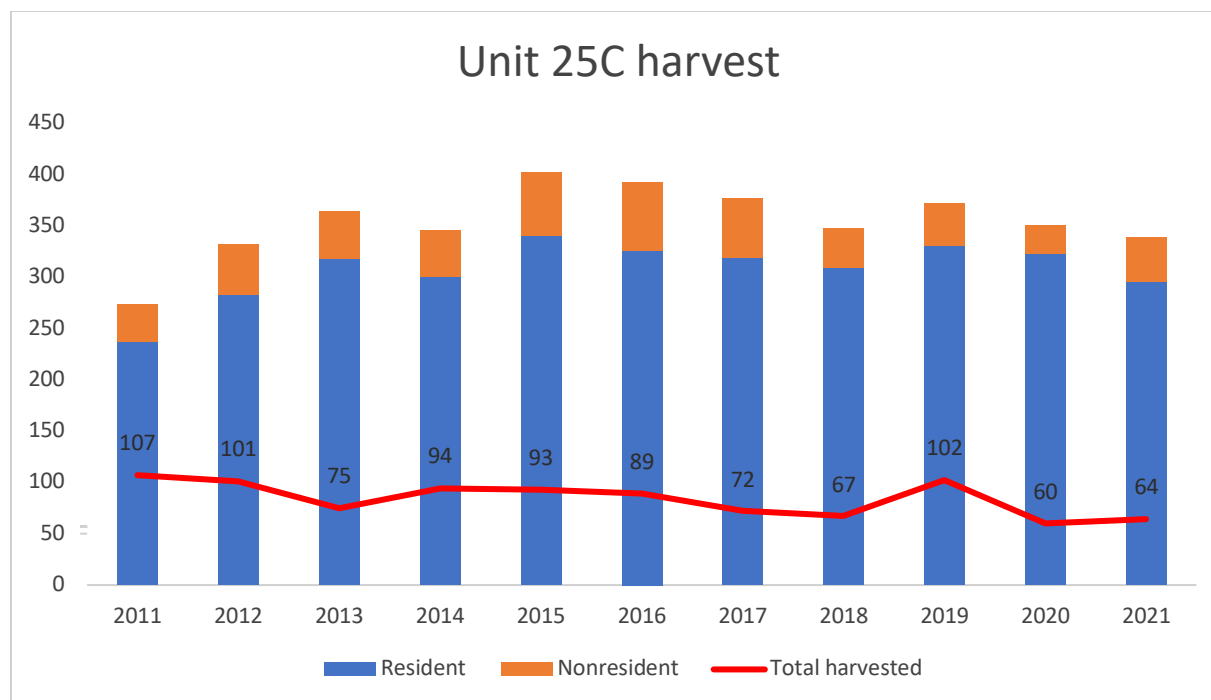


Figure 2 Reported moose harvest and number of hunters in Unit 25C (Hollis 2018; ADF&G 2023).

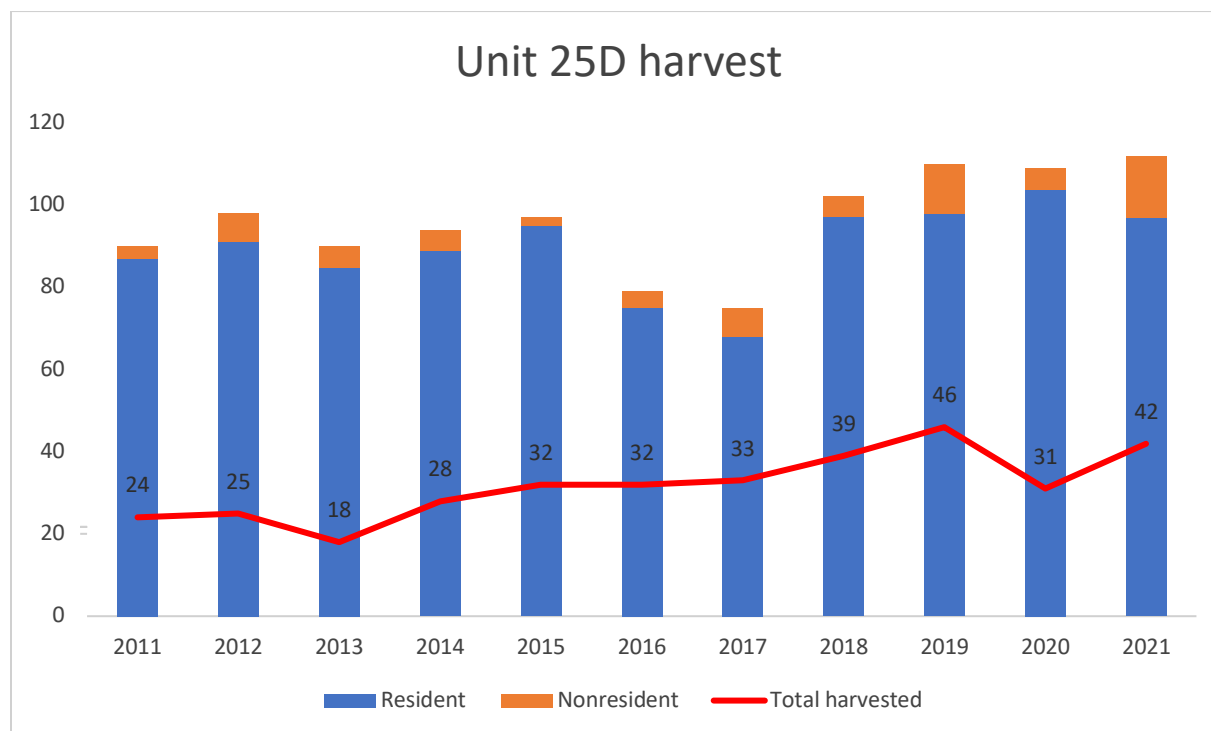


Figure 3 Reported moose harvest and number of hunters in Unit 25D (Caikoski 2018; ADF&G 2023).

Effects of the Proposal

If this proposal is adopted, federally qualified subsistence users would be able to harvest moose in Units 25B, 25C and Unit 25D, remainder until October 15, providing an additional 8-15 days of subsistence harvest opportunity on Federal public lands depending on hunt area. Given current trends of warmer falls due to climate change, extending the season could reduce meat spoilage and ease meat care as hunters could wait for cooler temperatures. However, an additional 8-15 days would increase the disparity between State and Federal regulations, increasing user confusion and further complicate enforcement.

The peak rut for moose is September 26 through October 8. Most mating occurs during this time (Van Ballenberghe and Miquelle 1996). Extending the season to October 15 would put more harvest pressure on moose during the rut. The increased harvest pressure during and after the rut could significantly increase harvest success rates beyond a sustainable rate.

In Units 25B and 25C, where moose populations status is difficult to assess due to infrequent surveys and low moose densities, it is unknown if the additional harvest opportunities could pose a conservation risk.

OSM PRELIMINARY CONCLUSION

Support Proposal WP24-33.

Justification

This proposal will provide increased opportunity for federally qualified subsistence users and may ease meat care, reduce spoilage issues and provide additional time to meet subsistence needs. There are minimal conservation concerns for this proposal due to the bulls only harvest limit and relatively low reported local harvest and harvest pressure after the State seasons close.

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WP24-34 Executive Summary	
General Description	Wildlife Proposal WP24-34 requests recognition of the customary and traditional use of moose in Unit 25D west by residents of Circle and Fort Yukon. <i>Submitted by: Eastern Interior Alaska Subsistence Regional Advisory Council</i>
Proposed Regulation	Customary and Traditional Use Determination—Moose <i>Unit 25D west</i> <i>Residents of Unit 25D west, Circle and Fort Yukon</i>
OSM Preliminary Conclusion	Support
Eastern Interior Alaska Subsistence Regional Advisory Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	

DRAFT STAFF ANALYSIS

WP24-34

ISSUES

Proposal WP24-34, submitted by the Eastern Interior Council (Council), requests that the Federal Subsistence Board (Board) recognize the customary and traditional use of moose in Unit 25D west by residents of Circle and Fort Yukon.

DISCUSSION

Currently, only residents of Unit 25D west are federally qualified to harvest moose in Unit 25D west. This includes permanent residents of the communities of Stevens Village, Beaver, Birch Creek, and people who live outside of these communities and within Unit 25D west. The proponent states that residents of Circle (located in Unit 25B) and Fort Yukon (located in 25D remainder) have traditionally and historically hunted for moose and other species throughout the Yukon Flats area, including Unit 25D west, and adoption of this proposal would allow Circle and Fort Yukon residents to resume moose hunting on their traditional, ancestral lands.

WP24-34 - Unit 25D west; Recognize the customary and traditional use of moose by residents of Circle and Fort Yukon

Existing Federal Regulation

Customary and Traditional Use Determination—Moose

Unit 25D west

*Residents of
Unit 25D west*

Proposed Federal Regulation

Customary and Traditional Use Determination—Moose

Unit 25D west

*Residents of Unit
25D west, **Circle and
Fort Yukon***

Existing State Regulation

Unit 25D west —Moose

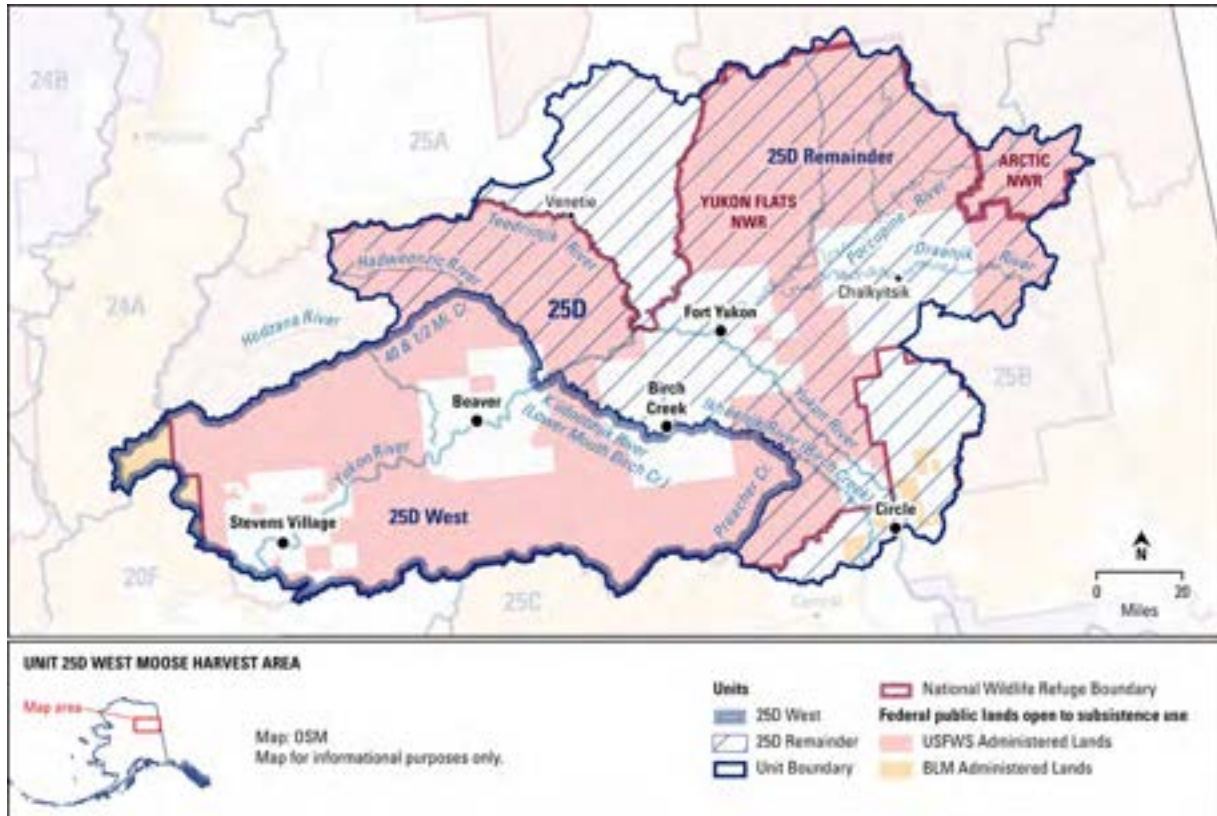
Residents: Unit 25D west of a line extending from the Unit 25D boundary on Preacher Creek, then downstream along the west banks of Preacher Creek, Birch Creek, and Lower Mouth Birch Creek to the Yukon River, then downstream along the north bank of the Yukon River (including islands) to the confluence of the Hadweenzik River, then upstream along the west bank of the Hadweenzik River to the confluence of Forty and One-Half Mile Creek, then upstream along Forty and One-Half Mile Creek to Nelson Mountain on the Unit 25D boundary—Residents: 1 bull by permit

TM940 Aug. 25 - Feb. 28

WP24-34 - Unit 25D west; Recognize the customary and traditional use of moose by residents of Circle and Fort Yukon

Extent of Federal Public Lands/Waters

Unit 25D (west) is comprised of approximately 71% Federal public lands and consists of 100% U.S. Fish and Wildlife Service (FWS) managed lands (**Map 1**).



Map 1: Unit 25D west and communities of Stevens Village, Beaver, Birch Creek, Fort Yukon and Circle. Map data indicates that Birch Creek may be located outside of the boundary of Unit 25D west.

WP24-34 - Unit 25D west; Recognize the customary and traditional use of moose by residents of Circle and Fort Yukon



Map 2: Detail of Birch Creek village location in relation to Unit 25D west boundary. If Birch Creek village lies outside of the boundary of Unit 25D west, the list of communities with a customary and traditional use determination in Unit 25D west will need to be rewritten to include Birch Creek village.

Regulatory History

- Unit 25D was divided by the State into Unit 25D West and Unit 25D East (remainder) in the early 1980s to allow the use of differing regulatory schemes, including a Tier II permit system, to address the status of the respective moose populations (see **Figure 1 in Appendix 1**). Permit systems that limit the hunt to residents in Unit 25D West have been in place since the early 1980s due to low moose density and relatively high demand by local residents (OSM 2012 [sic 2013]: 36-43).
- When the Federal program began in 1990, it adopted the State customary and traditional use determination for moose in Unit 25D west which includes only the residents of Beaver, Birch Creek, and Stevens Village.
- On July 7, 1992, the Board received Request for Reconsideration 92-19, filed on behalf of the Native Village of Stevens and the Dinyee Corporation [Stevens Village Corporation]. The Request asked the Board to change the regulations for subsistence moose harvest on public lands in Unit 25D west. Three changes were requested:
 1. Moose hunting on all lands in that portion of Unit 25D west within the boundaries of the Yukon Flats National Wildlife Refuge be authorized only for the residents of Stevens Village, Beaver, and Birch Creek;
 2. Moose hunting season be changed to allow year-round hunting or from August 25-February 28;
 3. Institute community bag limits which are more in line with cultural practices in the region (58 Fed. Reg. 64, 17776-17777 [April 6, 1993]).
- On September 15, 1992, the Board met to consider this Request and determined:
 1. To close Federal lands in Unit 25D west to non-federally qualified users, “Therefore, in order to assure the continued viability of the moose population and provide for the continuation of subsistence uses, the Board closed public lands in Unit 25D west to moose harvest by individuals other than residents of Beaver, Birch Creek, or Stevens Village (58 Fed. Reg. 64, 17777 [April 6, 1993]).
 2. To lengthen the subsistence moose harvest season to a split season: Aug. 25 – Sept. 25 and Nov. 1- Feb 28 (58 Fed. Reg. 64, 17777 [April 6, 1993]).
 3. To institute designated hunter permits instead of community bag limits as requested; “Nevertheless, to ensure the continuation of subsistence uses and to ensure the conservation of healthy moose populations, the Board considered and adopted an apparent equivalent of community bag limits (58 Fed. Reg. 64, 17777 [April 6, 1993]).

- Thus, the justification for the original closure is Section §815(3) of ANILCA which states:

Nothing in this title shall be construed as – (3) authorizing a restriction on the taking of fish and wildlife for nonsubsistence uses on the public lands (other than national parks and park monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reasons set forth in §816, to continue subsistence uses of such populations, or pursuant to other applicable law;

- On April 8, 1993, the Board considered Proposal 93-60, submitted by the Yukon Flats National Wildlife Refuge. The proposal requested a change in season dates for moose hunting in Unit 25D west. This proposal was adopted with modification by the Board; it did not affect the customary and traditional use determination for moose in Unit 25D west.

The Interagency Staff Committee comments and public comments in response to this proposal, however, provide two pieces of information relevant to this analysis:

1. The Interagency Staff Committee stated that “Federal permits will be issued to residents of these communities [Beaver, Birch Creek, and Stevens Village] pursuant to Section 804 of ANILCA” (OSM 1993: 566-574). This reference to 804 may be strictly in regard to Proposal 93-60 however, it is different than the justification for the original closure per §815(3) of ANILCA. OSM records do not indicate if an 804 analysis was conducted for this customary and traditional use determination.
2. The public comment section of Proposal 93-60 includes two comments from residents of Fort Yukon. These comments indicate that these residents objected to their exclusion from the customary and traditional use determination for moose in Unit 25D west.

One of these comments was received in writing:

I know and have relatives that harvest moose in that area. Those people live in Fort Yukon and outside this area Unit 25D west. Subsistence users that harvest from Fort Yukon should not be made outlaws. People outside use (permission) to be made by the village council in the area (OSM 1993).

Comments from a public meeting held in Fort Yukon on January 27, 1993, were included in the analysis of P93-60:

[Speaker] [I] Would like moose permits issued to Beaver, Birch Creek, and Stevens Village to be

transferable to residents of Fort Yukon. Some residents of Fort Yukon have relatives in these villages and have traditionally hunted moose in Unit 25D west where there is a C&T determination. [I] would like to see people who use and/or own land (not necessarily primary resident) in the area be included for permits [in Unit 25D west] (OSM 1993).

- In 2001, the Board adopted Proposal WP01-43, which expanded the customary and traditional use determination for moose in Unit 25D west to include all residents of Unit 25D west. This change was made to include persons who lived on their Native Allotments in Unit 25D west but not within any of the three communities: Beaver, Birch Creek, or Stevens Village.

Current Events

A companion proposal to this proposal, WP 24-35, requests the allowance of moose hunting in Unit 25D west by everyone with a customary and traditional use determination for moose in that part of the subunit. Currently, the Federal closure is for all users except residents of Unit 25D west. Fort Yukon and Circle are not located in Unit 25D west and may not hunt for moose on Federal lands in Unit 25D west.

In response to the team field review of this analysis, staff from the Yukon Flats National Wildlife Refuge (Refuge) provided comments they received in objection to this proposal from representatives of Birch Creek village and the Native Village of Stevens (Stevens Village). Per Refuge request, OSM staff contacted both the First Chief of Birch Creek Tribal Council, Jacqueline Balaam, and Randy Mayo, former First Chief of Stevens Village and current President of Dinyee Native Village Corporation (the village corporation for Stevens Village). Both representatives expressed opposition to this proposal via phone calls in June 2023. Both Ms. Balaam and Mr. Mayo stated that the basis of their opposition is traditional cultural governance and protocols which include land use and hunting areas that are known to be specific to Birch Creek, Stevens Village, and Beaver, Alaska.

The opportunity for Tribal and Corporation Consultation was extended to Ms. Balaam and Mr. Mayo via email and phone message on June 29, 2023.

The current customary and traditional use determination is for residents of Unit 25D west. It is not clear if Birch Creek village is located within the boundary of this subunit. There does not appear to be a boundary definition for this subunit in State or Federal regulations. **Appendix 1, Figure 1** shows the 1985 ADF&G map of the subunit (Sumida and Alexander: 1985: 2). Map 2 is a detail of the location of Birch Creek village.

Community Characteristics

The Yukon Flats region is an extensive wetland basin situated at the confluence of the Yukon, Porcupine, and Chandalar Rivers and bordered to the north by the Brooks Range, the White Mountains to the south, and the Dalton Highway to the west. It is the ancestral homeland of the Gwich'in and Koyukon Athabascan people who continue to subsist on the wide array of fish, wildlife and plant resources available in the area, especially moose. The communities addressed in this proposal, Circle and Fort Yukon, are two of seven located within the Yukon Flats region which roughly corresponds to the boundaries of Unit 25D. The other five are Beaver, Birch Creek, Chalkyistik, Stevens Village and Venetie (Van Lanen et al. 2012). All seven of these communities share similar Gwich'in and Koyukon Athabascan subsistence harvest practices which are dominated in contemporary times by moose and salmon (Sumida and Alexander 1985; Van Lanen et al. 2012; Trainor et al. 2020: 31-38, 49). Prior to the arrival of Europeans, small family groups travelled throughout the Yukon Flats in seasonal pursuit of subsistence resources (Caulfield 1983, Van Lanen et al. 2012). Today, communities are sedentary and linked by ties of kinship forged over many generations. These ties connect individuals of each community to the Gwich'in community and homeland at large. These relationships frequently provide avenues for individuals of one community to access the resource harvesting areas of their relatives in other communities. These ties connect Fort Yukon and Circle with the other communities in the Yukon Flats including those in Unit 25D west (Caulfield 1983).

As noted in Van Lanen et al., "In terms of effort, use, and social significance, moose is the single most important...resource for Yukon Flats communities...moose hunting is the primary fall harvesting activity and moose provides the primary source of wild meat" (2012: 20). Sharing the moose harvest among households in the community, and beyond, is important and very common. Most moose are harvested in fall. Hunters from Fort Yukon, Circle, Beaver, Birch Creek and Stevens Village generally harvest moose by boat and use the Yukon River as a highway to access numerous tributaries and sloughs where moose are found (Caulfield 1983, Stevens and Maracle 2012, Van Lanen et al. 2012: 1-71, 151-160, Trainor et al. 2020a and 2020b).

Circle

The community of Circle is located within the ancestral homelands of the Gwich'in Athabascan people. In the 1890's, Circle developed as a supply location for gold miners (ADCCED 2023). In 2022, the population of Circle included 91 people (ADCCED 2023). It is the only Yukon Flats community connected to the road system (Steese Highway). Data from ADF&G show that hunters from Circle harvested moose in Unit 25D west prior to the closure to non-federally qualified users (ADF&G 1992: 202). The people of Circle harvest subsistence resources in both the Yukon Flats National Wildlife Refuge (NWR) and Yukon-Charley Rivers National Preserve which are accessible to them by boat

(Van Lanen et al. 2012:18, Trainor et al. 2020a). Yukon Flats National Refuge staff said that if this proposal is adopted, they do not expect many hunters from Circle to travel to Unit 25D west to harvest moose because the route is long and difficult (Bertram, M. 2023). **Figure 2 in Appendix 2** includes a map from a 2017 ADF&G Division of Subsistence study which shows that Circle residents hunt for

moose on Birch Creek although the map does not indicate if this part of Birch Creek is within the boundary of Unit 25D west. (Trainor et al. 2020a: 103). **Please refer to Map 2 for reference.**

Fort Yukon

The community of Fort Yukon is located in the ancestral homelands of the Gwich'in Athabascan people. The 2022 population includes 500 people (ADCCED 2023). The location of the current community is near the former location of a traditional Athabascan trading center (Turck and Turck 1992). The current community was established as a Hudson's Bay Company (Canadian) fur trading outpost in 1847 when Alaska was still owned by Russia (ADCEED 2023). Today, Fort Yukon is considered the hub community of the Yukon Flats region because of its Yukon River location that provides access to and from many other communities connected to the Yukon and other rivers. Unlike other Yukon Flats communities who hunt for moose fairly close to home, Fort Yukon hunters travel to a variety of locations including Black River, Birch Creek and the traditional use areas of Beaver, Birch Creek, Circle, and Chalkyitsik. According to Caulfield, this is the result of transplanted Fort Yukon residents returning to hunt near their home villages (Caulfield 1983 in Van Lanen et al. 2012: 36). Yukon Flats National Refuge staff said that if this proposal is adopted, they expect that hunters from Fort Yukon will travel to Unit 25D west to harvest moose (Bertram, M. 2023). **Figure 3 in Appendix 2** includes a map from a 2017 ADF&G Division of Subsistence study which shows that some Fort Yukon residents may hunt for moose in Unit 25D west (*we are working on a map to clarify*) (Trainor et al. 2020b: 51).

Birch Creek, Beaver, and Stevens Village

The cultural practices described below apply generally to all five villages: Circle, Fort Yukon, Birch Creek, Beaver, and Stevens Village (Caulfield 1983, Sumida and Alexander 1985). As noted above, an important contrast is that residents of Fort Yukon travel to a variety of locations to hunt for moose; the residents of Birch Creek, Beaver and Stevens Village generally do not travel far from their communities to do so.

Early ADF&G Division of Subsistence studies in conducted in 1983 and 1985 show the localized hunting patterns of these communities:

In a 1983 study conducted by Caulfield, residents of Birch Creek listed their moose hunting areas as, "Birch Creek from the upper and lower mouths on the Yukon River upstream to the Steese Highway bridge, along the Yukon River between White Eye and Fort Yukon, and on Beaver Creek (Caulfield 1983: 121). This is shown in **Appendix 3, Figure 4**, a map adapted from which is a map from Sumida and Alexander 1985: 10).

In a 1985 study by Sumida and Alexander, Stevens Village hunters said their moose hunting areas include "...traveling 90 miles upriver to the village of Beaver...upriver to Purgatory and Marten Island, approximately 50 miles away and downriver to the Dall River or the upper reaches of 'the canyon' hunting in the vicinity of their winter trapping areas (9). This is shown in **Appendix 3, Figure 5**, a map adapted from Caulfield 1983 (122).

In the same 1985 study, residents of Beaver said they hunt for moose at Beaver Creek and the Hodzana River, the Yukon River downriver to Marten and Moose islands and upriver areas around the Hadweenzic River, White Eye and the lower mouth of Birch Creek (Sumida and Alexander 1985: 9). This is shown in **Appendix 3, Figure 6**, a map adapted from Sumida 1989: 44).

Eight Factors for Determining Customary and Traditional Use

A community or area's customary and traditional use is generally exemplified through these eight factors: (1) a long-term, consistent pattern of use, excluding interruptions beyond the control of the community or area; (2) a pattern of use recurring in specific seasons for many years; (3) a pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics; (4) the consistent harvest and use of fish or wildlife as related to past methods and means of taking: near, or reasonably accessible from the community or area; (5) a means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate; (6) a pattern of use which includes the handing down of knowledge of fishing and hunting skills, values, and lore from generation to generation; (7) a pattern of use in which the harvest is shared or distributed within a definable community of persons; and (8) a pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area.

The Board makes customary and traditional use determinations based on a holistic application of these eight factors (50 CFR 100.16(b) and 36 CFR 242.16(b)). In addition, the Board takes into consideration the reports and recommendations of any appropriate Regional Advisory Council regarding customary and traditional use of subsistence resources (50 CFR 100.16(b) and 36 CFR 242.16(b)). The Board makes customary and traditional use determinations for the sole purpose of recognizing the pool of users who generally exhibit some or all of the eight factors. The Board does not use such determinations for resource management or restricting harvest. If a conservation concern exists for a particular population, the Board addresses that concern through the imposition of harvest limits or season restrictions rather than by limiting the customary and traditional use finding.

In 2010, the Secretary of the Interior asked the Board to review, with Regional Advisory Council input, the customary and traditional use determination process, and present recommendations for regulatory changes. In June 2016, the Board clarified that the eight-factor analysis applied when considering customary and traditional use determinations is intended to protect subsistence use, rather than limit it. The Board stated that the goal of the customary and traditional use determination analysis process is to recognize customary and traditional uses in the most inclusive manner possible.

The Gwich'in and Koyukon Athabascans of the Yukon Flats region have a long and uninterrupted history of harvesting moose. In addition to salmon, moose (all parts, not just meat), is perhaps the most important subsistence resource in the Upper Yukon region. Indigenous and Traditional knowledge of moose and moose hunting is a central feature of Gwich'in and Koyukon worldviews (AFG&G 1992, Nelson 1973, Nelson et al. 1978). Moose is a staple food and an aspect of cultural identity among all Yukon Flats communities. The communal harvest and sharing of moose is a central aspect of these subsistence economies (ADF&G 1992, Sumida and Alexander 1985, Sumida 1988, 1989, 1990).

Subsistence studies conducted by ADF&G (Caulfield 1983; Sumida and Alexander 1985) in the 1980s, before the closure of Federal public lands to moose hunting in Unit 25D west, show that hunters from Fort Yukon and Circle historically harvested moose there (ADF&G 1992). These subsistence studies include maps (**Appendix 1**) that show the harvest of moose in Unit 25D west by residents of Fort Yukon (Caulfield 1983: 158; Sumida and Alexander 1985: 10). ADF&G harvest records for the moose hunt in Unit 25D west show that moose from this subunit were harvested in the past by residents of other communities such as Anchorage, Central, Circle, Fairbanks, Fort Wainwright, Juneau, North Pole, and Wasilla (ADF&G 1992: 202).

Moose harvest data from Unit 25D west by residence address was requested from ADF&G but has not yet been received.

When the Federal subsistence program adopted the current customary and traditional use determination for moose in Unit 25D west in 1990, the customary and traditional harvest of moose by residents of Fort Yukon and Circle was not recognized by the Board. Hence, they have not been able to harvest moose on Federal lands in Unit 25D west under Federal regulations. They may hunt on State and private lands with a State Tier II permit. However, there is very little State land in Unit 25D west and obtaining Tier II permits is competitive.

The residents of Fort Yukon have the opportunity to harvest other species in Unit 25D west on Federal lands under Federal regulations. They have a customary and traditional use determination in Unit 25D for black bear, brown bear, and for caribou in Unit 25. Circle residents do not.

Traditionally, Unit 25D hunters harvested moose predominantly in the fall and winter, with slight variations for each community. Peak hunting occurred in September, December, and February, although moose hunting could happen at any time if meat were needed for sustenance or a potlatch. Today, as in the recent past, Federal and State regulations dictate moose hunting seasons. These seasons are beginning to shift as climate change is affecting moose behavior and habitat. Communities are reporting changes in rut timing as well as decreasing water levels which may be negatively affecting moose habitat and harvest (Van Lanen et al. 2012: 62).

Yukon Flats subsistence economies have always operated by efficiency and economy of effort. In the past, moose were snared or shot with arrows. When firearms became available, they became the most efficient means available to harvest moose. Prior to gasoline motors, hunters pursued moose on snowshoes. Now, most people harvest moose by boat. Yukon Flats people are always watching for

moose in order to learn where they are feeding so that they know where to look for them when it is time to harvest. Some hunters use their knowledge of specific areas and mineral licks to find moose. Hunters continue to attempt to attract moose using traditional practices such as calling (pretending to be a cow) or scraping a moose scapula on brush to simulate the sound of a nearby bull rubbing his antlers against tree bark. Groups of hunters, usually relatives, travel and hunt together and share the work of processing the harvest and sharing it with others (Nelson et al., 1978, Caulfield 1983).

Fort Yukon is a hub community populated by people from different parts of the Yukon Flats region and elsewhere. Early research by Caulfield 1983 and Sumida and Alexander in 1985 in the Yukon Flats region documented that there is "...a localized hunting area around each [Yukon Flats] community with the exception of Fort Yukon..." (Van Lanen et al. 2012: 36). Fort Yukon hunters travel to a variety of locations including Black River, Birch Creek and the traditional use areas of Beaver, Birch Creek, Circle, and Chalkyitsik (**Appendix 1**). According to Caulfield, this is the result of transplanted Fort Yukon residents returning to hunt near their home villages (Caulfield 1983 in Van Lanen et al. 2012: 36, Sumida and Alexander 1985).

Moose meat is a staple of the subsistence diet in Yukon Flats communities and is processed in different ways for different uses. Generally, moose meat is eaten fresh by roasting, frying, or boiling; frozen for future consumption, and preserved for later use and/or on hunting trips by smoking or drying. Caulfield (1983) reported that the animal is fully utilized; the meat, hide, long bones, head (including the nose), organs, and intestines, with their contents, are used. Moose marrow is a delicacy. Some communities use moose fat for their "ice cream" which is animal fat mixed with berries. Moose are not just used for food; people tan moose hide with moose brains, the bones are used for a variety of implements, including the use of the scapula to attract moose for harvest, and the bag around the moose heart is processed, beaded, and used for purses.

Gwich'in and Koyukon Athabascan Indigenous Traditional Ecological Knowledge of moose is extensive. In Athabascan communities, the teaching method is to learn by doing and not to ask questions. Children begin to learn about how to think and behave around moose as well as how to track, harvest, and process them as soon as they are conscious because it is part of everyday life. The most important lesson is to be respectful of moose and not to waste any part because the lives of humans depend on the reciprocal relationship they have with moose and other wildlife species. Families hunt, process and eat moose together; the sharing of knowledge, education, occurs through practice (Caulfield 1983, Nelson 1973, Nelson et al. 1978).

Sharing the moose harvest is a central cultural value in Gwich'in and Koyukon Athabascan communities. Throughout interior Alaska, moose products are shared among the members of the hunting parties, related households within and between communities, and beyond. The sharing of subsistence foods reveals social networks that are based on kinship but extend to other types of trading partners. It is traditional to give the Elders the preferred parts of moose. In the upper Yukon River region, Caulfield (1983) noted that Elders are given the parts they most enjoy: moose ribs, brisket, backstrap.

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The Gwich'in developed strategies and harvest methods that allowed them to make full use of available fish and wildlife (Nelson 1973, Nelson et al. 1978, Caulfield 1983). Subsistence harvests are opportunistic and most hunters harvest what they encounter. Moose is only one of many wild resources harvested by residents of Fort Yukon, Circle, and Unit 25D west. Other important resources include multiple fish species, especially salmon, non-salmon fish, caribou, sheep, bear, birds, small mammals, and plants.

Effects of the Proposal

If adopted, the customary and traditional use of moose by residents of Circle and Fort Yukon would be recognized in Unit 25D west. Residents of Unit 25D west may experience increased hunting pressure for moose and decreased subsistence opportunities to harvest moose close to home. The residents of Circle and Fort Yukon could resume their traditional practice of harvesting moose in Unit 25D west.

OSM PRELIMINARY CONCLUSION

Support Proposal WP24-34.

Justification

The communities of Fort Yukon and Circle have a demonstrated customary and traditional use of moose and other species in Unit 25D west.

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APPENDIX 1

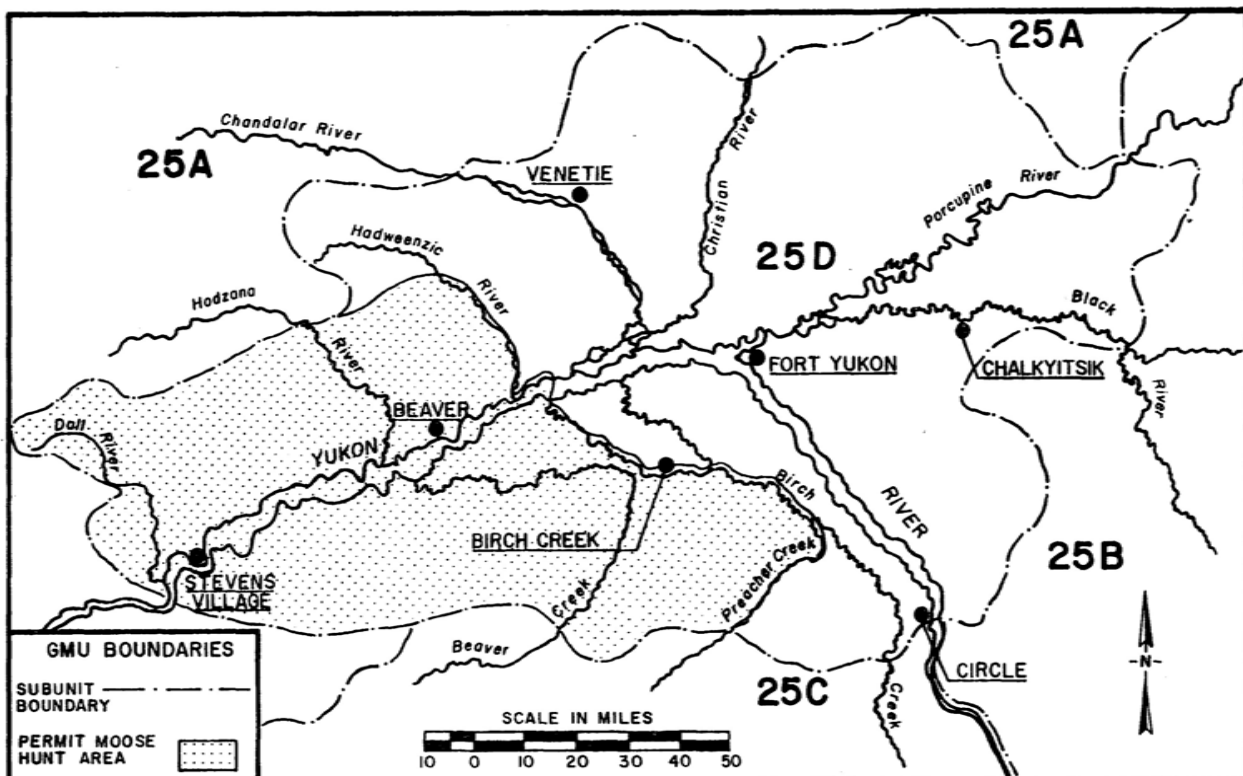


Fig. 1. The study area showing Game Management Unit boundaries and the permit area

- **Figure 1:** Map that shows the subunit boundary (that would become known as Unit 25D west) for moose harvest registration permit hunt enacted by Alaska Board of Game in 1983 in response to concerns about the moose population voiced by local residents, ADF&G Advisory Committee and the Department (Sumida and Alexander 1985:1).

APPENDIX 2

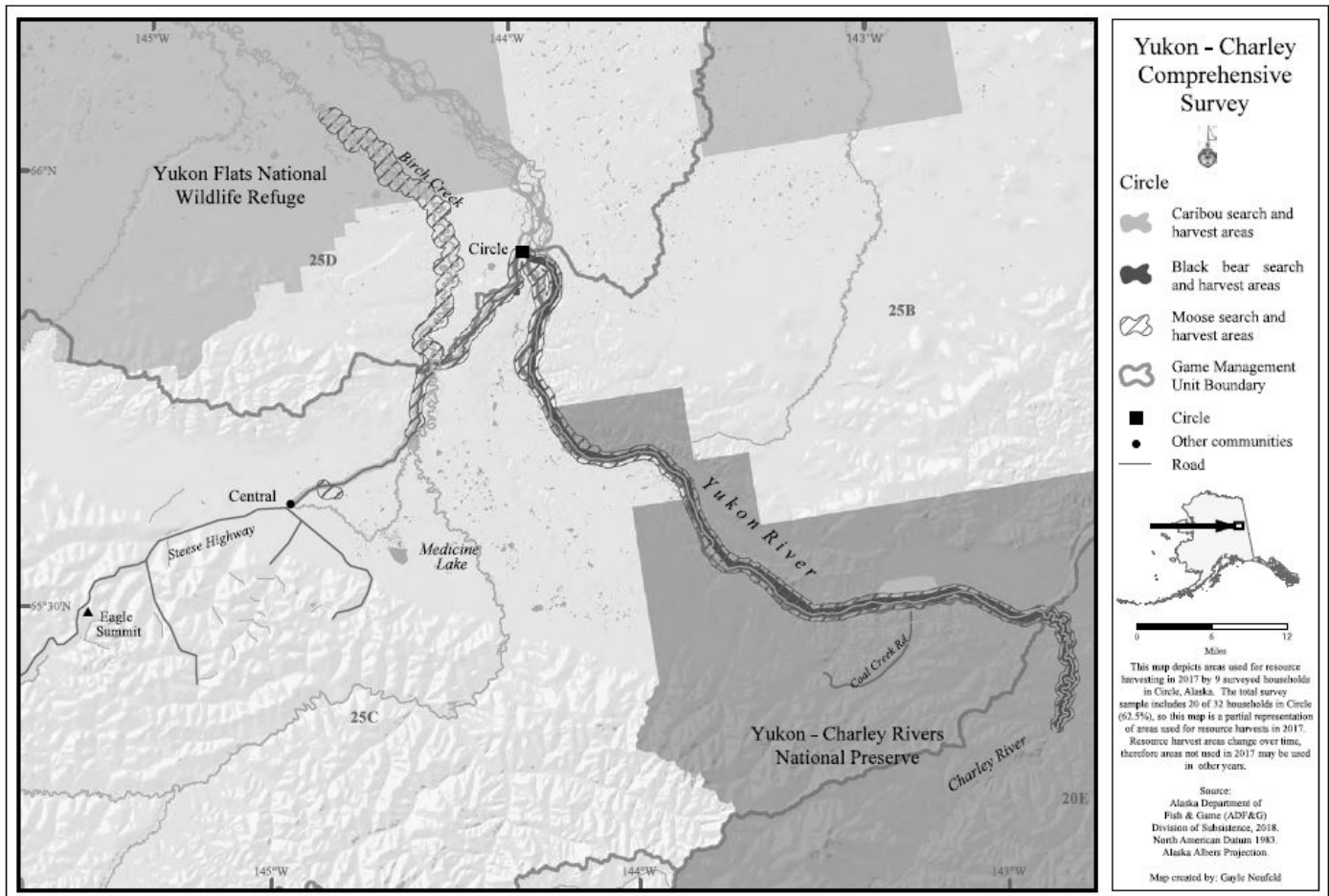


Figure 3-24.—Large land mammal hunting areas, Circle, 2017.

Figure 2: This map from a 2017 ADF&G Division of Subsistence study shows that some Circle residents may hunt for moose on Birch Creek although the map does not indicate if this part of Birch Creek is within the boundary of Unit 25D west (*we are working on a map to clarify*) (Trainor et al. 2020a: 103).

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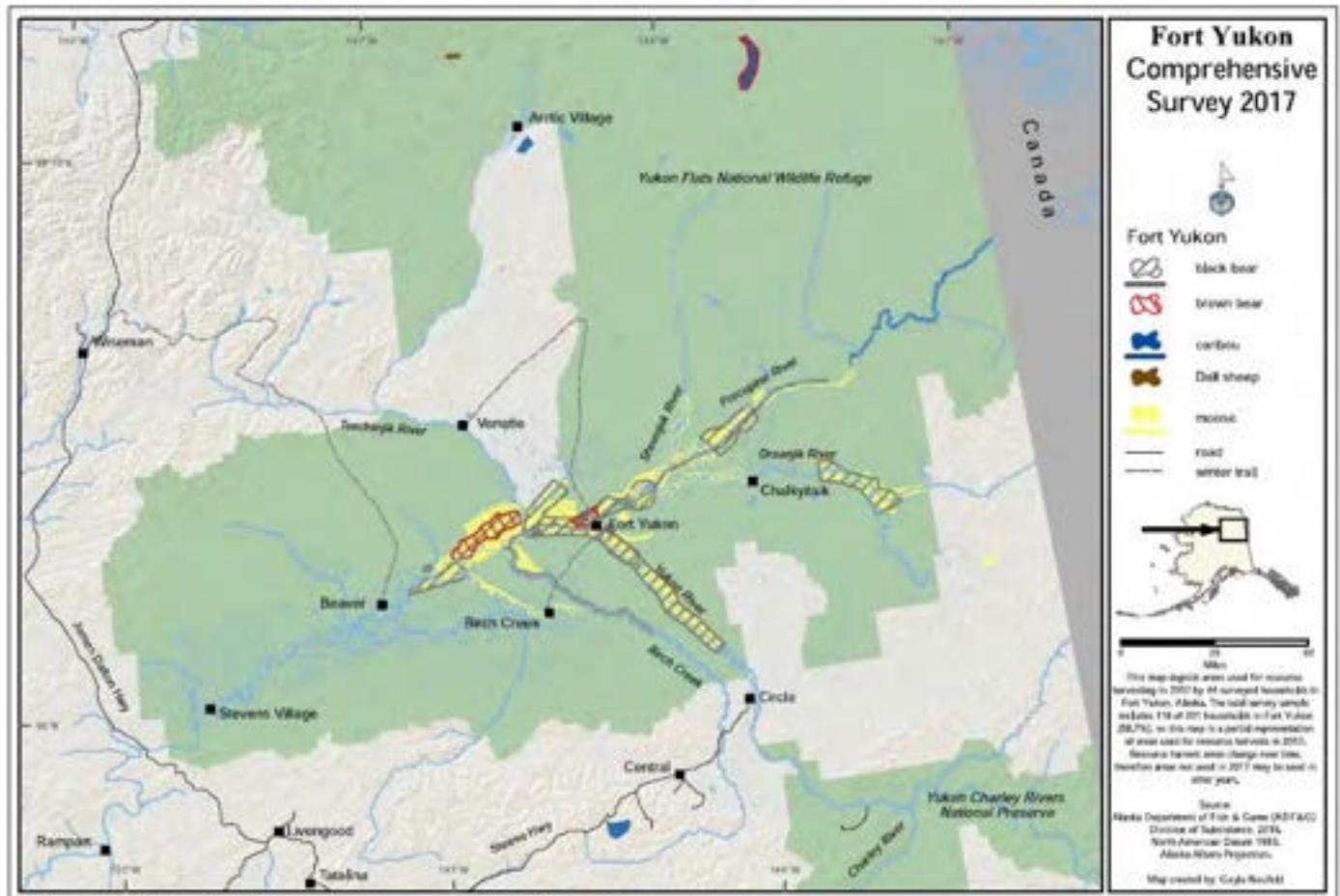


Figure 2-21. Large land mammal hunting areas, Fort Yukon, 2017.

Figure 3. Map from a 2017 ADF&G Division of Subsistence study which shows that some Fort Yukon residents may hunt for moose in Unit 25D west (we are working on a map to clarify) (Trainor et al. 2020b: 51).

APPENDIX 3

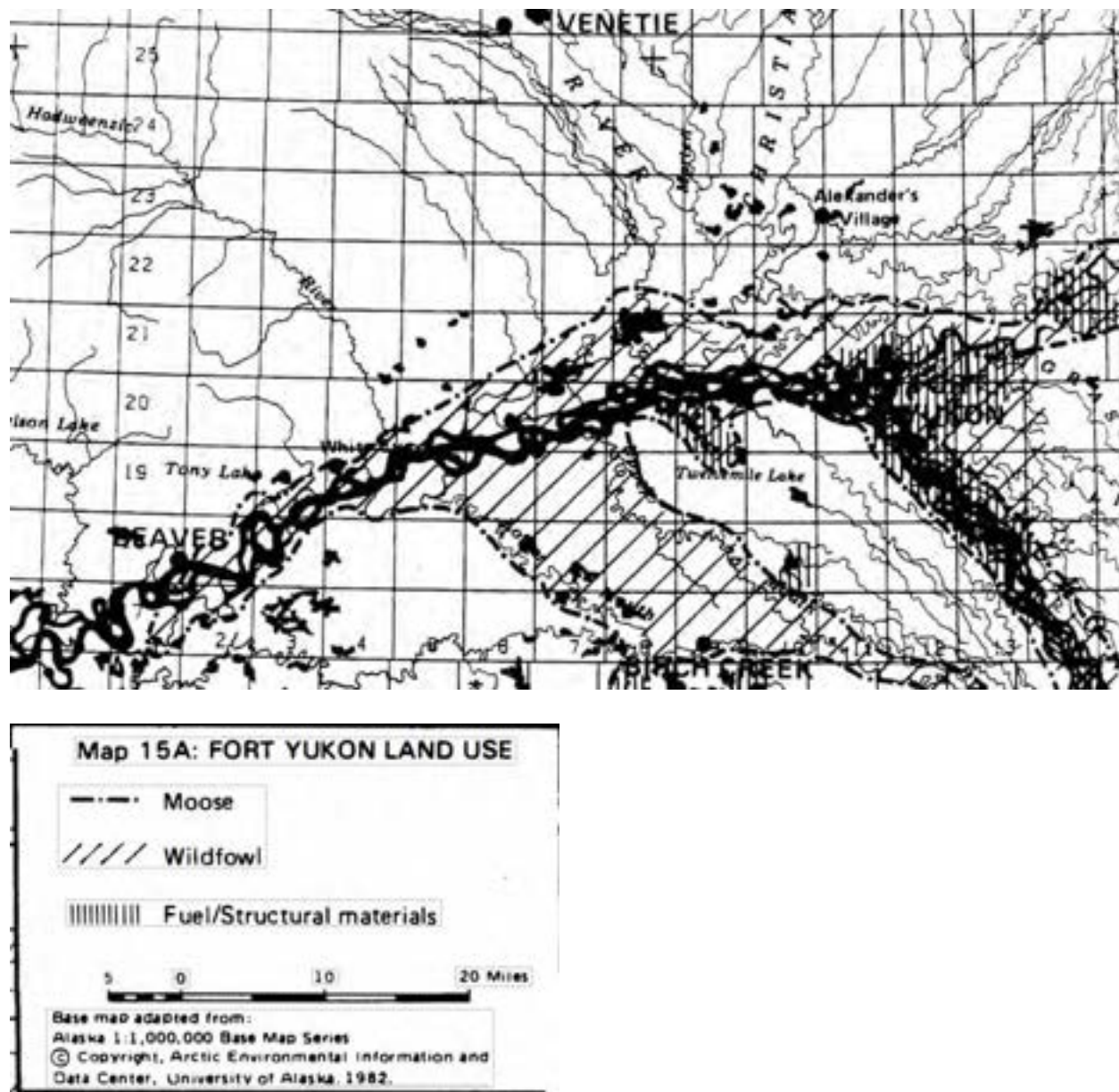


Figure 4. Map of Fort Yukon land use for moose hunting adapted from Sumida and Alexander 1985 (10). The map shows (refer to legend below map) that Fort Yukon hunters have historically pursued moose in Unit 25D west along the Yukon River to the village of Beaver and southeast along the Upper and Lower mouths of Birch Creek.

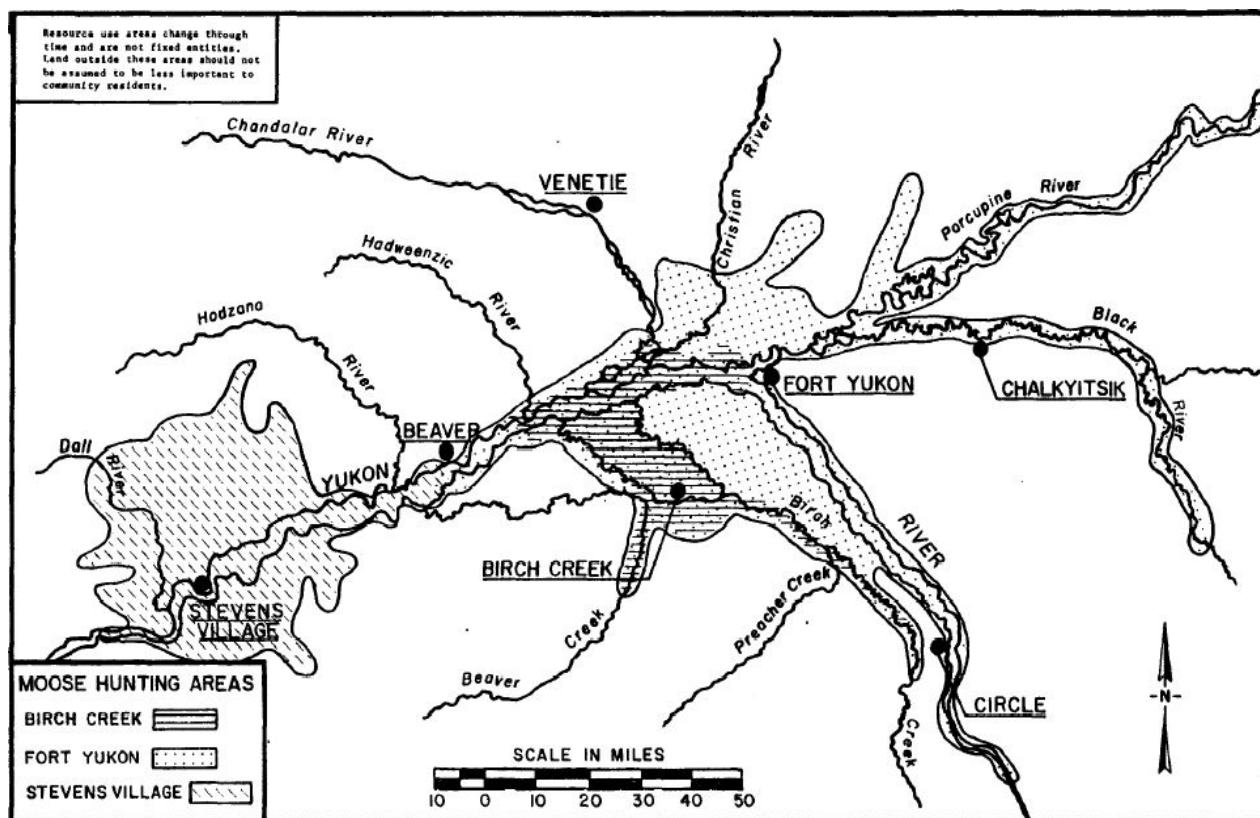


Fig. 2. Areas used for moose hunting during the lifetimes of surveyed Birch Creek and Fort Yukon residents, and during the period 1974 to 1984 for Stevens Village residents.

Figure 5. Map of Fort Yukon, Birch Creek and Stevens Village land use for moose hunting adapted from Caulfield 1983 (158). Map includes areas used for moose hunting during the lifetime of surveyed Birch Creek and Fort Yukon residents, and during the period 1974-1984 for Stevens Village residents.

The map shows that Fort Yukon hunters historically pursued moose in Unit 25D west along the Yukon River to the village of Beaver, southeast along the Upper and Lower mouths of Birch Creek and near the village of Birch Creek.

Birch Creek hunters hunted moose from "Birch Creek from the upper and lower mouths on the Yukon River upstream to the Steese Highway bridge, along the Yukon River between White Eye and Fort Yukon and on Beaver Creek" (Caulfield 1983:122).

Stevens Village hunters reported hunting moose "...traveling 90 miles upriver to the village of Beaver...upriver to Purgatory and Marten Island, approximately 50 miles away and down river to the Dall River or the upper reaches of 'the Canyon' hunting in the vicinity of their winter trapping areas" (Sumida and Alexander 1985: 9).

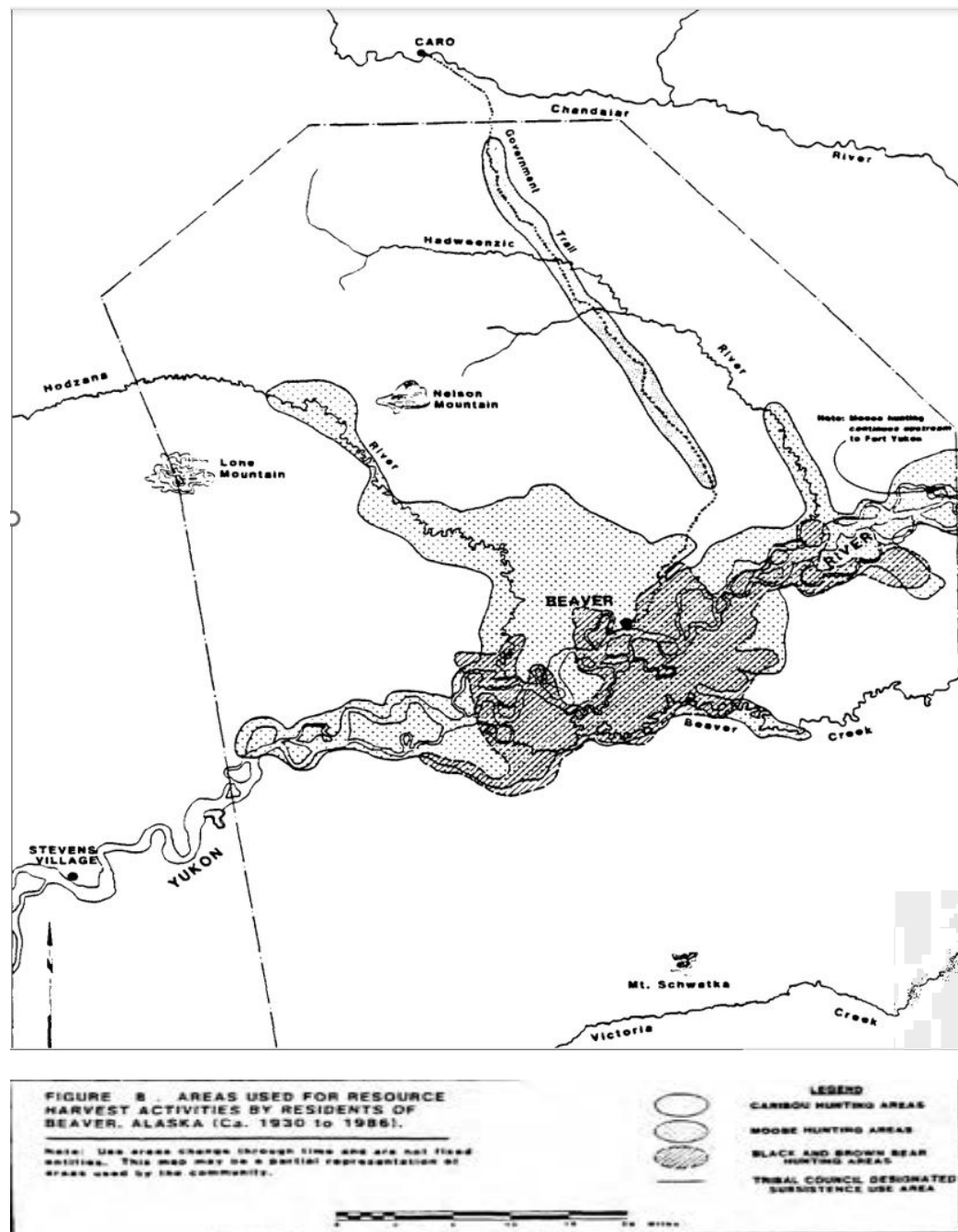


Figure 6. Map adapted from Sumida 1989: 44 shows Beaver residents' moose hunting areas at Beaver Creek, the Hodzana River, the Yukon River downriver to Marten and Moose islands and upriver areas around the Hadweenzic river, White eye and the lower mouth of Birch Creek (Sumida and Alexander 1985: 9).

WP24-35 Executive Summary	
General Description	<p>Proposal WP24-35 requests to allow moose hunting in Unit 25D (west) by everyone with a customary and traditional use determination for moose in Unit 25D (west).</p> <p><i>Submitted by: Amanda Pope of Circle, AK</i></p>
Proposed Regulation	<p>Unit 25D—Moose</p> <p><i>Unit 25D (west), that portion lying west Aug. 25-Feb. 28 of a line extending from the Unit 25D boundary on Preacher Creek, then downstream along Preacher Creek, Birch Creek, and Lower Mouth of Birch Creek to the Yukon River, then downstream along the north bank of the Yukon River (including islands) to the confluence of the Hadweenzic River, then upstream along the west bank of the Hadweenzic River to the confluence of Forty and One-Half Mile Creek, then upstream along Forty and One-Half Mile Creek to Nelson Mountain on the Unit 25D boundary—1 bull by a Federal registration permit.</i></p> <p><i>Permits will be available in the following villages: Beaver (25 permits), Birch Creek (10 permits), and Stevens Village (25 permits). Permits for residents of 25D (west) who do not live in one of the three villages will be available by contacting the Yukon Flats National Wildlife Refuge Office in Fairbanks or a local Refuge Information Technician.</i></p> <p><i>Moose hunting on public land in Unit 25D (west) is closed at all times except for residents of Unit 25D (west) hunting under these regulations. The moose season will be closed by announcement of the Refuge Manager Yukon Flats NWR when 60 moose have</i></p>

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revise permit allocation

	<p><i>been harvested in the entirety (from Federal and non-Federal lands) of Unit 25D (west)</i></p> <p><i>Moose hunting on public land in Unit 25D (west) is closed at all times except for residents of Unit 25D (west) federally qualified subsistence users hunting under these regulations. The moose season will be closed by announcement of the Refuge Manager Yukon Flats NWR when 60 moose have been harvested in the entirety (from Federal and non-Federal lands) of Unit 25D (west).</i></p>
OSM Preliminary Conclusion	Support Proposal WP24-35 with modification to delegate authority to the Yukon Flats NWR manager to set the number of permits issued and the number of permits available by community each year
Eastern Interior Alaska Subsistence Regional Advisory Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	

DRAFT STAFF ANALYSIS

WP24-35

ISSUES

Proposal WP24-35, submitted by Amanda Pope of Circle, AK, requests to allow moose hunting in Unit 25D (west) by everyone with a customary and traditional use determination for moose in Unit 25D (west). This is a companion proposal to WP24-34, requesting recognition of the customary and traditional use of moose in Unit 25D (west) by residents of Circle and Fort Yukon.

DISCUSSION

The proponent states that residents of Circle and Fort Yukon have historically hunted for moose throughout the Yukon Flats including within the hunt area described as Unit 25D(west). People from Circle and Fort Yukon have Native Allotments in the 25D(west) area. However, these two communities are currently excluded from the customary and traditional use determination because their communities lie outside the boundaries of Unit 25D(west). A separate proposal has been submitted by the Eastern Interior Regional Advisory Council (Council) seeking to recognize the customary and traditional uses of moose in Unit 25D(west) by residents of Circle and Fort Yukon. The proponent understands that if the Board recognizes the customary and traditional use of moose by residents of Circle and Fort Yukon in Unit 25D(west), residents of those communities would still not be able to hunt unless the regulatory language is further modified as suggested in this companion proposal. The proponent also says adopting WP24-34 and this proposal would allow residents of Circle and Fort Yukon to be able to hunt on their traditional, ancestral lands.

Existing Federal Regulation

Unit 25D–Moose

Unit 25D (west), that portion lying west of a line extending from the Unit 25D boundary on Preacher Creek, then downstream along Preacher Creek, Birch Creek, and Lower Mouth of Birch Creek to the Yukon River, then downstream along the north bank of the Yukon River (including islands) to the confluence of the Hadweenzic River, then upstream along the west bank of the Hadweenzic River to the confluence of Forty and One-Half Mile Creek, then upstream along Forty and One-Half Mile Creek to Nelson Mountain on the Unit 25D boundary—1 bull by a Federal registration permit. Aug. 25-Feb. 28

Permits will be available in the following villages: Beaver (25 permits), Birch Creek (10 permits), and Stevens Village (25 permits). Permits for residents of 25D (west) who do not live in one of the three villages will be

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available by contacting the Yukon Flats National Wildlife Refuge Office in Fairbanks or a local Refuge Information Technician.

Moose hunting on public land in Unit 25D (west) is closed at all times except for residents of Unit 25D (west) hunting under these regulations. The moose season will be closed by announcement of the Refuge Manager Yukon Flats NWR when 60 moose have been harvested in the entirety (from Federal and non-Federal lands) of Unit 25D (west)

Proposed Federal Regulation

Unit 25D–Moose

Unit 25D (west), that portion lying west of a line extending from the Unit 25D boundary on Preacher Creek, then downstream along Preacher Creek, Birch Creek, and Lower Mouth of Birch Creek to the Yukon River, then downstream along the north bank of the Yukon River (including islands) to the confluence of the Hadweenzic River, then upstream along the west bank of the Hadweenzic River to the confluence of Forty and One-Half Mile Creek, then upstream along Forty and One-Half Mile Creek to Nelson Mountain on the Unit 25D boundary—1 bull by a Federal registration permit. Aug. 25-Feb. 28

*Permits will be available in the following villages: Beaver (25 permits), Birch Creek (10 permits), ~~and~~ Stevens Village (25 permits), **Circle (xx permits), and Fort Yukon (xx permits)**. Permits for residents **with a customary and traditional use determination for moose in** ~~of~~ 25D (west) who do not live in one of the ~~three~~ **five** villages will be available by contacting the Yukon Flats National Wildlife Refuge Office in Fairbanks or a local Refuge Information Technician.*

*Moose hunting on public land in Unit 25D (west) is closed at all times except for ~~residents of Unit 25D (west)~~ **federally qualified subsistence users** hunting under these regulations. The moose season will be closed by announcement of the Refuge Manager Yukon Flats NWR when 60 moose have been harvested in the entirety (from Federal and non-Federal lands) of Unit 25D (west)*

Existing State Regulation

Units 25D west—Moose

Residents: Unit 25D west of a line extending from the Unit 25D boundary on Preacher Creek, then downstream along the west banks of Preacher Creek, Birch Creek, and Lower Mouth Birch Creek to the Yukon River, then downstream along the north bank of the Yukon River (including islands) to the confluence of the Hadweenzik River, then upstream along the west bank of the Hadweenzik River to the confluence of Forty and One-Half Mile Creek, then upstream along Forty and One-Half Mile Creek to Nelson Mountain on the Unit 25D boundary—Residents: 1 bull by permit

TM940 Aug. 25 - Feb. 28

Extent of Federal Public Lands/Waters

Unit 25D is comprised of approximately 63% Federal public lands and consists of 62% U.S. Fish and Wildlife Service (FWS) managed lands and 1% Bureau of Land Management (BLM) managed lands.

Unit 25D (west) is comprised of approximately 71% Federal public lands and consists of 100% FWS managed lands (Map 1). *will get map from Cartographer*

Customary and Traditional Use Determinations

Residents of Unit 25D(west) have a customary and traditional use determination for moose in Unit 25D(west).

Regulatory History

In 1990, the Federal moose season in Unit 25D (west) ran Aug. 25-Sep. 25, Dec. 1-10, and Feb. 18-28. The harvest limit was one bull by Federal registration permit and only residents of Beaver, Birch Creek, and Stevens Village could hunt under Federal regulations. However, all State residents could hunt moose on Federal public lands during State seasons under State regulations. (Note: There was no open nonresident State moose season).

In 1992, the Federal Subsistence Board (Board) adopted Proposal P92-117 with modification, which specified that federally qualified subsistence users could hunt moose in Unit 25D (west) under Federal regulations with a State Tier II permit and that the season would be closed when 35 bulls had been harvested. This was done to reduce the administrative burden on federally qualified subsistence users by allowing them to hunt on State and Federal lands by acquiring one, rather than two permits.

In 1993, the Board adopted Proposal P93-60 with modification to: 1) close moose hunting on Federal public lands in Unit 25D (west) to non-federally qualified users, 2) modify the open season dates to Aug. 25-Sep. 25 and Nov. 1-Dec. 20, 3) restrict harvest to antlered bulls only, and 4) reduce the quota to 30 antlered bulls as the maximum allowable harvest for the moose population on all lands in GMU

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25D (west), clarifying that the quota applied to all (Federal and non-Federal) lands of Unit 25D (west). This was done due to conservation concerns over the declining moose population.

In 1994, the Board adopted Proposal P94-77 with modification to: 1) expand the open season to Aug. 25-Feb. 28, and 2) remove the “antlered” harvest restriction, allowing the harvest of any bull. This was done to better accommodate the needs and traditions of the villages in Unit 25D (west) and because the existing quota insured against overharvesting.

In 1995, the Board adopted Proposal P95-52, allowing the take of moose and caribou in Unit 25 from a snowmachine or motor boat. This was done to alleviate unnecessary restrictions on federally qualified subsistence users in Unit 25 as this provision was already allowed in other units across the State.

In 1999, the Board adopted Proposal P99-61, which allowed the take of bull moose in Unit 25D (west) outside the open seasons for memorial potlatch and traditional cultural events with the provisions that any harvested moose counts against the quota of 30 bulls and that the user must communicate the name of deceased, number of moose harvested, harvester’s name, and the date and location of harvest to the Yukon Flats National Wildlife Refuge (NWR) manager.

In 2000, the Board adopted Proposal P00-60 with modification to: 1) increase the harvest quota from 30 to 60 moose, and 2) issue 60 permits annually with 25, 25, and 10 permits being issued to residents of Stevens Village, Beaver, and Birch Creek, respectively. This was done due to recent surveys indicating that the moose population had increased and was able to sustain an increased harvest of bulls.

In 2001, the Board adopted Proposal WP01-43, which expanded the customary and traditional use determination for moose in Unit 25D (west) to include all residents of Unit 25D (west). The 60 permit limit was removed, although the community allocation was retained with the stipulation that residents of Unit 25D (west) who did not live in Stevens Village, Beaver, or Birch Creek could obtain a permit by contacting the Yukon Flats NWR office.

In 2012, the Board adopted Proposal WP12-63, which required edible meat to be left on the bones of caribou and moose harvested in Unit 25 until removed from the field and/or processed for human consumption. This was done to reduce meat spoilage.

The closure of Federal public lands in Unit 25D (west) to moose hunting by non-federally qualified users has been reviewed in 2006 (WCR05-22), 2009 (WCR08-22), 2013 (WCR12-22), 2017 (WCR15-22), and 2022 (WCR22-22). The Council and OSM recommendation in all past closure reviews has been to maintain the closure or “status quo” due to conservation concerns. In the 2022 review, after the Board approved a revised closure policy, the Board also voted to maintain the closure.

Current Events Involving the Species

The Eastern Interior Council submitted Wildlife Proposal WP24-34 to recognize the customary and traditional uses of moose in Unit 25D(west) by residents of Circle and Fort Yukon.

Biological Background

A Yukon Flats Cooperative Moose Management Plan (Management Plan) was completed in 2002. The Alaska Department of Fish and Game (ADF&G), Division of Wildlife Conservation developed the plan in cooperation with the Yukon Flats Fish and Game Advisory Committee, the Council of Athabaskan Tribal Governments (CATG), the Yukon Flats NWR, and the Office of Subsistence Management (ADF&G 2002). The purpose of the plan was to “protect, maintain, and enhance the Yukon Flats moose population and habitat, maintain traditional lifestyles, and provide opportunities for use of the moose resource” (ADF&G 2002).

The Management Plan recommends goals, objectives, strategies, and actions for the moose population, harvest, and predator management (ADF&G 2002). Current State management objectives for moose in Unit 25D were revised for the regulatory years RY15-RY19. The objective to increase the moose population by 2–5% annually was removed because this objective is not measurable based on the precision level associated with population surveys and survey frequency. The objective to conduct ADF&G, Division of Subsistence household surveys was removed because there is no longer funding to conduct these. The objective to reduce illegal and potlatch harvest of cow moose was removed because there is no method to measure this objective. The objective to maintain a minimum of 40 bulls:100 cows in the post-hunt population was the only management objective retained from the RY10-RY14 report period, and the only management objective for RY15-RY19 (Caikoski 2018).

Moose in Unit 25D (west) have been surveyed regularly (weather and snow conditions permitting) by the Yukon Flats NWR since 1992. Surveys have been conducted in both spring and fall. Fall surveys are preferred as cows and bulls can be differentiated. However, poor snow conditions have precluded fall surveys in some years. Spring and fall surveys cannot be compared due to variability in survey conditions, moose behavior, distribution, and survival (Lake 2013).

Moose density in Unit 25D (west) has been consistently low over the last 50 years and is among the lowest in Interior Alaska (Lake 2013, Caikoski 2012). Between 1992 and 2018, fall moose population estimates ranged from 418-1,123 moose/year, with an annual average of 645 moose (**Figure 1**). These estimates correspond to an estimated moose density of 0.18-0.49 moose/mi², with an annual average of 0.31 moose/mi² (Lake 2013, 2015; Lake et al. 2018; Lake and Guldager 2023). From 1999-2010, the overall fall moose population appeared to be trending downward; however, the moose population estimate increased significantly in 2015, and the highest estimate on record occurred in 2018 (Lake 2015, Lake et al. 2018; Lake and Guldager 2023, **Figure 1**). While the 2018 point estimate is the highest in survey history, the 90% confidence intervals overlap with those of the 2015 and 1999 point estimates. These recent increases demonstrate that moose numbers can naturally fluctuate over a decade within a low-density equilibrium (Lake et al. 2018).

Between 1999 and 2023, spring moose population estimates ranged from 300-735 moose/year, with an annual average of 530 moose (**Figure 1**). These estimates correspond to an estimated moose density of 0.13-0.32 moose/mi², with an annual average of 0.23 moose/mi². The spring moose population appears

to be trending upward since 2008 (**Figure 1**, Lake and Guldager 2023). Despite recent increases in the Unit 25D (west) moose population, conservative harvest management is still recommended (Lake et al. 2018; Bertram 2021 pers comm.).

Between 1992 and 2018, the bull:cow ratio for moose in Unit 25D (west) fluctuated widely, ranging from 31-72 bulls:100 cows/year, with an annual average of 55 bulls:100 cows, reflecting light harvest pressure (Figure 2, Lake 2013, 2015; Lake et al. 2018). The most recent estimate (fall 2018) is well above management objectives (Lake et al. 2018).

Between 1992 and 2023, the calf:cow ratio for moose in Unit 25D (west) ranged from 15-53 calves:100 cows/year, averaging 32 calves:100 cows/year (**Figure 3**; Lake 2013, 2015; Lake et al. 2018; Lake and Guldager 2023). Fall calf:cow ratios of < 20 calves:100 cows, 20-40 calves:100 cows, and > 40 calves:100 cows may indicate declining, stable, and growing moose populations, respectively (Stout 2012). Over the long-term, the calf:cow ratio has exhibited a stable trend. While the fall 2015 ratio was the highest ratio ever recorded, indicating a growing population, the most recent estimate in March 2023 was 15 calves:100 cows (**Figure 3**; Lake 2015; Lake et al. 2018; Lake and Guldager 2023). Reasons for the high calf:cow ratio in 2015 are unclear, but likely contributed to the observed population increase in 2018 (Lake et al. 2018).

Twinning rates are an indicator of nutritional status but are only available for a few years in Unit 25D (west) from two separate radio-collar studies. Observed twinning rates in 1998 and 1999 (daily surveys) were 66% and 61%, respectively (Bertram and Vivion 2002). More recently, Hinkes (2015) and Lake (2016, pers. comm.) determined minimum twinning rates of 19%, 54% and 47% in 2014, 2015 and 2016, respectively. The 2014-2016 twinning rates were considered minimum because surveys were conducted weekly versus daily, increasing the possibility that moose may have already lost a calf between surveys. The reason for the low, minimum twinning rate in 2014 was unknown, but may have been related to poorer body condition (low rump fat) measured in November 2013 (Hinkes 2015). However, the other twinning rates indicated good body condition and underutilized habitat (Lake 2016, pers. comm.).

Predators are the primary factor limiting the moose population in Unit 25D (west), and harvest, particularly of cows, may also be an important factor (ADF&G 2002, Caikoski 2012). A calf mortality study conducted by the Yukon Flats NWR found black and brown bears were responsible for 45% and 39% of moose calf mortality, respectively (Bertram and Vivion 2002). Wolves are likely the most important source of mortality after snowfall with elevated kill rates on adult female and young-of-the-year moose in early winter in some years (Lake et al. 2018, ADF&G 2002).

The Management Plan recommended increased harvest of black bears, brown bears, and wolves by local residents as a strategy for increasing the harvestable surplus of moose. As a result of these recommendations, the Alaska Board of Game liberalized predator regulations, including black bear baiting and community harvest, brown bear seasons and harvest limits, and wolf harvest limits (ADF&G 2002). However, harvest intensity on wolves and bears remains light, and public harvest of predators

likely has not contributed to the recent observed increases of the Unit 25D (west) moose population (Lake et al. 2018).

In 2008, ADF&G completed an intensive management (IM) plan for Yukon Flats moose. A feasibility assessment of the IM plan determined that: 1) wolf harvest rates by local residents would not be sufficient to reduce the abundance of wolves, and 2) the documented black bear density is the highest in Interior Alaska and harvest by local residents would not be sufficient to reduce abundance (Caikoski 2012).

Habitat

Wildland fire and flood events in the western Yukon Flats maintain early successional shrub communities (Caikoski 2012, Bertram 2015). The quality and availability of these communities for winter moose forage is variable across the Yukon Flats. Stands of new and early to mid-successional stage willows grow in lowlands, wetlands, newly formed river terraces, and upland burned areas. There are also large stands of old growth willow, growing primarily out of the reach for moose (Bertram 2015). Browse habitat does not appear to be limiting moose at past densities (ADF&G 2002). Current healthy calf production and recruitment, and high parturition and twinning rates indicate good nutritional health and quality winter habitat (Hinkes 2015, Lake 2015, Bertram and Vivion 2002, Caikoski 2012).

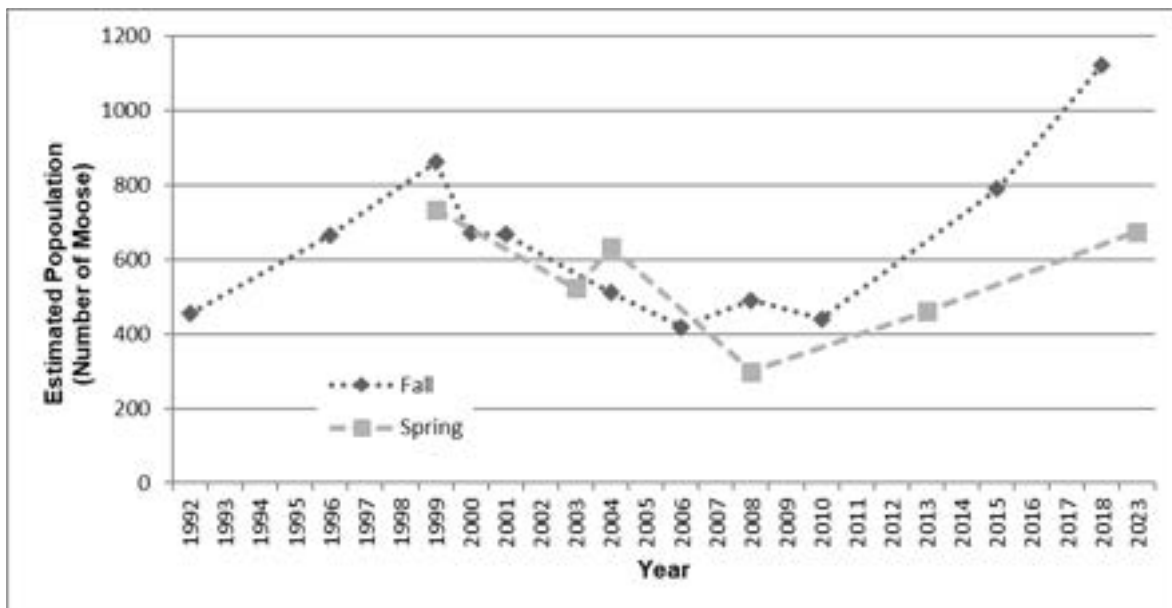


Figure 1. Estimated moose population in Unit 25D (west). Stratified random and regression analysis were used to determine estimates in 1992 and 1996, respectively. A GeoSpatial Population Estimator (GSPE) was used in all other years. The sampling area in 1992 and 1996 was 1532 mi². The sampling area in all other years was 2269 mi² (Lake 2013, 2015; Lake et al. 2018; Lake and Guldager 2023).

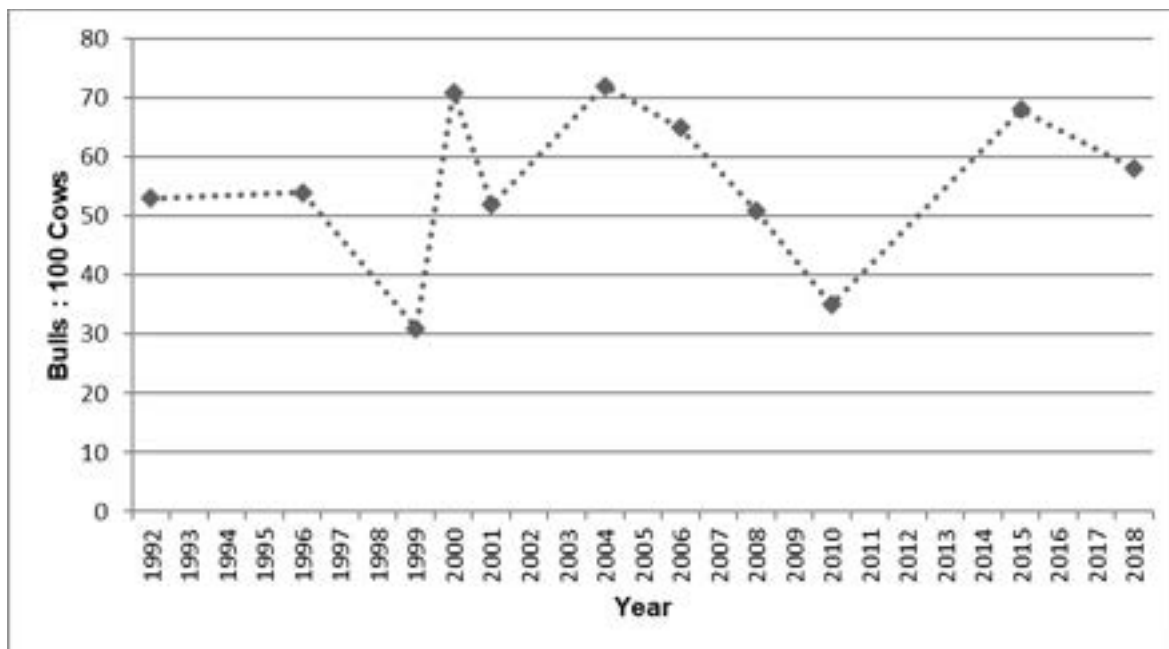


Figure 2. Estimated fall bull:cow ratios for moose in Unit 25D (west). Stratified random and regression analysis were used to determine estimates in 1992 and 1996, respectively. A GeoSpatial Population Estimator (GSPE) was used in all other years (Lake 2013, 2015; Lake et al. 2018).

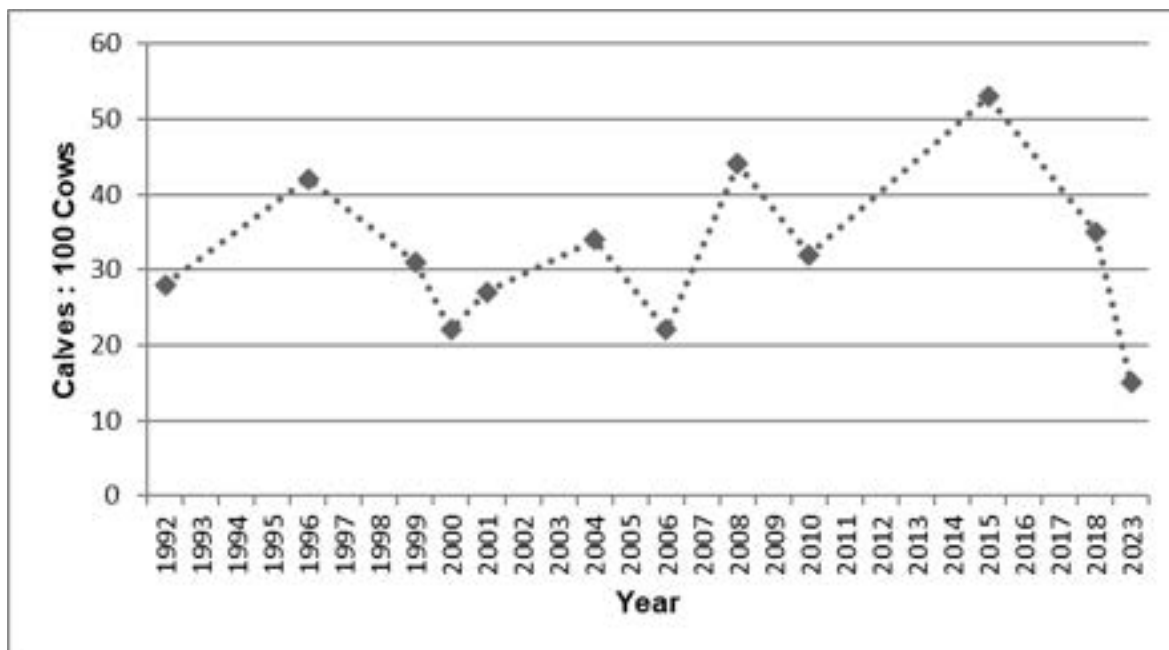


Figure 3. Estimated fall calf:cow ratios for moose in Unit 25D (west). Stratified random and regression analysis were used to determine estimates in 1992 and 1996, respectively. A GeoSpatial Population Estimator (GSPE) was used in all other years (Lake 2013, 2015; Lake et al. 2018; Lake and Guldager 2023).

Cultural Knowledge and Traditional Practices

Refer to Cultural Knowledge and Traditional Practices outlined in Wildlife Proposal WP24-34.

Harvest History

Moose are an important subsistence resource for all communities in the Upper Yukon basin (ADF&G 2002, Stevens and Maracle 2012). Sharing of harvested moose among households is common (Stevens and Maracle 2012). Most moose are harvested in September with a small fraction harvested in August (Stevens and Maracle 2012). Local hunters predominantly access moose hunting areas by boat and hunt within 30 miles of their community (Johnson et al. 2016).

Between regulatory years (RY) 2000 and 2019, total reported moose harvest by State and Federal permits in Unit 25D (west) fluctuated annually, ranging from 4-21 moose/year and averaged 13 moose/year (**Figure 4**). During the same time-period, reported moose harvest by Federal permit ranged from 3-14 moose/year, and averaged 8 moose/year (**Figure 4**). On average, 65% of the reported moose harvest occurred by Federal permit, potentially indicating that more moose are harvested on Federal public lands in Unit 25D (west) (**Figure 4**, Caikoski 2012, 2018; ADF&G 2023; OSM 2016, 2020). Over the same time-period, annual harvest success rates under Federal regulations ranged from 22%-78% and averaged 49%. Between 2000 and 2013, success rates displayed a declining trend, while success rates have trended upward since 2013 (OSM 2020).

Reporting rates by residents of Unit 25D have historically been low. Unreported harvest of moose, particularly illegal harvest of cows, has remained a chronic issue (Caikoski 2012). CATG has conducted numerous household surveys of Yukon Flats communities since 1993 (Stevens and Maracle 2012). According to these data, residents of Beaver, Birch Creek, and Stevens Village harvested 9-45 moose/year between 1993 and 2010, with an annual average of 22 moose (**Figure 5**; Stevens and Maracle 2012). These data do not reveal any long-term trends, but rather that harvest fluctuates annually due to various factors, including weather, water levels, moose distribution, fuel prices, and survey methodology and implementation (Stevens and Maracle 2012).

While the moose population and harvest vary annually, the average population harvest rate between 1993 and 2010 was estimated to be 3% (575 average moose population, Caikoski 2012; 22 moose harvested/year on average, Stevens and Maracle 2012). On average 24 moose were estimated to be harvested/year between 2010 and 2014 (Caikoski 2018).

Historically low reporting rates by residents of Unit 25D reduces the confidence in analyzing the potential impact of including Circle and Fort Yukon in the Unit 25D(west) moose harvest. However, as a point of reference for the last 10 years (2011-2021), 3-9 hunters from Circle and 22-41 hunters from Fort Yukon reported hunting moose in the entirety of Unit 25D each year. On average, one hunter from Circle and 13 from Fort Yukon reported being successfully at harvesting a moose within Unit 25D (**Figure 6**, ADF&G 2023).

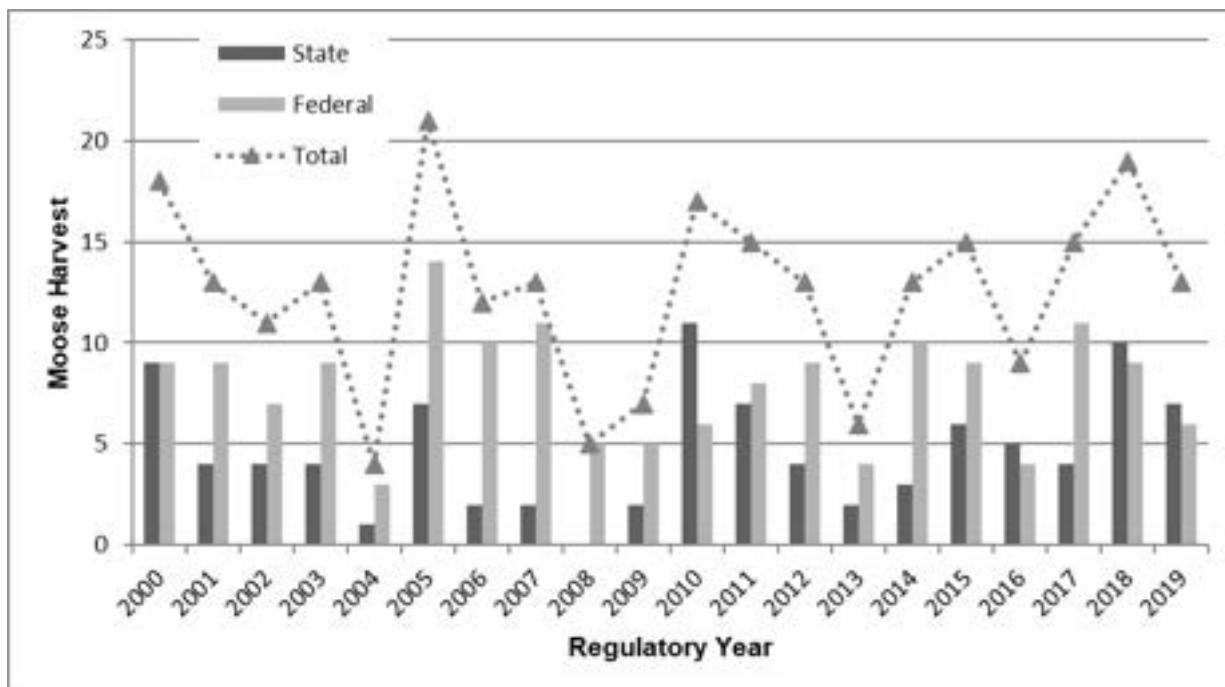


Figure 4. Reported moose harvest by State (TM940) and Federal (FM2505) permit in Unit 25D (west) (Caikoski 2012, 2018; ADF&G 2023; OSM 2016, 2020).

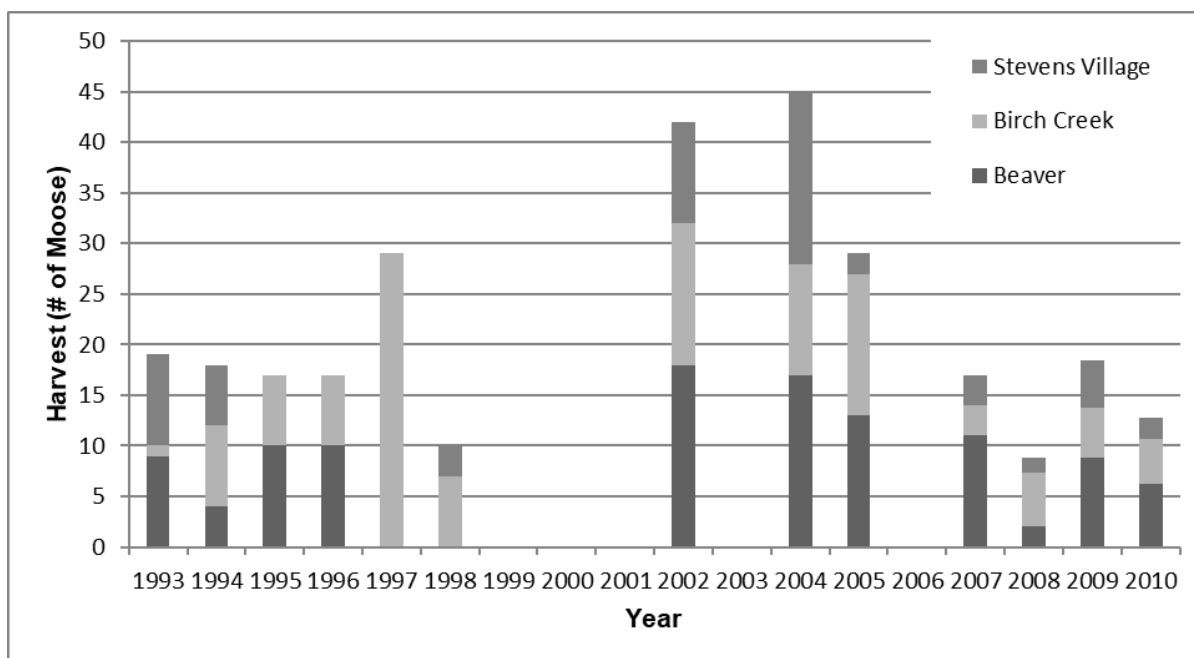


Figure 5. Moose harvest by community as reported from household surveys (Stevens and Maracle 2012).

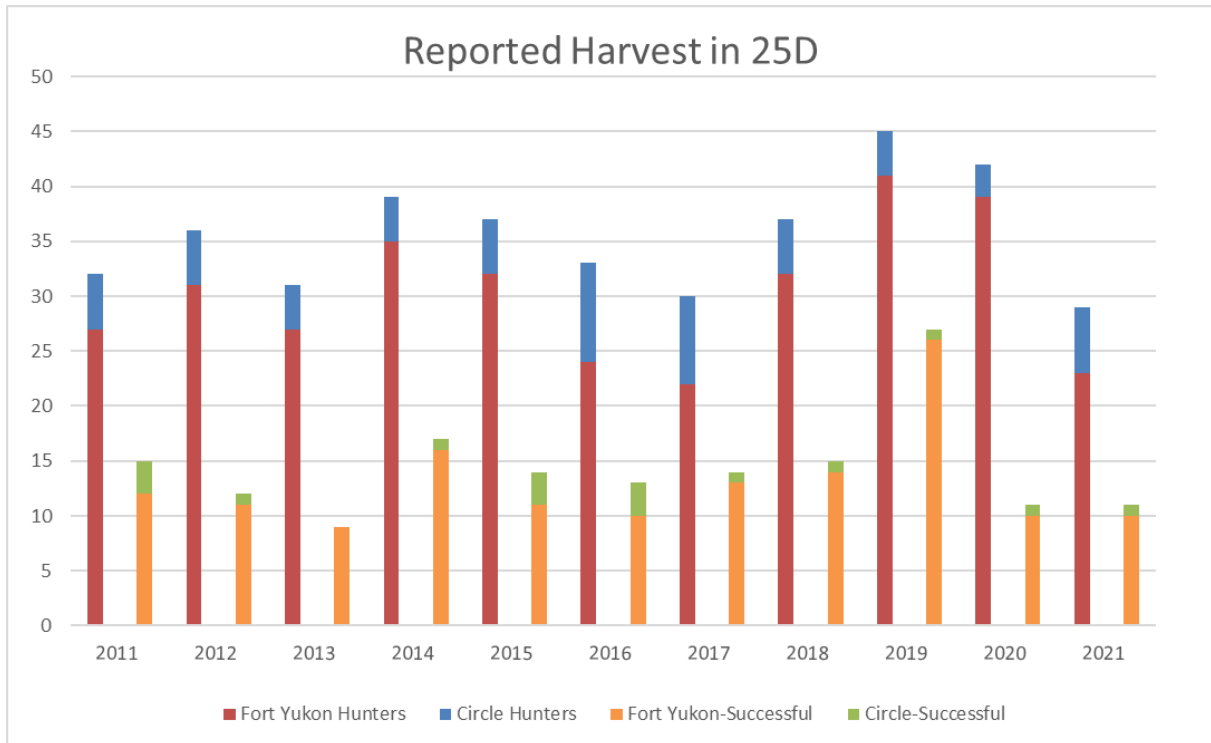


Figure 6. Reported total hunters and successful hunters from Circle and Fort Yukon for moose in all Unit 25D (ADF&G 2023).

Effects of the Proposal

If this proposal is adopted, the regulatory language for the Federal public lands closure to hunting for moose in Unit 25D west will be clarified to read, “federally qualified subsistence users” instead of “residents of Unit 25D (west),” which unintentionally implies that there is a §804 restriction in place. If Proposal WP24-34 is also adopted, residents of Circle and Fort Yukon would be allowed to harvest moose in Unit 25D (west) under Federal regulations. If both Proposals WP24-34 and WP24-35 are adopted, harvest pressure on the moose population in Unit 25D(west) would increase, although the number of permits available to each community is uncertain and not specified in the submitted proposal.

OSM PRELIMINARY CONCLUSION

Support Proposal WP24-35 **with modification** to delegate authority to the Yukon Flats NWR manager to set the number of permits issued and the number of permits available by community each year (**Appendix 1**).

The modified regulations should read:

Unit 25D–Moose

Unit 25D (west), that portion lying west of a line extending from the Unit 25D boundary on Preacher Creek, then downstream along Preacher Creek, Birch Creek, and Lower Mouth of Birch Creek to the Yukon River, then downstream along the north bank of the Yukon River (including islands) to the confluence of the Hadweenzic River, then upstream along the west bank of the Hadweenzic River to the confluence of Forty and One-Half Mile Creek, then upstream along Forty and One-Half Mile Creek to Nelson Mountain on the Unit 25D boundary—1 bull by a Federal registration permit. Aug. 25-Feb. 28

~~*Permits will be available in the following villages: Beaver (25 permits), Birch Creek (10 permits), and Stevens Village (25 permits). Permits for residents of 25D (west) who do not live in one of the three villages will be available by contacting the Yukon Flats National Wildlife Refuge Office in Fairbanks or a local Refuge Information Technician.*~~

Moose hunting on public land in Unit 25D (west) is closed at all times except for residents of Unit 25D (west) hunting under these regulations. The moose season will be closed by announcement of the Refuge Manager Yukon Flats NWR when 60 moose have been harvested in the entirety (from Federal and non-Federal lands) of Unit 25D (west)

*Moose hunting on public land in Unit 25D (west) is closed at all times except for ~~residents of Unit 25D (west)~~ **federally qualified subsistence users** hunting under these regulations. The moose season will be closed by announcement of the Refuge Manager Yukon Flats NWR when 60 moose have been harvested in the entirety (from Federal and non-Federal lands) of Unit 25D (west)*

Justification

WP24-35 - Unit 25D West; Open moose hunting to all federally qualified subsistence users; revise permit allocation

Changing the regulatory language that all federally qualified subsistence users with a Customary and Traditional determination for moose in Unit 25D(west) are excepted from this Federal lands closure clarifies regulations and reduces confusion. Delegating authority to the Yukon Flats NWR ,in consultation with the State, to announce the number of permits to issue each year and how to allocate them amongst the eligible communities and subsistence users provides for management flexibility in response to changing resource and hunt conditions and can help optimize conservation of the moose population with subsistence opportunity.

This proposal is related to Proposal WP24-34. If WP24-34 is adopted, then adoption of WP24-35 is also needed for residents of Circle and Fort Yukon to be able to harvest moose in Unit 25D(west). The moose population is stable with periods of population increases. Bull:cow ratios are well above management objectives and could support some additional bull harvest, especially as reported harvest is well below the quota of 60 moose (although magnitude of unreported harvest is unknown). Including these two villages is not expected to cause conservation concerns due to the current safeguards of harvest quotas and permit number currently in place.

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Appendix 1

Yukon Flats National Wildlife Refuge Manager
U.S. Fish and Wildlife Service
101 12th Avenue
Room 264
Fairbanks, AK 99701-6237

Dear Refuge Manager:

This letter delegates specific regulatory authority from the Federal Subsistence Board (Board) to the manager of the Yukon Flats National Wildlife Refuge (Refuge) to issue emergency or temporary special actions if necessary to ensure the conservation of a healthy wildlife population, to continue subsistence uses of wildlife, for reasons of public safety, or to assure the continued viability of a wildlife population. This delegation only applies to the Federal public lands subject to Alaska National Interest Lands Conservation Act (ANILCA) Title VIII jurisdiction within Unit 25D (west) for the management of moose on these lands.

It is the intent of the Board that actions related to management of moose by Federal officials be coordinated, prior to implementation, with the Alaska Department of Fish and Game (ADF&G), representatives of the Office of Subsistence Management (OSM), and the Chair of the affected Council(s) to the extent possible. The Office of Subsistence Management will be used by managers to facilitate communication of actions and to ensure proposed actions are technically and administratively aligned with legal mandates and policies. Federal managers are expected to work with managers from the State and other Federal agencies, the Council Chair or alternate, local tribes, and Alaska Native Corporations to minimize disruption to subsistence resource users and existing agency programs, consistent with the need for special action.

DELEGATION OF AUTHORITY

1. Delegation: The Yukon Flats NWR manager is hereby delegated authority to issue emergency or temporary special actions affecting moose on Federal lands as outlined under the **Scope of Delegation**. Any action greater than 60 days in length (temporary special action) requires a public hearing before implementation. Special actions are governed by Federal regulation at 36 CFR 242.19 and 50 CFR 100.19.

2. Authority: This delegation of authority is established pursuant to 36 CFR 242.10(d)(6) and 50 CFR 100.10(d)(6), which state: "The Board may delegate to agency field officials the authority to set harvest and possession limits, define harvest areas, specify methods or means of harvest, specify permit requirements, and open or close specific fish or wildlife harvest seasons within frameworks established by the Board."

3. Scope of Delegation: The regulatory authority hereby delegated is limited to the following authorities within the limits set by regulation at 36 CFR 242.26 and 50 CFR 100.26:

- To set the number of permits issued.

- To Set the number of permits available by community each year.

This delegation also permits you to close and reopen Federal public lands to nonsubsistence hunting, but does not permit you to specify permit requirements or harvest and possession limits for State-managed hunts.

This delegation may be exercised only when it is necessary to conserve **moose** populations, to continue subsistence uses, for reasons of public safety, or to assure the continued viability of the populations. All other proposed changes to codified regulations, such as customary and traditional use determinations, shall be directed to the Board.

The Federal public lands subject to this delegated authority are those within **Unit 25D (west)**.

4. Effective Period: This delegation of authority is effective from the date of this letter and **continues until superseded or rescinded.**

5. Guidelines for Delegation: You will become familiar with the management history of the wildlife species relevant to this delegation in the region, with current State and Federal regulations and management plans, and be up-to-date on population and harvest status information. You will provide subsistence users in the region a local point of contact about Federal subsistence issues and regulations and facilitate a local liaison with State managers and other user groups.

You will review special action requests or situations that may require a special action and all supporting information to determine (1) consistency with 50 CFR 100.19 and 36 CFR 242.19, (2) if the request/situation falls within the scope of authority, (3) if significant conservation problems or subsistence harvest concerns are indicated, and (4) what the consequences of taking an action or no action may be on potentially affected federally qualified subsistence users and non-federally qualified users. Requests not within your delegated authority will be forwarded to the Board for consideration. You will maintain a record of all special action requests and rationale for your decision. A copy of this record will be provided to the Administrative Records Specialist in OSM no later than sixty days after development of the document.

For management decisions on special actions, consultation is not always possible, but to the extent practicable, two-way communication will take place before decisions are implemented. You will also establish meaningful and timely opportunities for government-to-government consultation related to pre-season and post-season management actions as established in the Board's Government-to-Government Tribal Consultation Policy (Federal Subsistence Board Government-to-Government Tribal Consultation Policy 2012 and Federal Subsistence Board Policy on Consultation with Alaska Native Claim Settlement Act Corporations 2015).

You will immediately notify the Board through the Assistant Regional Director for OSM, and coordinate with the Chair(s) or alternate of the affected Council(s), local ADF&G managers, and other affected Federal conservation unit managers concerning emergency and temporary special actions being considered. You will ensure that you have communicated with OSM to

ensure the special action is aligned with ANILCA Title VIII, Federal Subsistence regulations and policy, and that the perspectives of the Chair(s) or alternate of the affected Council(s), OSM, and affected State and Federal managers have been fully considered in the review of the proposed special action.

If the timing of a regularly scheduled meeting of the affected Council(s) permits without incurring undue delay, you will seek Council recommendations on the proposed temporary special action(s). If the affected Council(s) provided a recommendation, and your action differs from that recommendation, you will provide an explanation in writing in accordance with 50 CFR 100.10(e)(1) and 36 CFR 242.10(e)(1).

You will issue decisions in a timely manner. Before the effective date of any decision, reasonable efforts will be made to notify the public, OSM, affected State and Federal managers, law enforcement personnel, and Council members. If an action is to supersede a State action not yet in effect, the decision will be communicated to the public, OSM, affected State and Federal managers, and the local Council members at least 24 hours before the State action would be effective. If a decision to take no action is made, you will notify the proponent of the request immediately. A summary of special action requests and your resultant actions must be provided to the coordinator of the appropriate Council(s) at the end of each calendar year for presentation to the Council(s).

You may defer a special action request, otherwise covered by this delegation of authority, to the Board in instances when the proposed management action will have a significant impact on a large number of Federal subsistence users or is particularly controversial. This option should be exercised judiciously and may be initiated only when sufficient time allows for it. Such deferrals should not be considered when immediate management actions are necessary for conservation purposes. The Board may determine that a special action request may best be handled by the Board, subsequently rescinding the delegated regulatory authority for the specific action only.

6. Support Services: Administrative support for regulatory actions will be provided by the Office of Subsistence Management.

Sincerely,

Anthony Christianson
Chair

Enclosures

cc: Federal Subsistence Board
Assistant Regional Director, Office of Subsistence Management
Deputy Assistant Regional Director, Office of Subsistence Management
Subsistence Policy Coordinator, Office of Subsistence Management

*WP24-35 - Unit 25D West; Open moose hunting to all federally qualified subsistence users;
revise permit allocation*

Wildlife Division Supervisor, Office of Subsistence Management
Subsistence Council Coordinator, Office of Subsistence Management
Chair, Eastern Interior Alaska Subsistence Regional Advisory Council
Deputy Commissioner, Alaska Department of Fish and Game
Special Projects Coordinator, Alaska Department of Fish and Game
Interagency Staff Committee
Administrative Record

WP24-36 Executive Summary	
General Description	Wildlife Proposal WP24-36 requests to rescind the customary and traditional use determination for Dall sheep in Unit 25A for the residents of Kaktovik. <i>Submitted by: North Slope Subsistence Regional Advisory Council</i>
Proposed Regulation	Customary and Traditional Use Determination—Sheep <i>Unit 25A</i> <div style="float: right;"><i>Residents of Residents of Arctic Village, Chalkyitsik, Fort Yukon, Kaktovik, and Venetie.</i></div>
OSM Preliminary Conclusion	Oppose
Eastern Interior Alaska Subsistence Regional Advisory Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	

DRAFT STAFF ANALYSIS WP24-36

ISSUES

Proposal WP24-36, submitted by the North Slope Subsistence Regional Advisory Council (Council), requests that the Federal Subsistence Board (Board) rescind the customary and traditional use determination for Dall sheep in Unit 25A for the residents of Kaktovik.

DISCUSSION

The Council stated that the residents of Kaktovik have not demonstrated customary and traditional use of sheep in Unit 25A and considers the determination a mistake. The Council member from Kaktovik explained that hunters from Kaktovik do not harvest sheep in Unit 25A and the Arctic Village Sheep Management Area because it is across the Brooks Range from them.

Existing Federal Regulation

Customary and Traditional Use Determination—Sheep

Unit 25A—Arctic Village Sheep Management Area

Residents of Arctic Village, Chalkyitsik, Fort Yukon, Kaktovik, and Venetie.

Proposed Federal Regulation

Customary and Traditional Use Determination—Sheep

Unit 25A

Residents of Residents of Arctic Village, Chalkyitsik, Fort Yukon, ~~Kaktovik~~, and Venetie.

Extent of Federal Public Lands/Waters

Unit 25A is comprised of 76.4% Federal public lands; 74.1% is U.S. Fish and Wildlife Service lands, the Arctic National Wildlife Refuge, and 2.3% is under the jurisdiction of the Bureau of Land Management (BLM).

The Arctic Village Sheep Management Area in Unit 25A comprises approximately 99% Federal public lands and consists of U.S. Fish and Wildlife Service managed lands that are within the Arctic National Wildlife Refuge (**Figure 1**).

Regulatory History

At the beginning of the Federal Subsistence Management Program in Alaska in 1990, existing State regulations were adopted into Temporary Subsistence Management Regulations (55 Fed. Reg. 126. 27117 [June 29, 1990]). The customary and traditional use determination for sheep in Unit 25A was and is for residents of Arctic Village, Chalkyitsik, Fort Yukon, Kaktovik, and Venetie. Prior to this proposal, the Board has not received a proposal to modify the determination.

Community Characteristics

Kaktovik is a North Slope community located on Barter Island in Unit 26C. The Arctic National Wildlife Refuge lies immediately to the south of the community. In 2020, the population of Kaktovik was estimated to be 283 people (ADCCED 2023). Kaktovik is an Inupiaq community, and the cultural and subsistence practices of its residents reflect their heritage. Residents primarily harvest caribou, marine mammals, whitefish, and char. However, residents rely on a wide range of wild foods including Dall sheep.

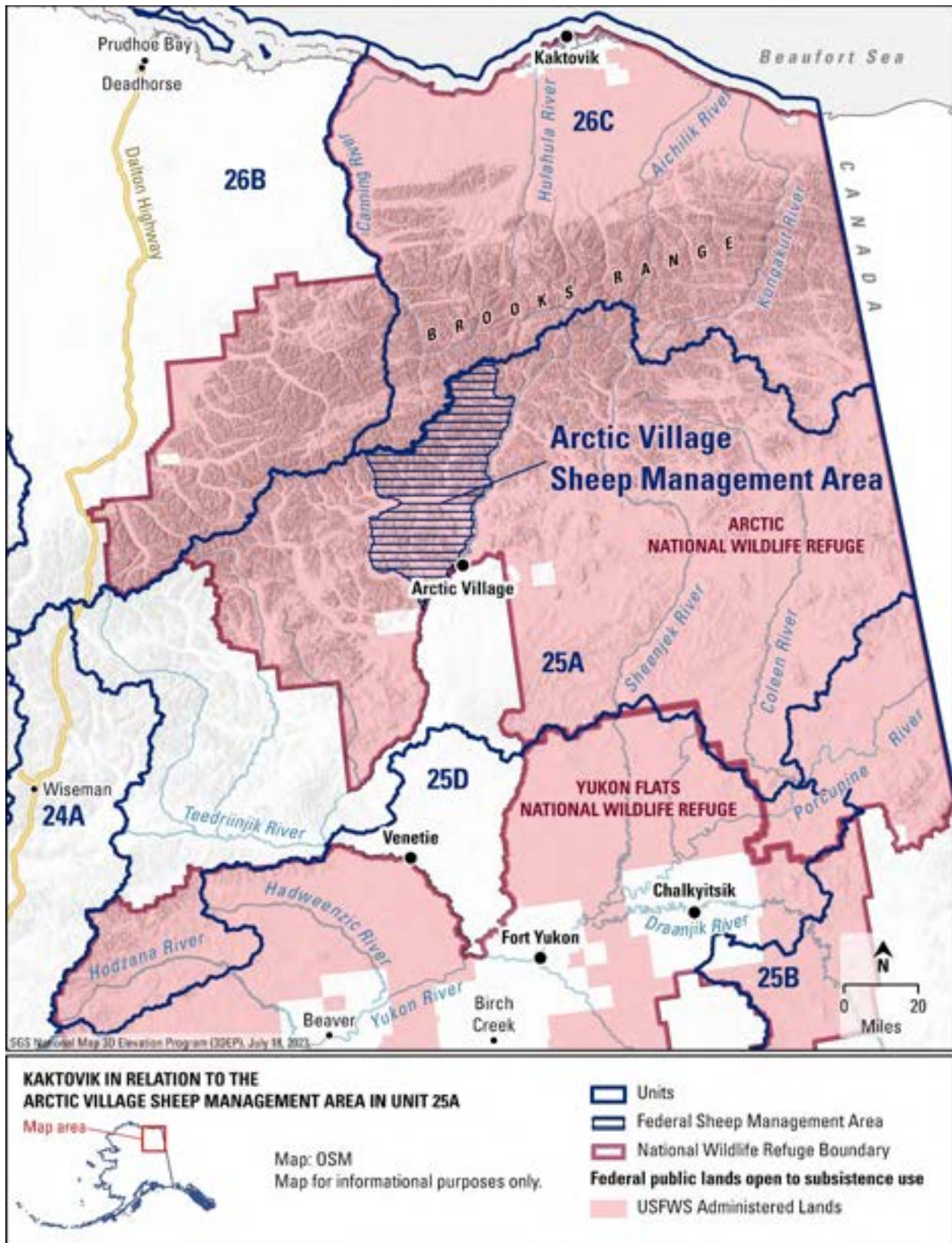


Figure 1. Kaktovik in relation to the Arctic Village Sheep Management Area.

Eight Factors for Determining Customary and Traditional Use

A community or area's customary and traditional use is generally exemplified through these eight factors: (1) a long-term, consistent pattern of use, excluding interruptions beyond the control of the community or area; (2) a pattern of use recurring in specific seasons for many years; (3) a pattern of use consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics; (4) the consistent harvest and use of fish or wildlife as related to past methods and means of taking: near, or reasonably accessible from the community or area; (5) a means of handling, preparing, preserving, and storing fish or wildlife which has been traditionally used by past generations, including consideration of alteration of past practices due to recent technological advances, where appropriate; (6) a pattern of use which includes the handing down of knowledge of fishing and hunting skills, values, and lore from generation to generation; (7) a pattern of use in which the harvest is shared or distributed within a definable community of persons; and (8) a pattern of use which relates to reliance upon a wide diversity of fish and wildlife resources of the area and which provides substantial cultural, economic, social, and nutritional elements to the community or area.

The Board makes customary and traditional use determinations based on a holistic application of these eight factors (50 CFR 100.16(b) and 36 CFR 242.16(b)). In addition, the Board takes into consideration the reports and recommendations of any appropriate Regional Advisory Council regarding customary and traditional use of subsistence resources (50 CFR 100.16(b) and 36 CFR 242.16(b)). The Board makes customary and traditional use determinations for the sole purpose of recognizing the pool of users who generally exhibit some or all of the eight factors. The Board does not use such determinations for resource management or restricting harvest. If a conservation concern exists for a particular population, the Board addresses that concern through the imposition of harvest limits or season restrictions rather than by limiting the customary and traditional use finding.

In 2010, the Secretary of the Interior asked the Board to review, with Regional Advisory Council input, the customary and traditional use determination process, and present recommendations for regulatory changes. In June 2016, the Board clarified that the eight-factor analysis applied when considering customary and traditional use determinations is intended to protect subsistence use, rather than limit it. The Board stated that the goal of the customary and traditional use determination analysis process is to recognize customary and traditional uses in the most inclusive manner possible.

At least three sources support the inclusion of Kaktovik in the customary and traditional use determination for Dall sheep in Unit 25A because of Kaktovik's historic customary and traditional use of sheep in the area through trade and harvest. Although the use may be historic and irregular, this does not diminish the importance of sheep from Unit 25A to the residents of Kaktovik.

There were prehistoric and historic trading and kinship connections with Kaktovik (located in Unit 26C) and the other communities who share the customary and traditional use determination for sheep in Unit 25A (Arctic Village, Chalkyitsik, Fort Yukon, and Venetie). Several sources document these connections including public testimony by a Council member (see below) (FSB 2018), harvest data (OSM 2018), and an ethnographic account from 1963.

In 2018, Gordon Brower, former Chair of the North Slope Council referenced Kaktovik's use of the Arctic Village Sheep Management Area (AVSMA) during a discussion of WP18-56. The proposal requested opening the AVSMA to non-federally qualified subsistence users. Chairman Brower presented the Council's justification for opposing the proposal and noted that Kaktovik hunters hunt for sheep in Unit 25A:

The Council has heard testimony from Arctic Village as well as Kaktovik in the past. It was noted that hunters do go and hunt in this area when other animals are not available, and it is an important area because sheep can be reliably found around the natural mineral formations in that small area...It was noted that sheep become much more important for survival when the caribou do not come around the community and even if the harvest is low in some years, it is critical to maintain the population for food security when they need to shift harvest to more sheep in low caribou years (FSB 2018: 571).

In the same OSM analysis of Unit 25A sheep, WP18-56, harvest data for Unit 25A shows that Kaktovik hunters have traveled there to harvest sheep in recent history (**Table 1**):

Table 1. The harvest of sheep in Unit 25A reported on Federal permits by communities in the customary and traditional use determination, 1995-2015 cumulative (adapted from OSM 2018: 1,237).

FEDERAL PERMITS ONLY- Unit 25A Sheep Harvest						
Community	Arctic Village Sheep Management Area Permit FS2502			Unit 25A remainder Permit FS2503		
	Issued	Hunted	Taken	Issued	Hunted	Taken
Arctic Village	25	7	5	16	3	3
Fort Yukon	5	4	2	2	0	0
Kaktovik	0	0	0	6	4	4

For his 1963 doctoral dissertation, ethnographer Frederick Hadleigh-West conducted field work with the people in Arctic Village and Venetie, the Neets'aai Gwich'in. The people he worked with shared descriptions of the community's relationship with the Inupiat people of the North Slope, the most immediate being the relationship with Kaktovik, the people of Barter Island:

The traditional enemies of the Netsi Kutchin [Neets'aai Gwich'in] were the Eskimos [Inupiat] whose territory lay to the north. Nevertheless, there existed a well organized system of trade with the Eskimos. Trading with the Eskimos took place annually in the month of August. At that time, family groups of the Netsi Kutchin would be in the north hunting mountain sheep. The men would leave their families just on the north side of the

Range and would go down to the coast to a place which they called *kle re ti tl*, ‘meeting place’...At this place the Indians would meet Eskimos from Barrow, Barter Island and perhaps points farther east...Each Indian had a trading partner and there was said to exist between them considerable cordiality. In fact, they called each other friends...The Indians brought to the trade raw hides of wolverine, wolf, caribou, and sheep (258-259).

During fieldwork in Kaktovik conducted in the early 1990s, ADF&G researchers documented local perspectives on sheep. Residents described the use of fallback species and secondary harvest locations when “regular” resources are not available. They discussed the importance of “...an area and a resource which is not used under normal circumstances but actually provide the basis for household or community survival when other major resource categories fail” (Pederson et al. 1985: 72). First on the list of “emergency” resources is Dall sheep followed by a few fish species, seals, and small land mammals (Pederson et al. 1985: 72).

People in Kaktovik described multiple places they travel to harvest sheep, mostly when caribou are not available. They explained that they usually do not harvest the full agency allocation for sheep because other, more accessible, resources provide for their needs. This provides a window into the Indigenous management strategy for sheep. Subsistence harvesters often tell us they only harvest what they need. In this case, they are telling us that they are only harvesting the sheep they need and not harvesting their full “allocated” limit because they are leaving sheep as a way of growing “money in the bank” for a day when they may need to harvest them to survive (Pederson et al. 1985: 64-65).

Effects of the Proposal

If adopted, the removal of Kaktovik from the customary and traditional use of Dall sheep in Unit 25A would exclude the community from the opportunity to harvest sheep in Unit 25A.

OSM PRELIMINARY CONCLUSION

Oppose Proposal WP24-36.

Justification

The people of Kaktovik have a documented customary and traditional use of Dall sheep in Unit 25A. Hunting for sheep in Unit 25A is one of Kaktovik’s places to harvest meat when other resources are not available. Although this area may not be used frequently by the people of Kaktovik, it remains important for the future.

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FEDERAL WILDLIFE CLOSURE REVIEW
WCR24-21

Issue: Wildlife Closure Review WCR24-21 reviews the closure to sheep hunting in the Arctic Village Sheep Management Area in Unit 25A, except by rural Alaska residents of Arctic Village, Venetie, Fort Yukon, Kaktovik, and Chalkyitsik.

Closure Location and Species: Unit 25A, Arctic Village Sheep Management Area—Sheep (Figure 1)

Current Federal Regulation

Unit 25A—Sheep

Unit 25A, Arctic Village Sheep Management Area – 2 rams by Federal Aug. 10–Apr. 30 registration permit only.

Federal public lands are closed to the taking of sheep except by rural Alaska residents of Arctic Village, Venetie, Fort Yukon, Kaktovik, and Chalkyitsik hunting under these regulations.

Closure Dates: Year-round

Current State Regulation

Unit 25A–Sheep

Residents: Unit 25A, Eastern Brooks Range Management Area –1 ram HT Aug. 1–5 with full-curl horn or larger, by youth hunt only.

OR

Residents: Unit 25A, Eastern Brooks Range Management Area –1 ram RS595 Oct. 1–Apr. 30 with $\frac{3}{4}$ curl horn or less every four regulatory years by permit available online at <http://hunt.alaska.gov> or in person in Fairbanks and Kaktovik beginning Sept. 8.

The use of aircraft for access to hunt and to transport harvested sheep is prohibited in this hunt area except into and out of the Arctic Village and Kaktovik airports. No motorized access from Dalton Highway.

Regulatory Year Initiated:

1991: AVSMA established, closed to non-federally qualified subsistence users. AVSMA does not initially include Cane and Red Sheep Creek drainages.

1995: AVSMA expanded to include Cane and Red Sheep Creeks, closed to non-federally qualified users.

2007: AVSMA closure partially rescinded, Cane and Red Sheep Creek drainages open to harvest by non-federally qualified subsistence users Aug. 10-Sept. 20.

2012: Closure of Cane and Red Sheep Creeks to non-federally qualified subsistence users. reestablished.

Extent of Federal Public Lands/Waters

Federal public lands comprise approximately 99% of the Arctic Village Sheep Management Area in Unit 25A and consist 100% of U.S. Fish and Wildlife Service (USFWS) managed lands that are within the Arctic National Wildlife Refuge (**Figure 1**).

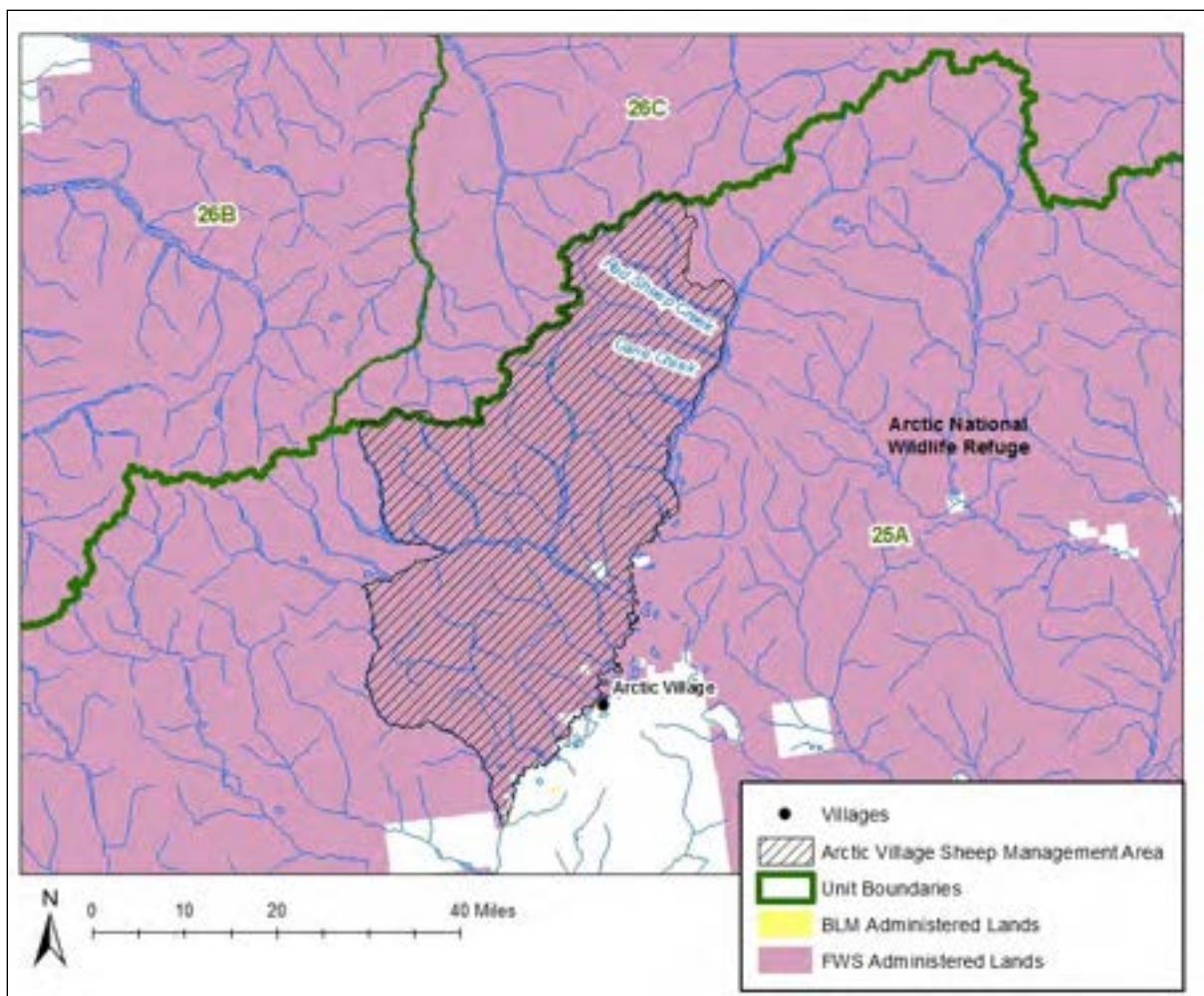


Figure 1. The Arctic Village Sheep Management Area in Unit 25A.

Customary and Traditional Use Determination

Rural residents of Arctic Village, Chalkyitsik, Fort Yukon, Kaktovik, and Venetie have a customary and traditional use determination for sheep in Unit 25A.

Regulatory History

Knowledge of regulatory history necessary to analyze Closure Review WCR24-21 is extensive. It is described in Appendix 1.

Closure last reviewed: 2020 – WP20-49

Justification for Original Closure:

§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...

The Board established the AVSMA in 1991 (56 Fed. Reg. 73 15433 [April 16, 1991]; 56 Fed. Reg. 123 29344 [June 26, 1991]) in response to concerns raised by residents of Arctic Village, who felt that non-federally qualified hunters interfered with sheep hunting by local residents and to address concerns about sheep population health (FSB 1991a: 302; FSB 1991b: 161).

In 1995, the Board extended the original boundary of the AVSMA to include the Cane Creek and Red Sheep Creek drainages to protect the opportunity for subsistence harvest of Dall sheep (60 Fed. Reg. 115 31545 [June 15, 1995]; 60 Fed. Reg. 157 42127 [August 15, 1995]).

In 2007, the Board rescinded the closure in Red Sheep and Cane Creek drainages during Aug. 10-Sept. 20 because it concluded that maintaining the closure to non-subsistence hunting of sheep was no longer necessary for conservation of a healthy sheep population, to provide for continued subsistence use of sheep, for public safety, or for administration (72 Fed. Reg. 247 73248 [December 27, 2007]).

In 2012, the Board re-established the closure to sheep hunting by non-federally qualified users in the Red Sheep and Cane Creek drainages during the fall because the Board said there was no conservation concern, and the closure was needed to ensure the continuation of traditional subsistence uses of sheep by Arctic Village hunters (OSM 2012b:7; 77 Fed. Reg. 114 35485 [June 13, 2012]).

In 2020, the Board rejected a proposal to rescind the closure on public lands to non-federally qualified users for the take of sheep in Unit 25A (Arctic Village Sheep Management Area). The Board stated that there is still a significant conservation concern and the user group conflicts have not yet been resolved (85 Fed. Reg. 226 74798 [November 23, 2020]).

Council Recommendation for Original Closure:

Federal Subsistence Regional Advisory Councils had not yet been established in 1991 when the AVSMA was established and closed to non-federally qualified users. There was no recommendation stated by the Interior Regional Council in the December 17, 1990, or June 4, 1991 Board meeting transcripts.

In 2005, the Eastern Interior and North Slope Regional Advisory Council recommendations on Proposal P95-54 were in support of the Arctic Village positions to maintain the closure to non-federally qualified users and to expand the closure to include the drainages of Red Sheep Creek and Cane Creek within the AVSMA.

In 2007, when the closure was partially rescinded, the Eastern Interior Council recommended deferral of Proposal WP07-56 for one year because they wanted to form a working group to negotiate harvest terms for non-federally qualified subsistence users, including cultural awareness briefings. The North Slope Council opposed Proposal WP07-56; the Council stated there was no evidence that adoption of the proposal would not impact villages.

In 2012, when the closure was re-established for the fall season within the Red Sheep and Cane Creek drainages, the Eastern Interior Council supported Proposal WP12-76 because of public testimony about non-federally qualified users interfering with subsistence users. The North Slope Council supported Proposal WP12-57 because the closure was needed to ensure the continuation of the traditional subsistence uses of sheep by Arctic Village hunters (OSM 2012b:7).

State Recommendation for Original Closure:

No recommendation by the State is stated in the December 17, 1990, or June 4, 1991 Board meeting transcripts; however, the State's subsequent proposals and Requests for Reconsideration indicate its opposition to the AVSMA closure. The State has consistently demonstrated support for opening the AVSMA to non-federally qualified hunters (please refer to Appendix I for detailed regulatory history). In 1995, the State submitted RFR95-06 to request Board reconsideration of its decision to adopt proposal 95-54 to add the Cane Creek and Red Sheep drainages to the AVSMA. In 2007, the State submitted WP07-56 to open the sheep harvest in the Cane and Red Creek drainages to non-federally qualified hunters. The Board adopted the closure. After the Board rescinded the closure in 2012, the Eastern Interior Council submitted WP14-51 which requested the re-opening of the Cane and Red Sheep Creek drainages to non-federally qualified hunters. The Board adopted the proposal. In 2019, the State submitted WP20-49 requested the re-opening of the Cane and Red Sheep Creek drainages to non-federally qualified hunters. The Board rejected the proposal.

Biological Background

Sheep populations across the eastern Brooks Range of Alaska have appeared relatively stable at low densities since the late 1990s (Caikoski 2014). However, geographic barriers such as large valleys and rivers naturally limit sheep movements and distribution, resulting in discrete subpopulations (Arthur 2013, Caikoski 2014). Therefore, repeated, fine-scale surveys are necessary to understand sheep population status and trends in a specific area such as the Arctic Village Sheep Management Area.

State management goals and objectives for sheep in Unit 25A (Caikoski 2014) include:

- Protect, maintain, and enhance the sheep population and its habitat in concert with other components of the ecosystem.
- Provide for continued general sheep harvest and subsistence use of sheep.
- Provide an opportunity to hunt sheep under aesthetically pleasing conditions.
- Maximize hunter opportunity using a full-curl harvest strategy.
- Maintain an average harvest of rams ≥ 8 years old.

The State manages sheep using a full-curl harvest strategy, a conservative approach (ADF&G 2017a). Once sheep are eight years old, their chance of surviving each additional year is much lower.

Harvesting older, full-curl rams (8+ years old) allows younger rams in their prime to continue breeding, assuming consistent recruitment (ADF&G 2017a, Heimer and Watson 1986).

The Arctic National Wildlife Refuge conducts periodic aerial sheep surveys of the AVSMA and surrounding areas. Due to differences in survey areas, comparisons across years are difficult. Sheep densities within the AVSMA have generally been low compared to some other areas in the Brooks Range (Payer 2006 in OSM 2014a). Within the AVSMA, sheep densities north of Cane Creek have been much higher than sheep densities south of Cane Creek, presumably because habitat quality is lower in that area (Mauer 1990 in OSM 2014a, Wald 2012). This is probably related to shale formations supporting more vegetation and therefore more sheep that are more common north (versus south) of Cane Creek, (Smith 1979 in OSM 2014a). The presence of mineral licks south of Cane Creek also influences sheep densities as most sheep observed by Mauer (1996) and Payer (2006) were clustered around such licks (OSM 2014a).

In 1991, sheep densities in the AVSMA north and south of Cane Creek averaged 2.25 sheep/mi² and 0.2 sheep/mi², respectively (Mauer 1996 in OSM 2014a). In 2006, sheep density north of Cane Creek averaged 1.7 sheep/mi² (Wald 2012). The observed decline in density is thought to be weather related (OSM 2014).

The sheep population in the AVSMA likely declined between 2012 and 2015 due to several years of poor lamb production and severe winters (particularly the winters of 2012-13 and 2013-14). In 2012, surveys within and near the AVSMA indicated an average sheep density of 0.79 sheep/mi² and 27 lambs:100 ewes (Arthur 2017, pers. comm.). Density north and south of Cane Creek ranged from 1.5–1.8 sheep/mi² and 0.25–0.7 sheep/mi², respectively (Wald 2012). In 2015, estimated sheep density for the same areas averaged 0.67 sheep/mi² and the lamb:ewe ratio was 34 lambs:100 ewes. The 2015 survey also indicated a decline in rams of all age classes (Arthur 2017, pers. comm.).

In 2016, a larger area was surveyed, including the Hulahula River drainage in Unit 26C, which contains higher sheep densities than the AVSMA. While the 2016 overall sheep density averaged 0.86 sheep/mi², density within the AVSMA was likely 0.70-0.75 sheep/mi² (Arthur 2017, pers. comm.). The ram:ewe ratio for the entire survey area averaged 28 rams:100 ewes, and the density of full-curl rams was 0.005/mi². Due to improved lamb production in 2015 and 2016 (>30 lambs:100 ewes), the sheep population in the AVSMA has likely not declined below 2015 levels and may be increasing. However, it will be at least 3–5 years before an increase in mature (8+ year old) rams are observed in the population (Arthur 2017, pers. comm.; 2019 pers. comm.). No surveys have been conducted since 2016. (*COVID interrupted subsequently planned sheep surveys*).

Cultural Knowledge and Traditional Practices

2023 Update:

In March 1-2, 2023, the Eastern Interior Council met in Fairbanks and this closure review was presented to the Council. More than five representatives from Arctic Village and Venetie attended the meeting and five provided extensive testimony in support of continuing the closure and making it permanent (EIRAC 2023: 177-214).

On March 16, 2023, Tanana Chiefs Conference passed Resolution 2023-12 in support of permanent closure of Arctic Village sheep management area to sport hunters (**Appendix 2**).

Cultural Context:

The communities of Arctic Village and Venetie are unique in Alaska because they opted out of the Alaska Native Claims Settlement Act and chose to obtain title to their reserve lands. Steven Dinero, Professor of Human Geography, argues that this is an outgrowth of Neets'aii Gwich'in's cultural heritage of nomadism and independence (2005). This is important context for the history of this closure and the Arctic Village Council's request for government-to-government consultation regarding the AVSMA. There are many pages of testimony in Board and RAC transcripts from the Arctic Village Council regarding the AVSMA. Most pointed, however, is the repeated emphasis by tribal officials and some Council members that the issue of the AVSMA should be addressed through formal government-to-government Tribal consultation (EIRAC 2019: 50, 64, 66, 117). Evon Peter, former Chief of Arctic Village stated:

...I think it is really important for us to recognize that we have three sovereigns at work in Alaska and those are the Federal government, the State government and Tribal governments. As I began looking at the letter that was sent out to Arctic Village, I think it was addressed to our council or our chief, and it refers to just Arctic Village residents, but that doesn't really adhere to the frameworks of those three government-to-government relationships between our Tribe, the State and the Federal government (EIRAC 2019: 47).

The statement above serves as "current" context to the cultural history of the AVSMA which was traditionally occupied by *Neets'aii Gwich'in*. Their traditional territory included the northern reaches of the East Fork Chandalar, Koness, and Sheenjek rivers. Neets'aii Gwich'in continued their nomadic way of life into the 1950s when they established more permanent settlements at Arctic Village and Venetie, taking extended trips to seasonal harvesting sites (McKenna 1965).

Neets'aii Gwich'in follow(ed) routes to the arctic coast that were situated within the AVSMA. Gwich'in regularly visited the arctic coast for the purposes of trade (Burch 1979). Ethnographer, F. Hadleigh-West, who conducted field work with Neets'aii Gwich'in in the late 1950s, spoke with people who had made the trip over the Brooks Range to the Arctic coast. They said that families went into the mountains to hunt sheep and caribou. This travel varied from year to year depending on the migration routes of caribou and the availability of other resources. Traders traveled to the Barter Island area to exchange hides for Western goods from whalers. Hadleigh-West reported people preferred the Phillip Smith Mountains for sheep hunting, where many East Fork Chandalar tributaries originate, including Red Sheep and Cane Creeks and other drainages situated within the AVSMA. This trade continued irregularly until 1928 (Hadleigh-West 1963).

Red Sheep Creek was a recognized favorite sheep hunting area of the Neets'aii Gwich'in, on one of their routes to the arctic coast (Hadleigh-West 1963: 257). At the Eastern Interior Council meeting in 2017, the Arctic NWR deputy manager related a conversation with Trimble Gilbert, long-term First

Chief of Arctic Village Council, Episcopalian priest, and Gwich'in Athabascan Elder (Dinero 2005: 141). Mr. Gilbert said that food and tools were cached in the mountains in the Red Sheep Creek drainage for the returning traders and for future trips, indicating the cultural importance of the area (EIRAC 2017: 286)

While located approximately 45 miles from Arctic Village, Red Sheep Creek is situated well within the historical territory of Neets'aii Gwich'in. Native allotments cover the confluence of Red Sheep and Cane Creeks with the East Fork Chandalar River; a Native allotment is situated further up Red Sheep Creek, and a native allotment is situated upriver at the confluence of an unnamed creek and the East Fork Chandalar River. The Red Sheep Creek allotments were not conveyed until 1996 (FWS 2019). Prior to this time, the confluence was the site of a large non-local guiding camp; however, currently Arctic NWR does not assign guides to this area (EIRAC 2017). The allotment contains a large airstrip identifiable from the air. Another, smaller non-locally built airstrip is situated between the two Red Sheep Creek Native allotments (Arthur 2019, pers. comm.). A source of community concerns is that guides and hunters create air and foot traffic in areas with prehistoric cultural and scientific value.

Hadleigh-West described Neets'aii Gwich'in relationship to the land and mountains and the nature of the sheep hunt, as described below by (1963):

The extent to which the Neets'aii Kutchin are adapted to their mountainous environment is evidenced by the willingness and agility with which they attack it. Hiking trails usually take the shortest route between two points. This always entails some climbing. Another evidence is inherent in their knowledge of the country; it is "impossible" to become lost in *Netsai*ⁿ. Hunting mountain sheep, nowadays viewed as a kind of family outing, often demands of the hunter an agility approaching that of the quarry. In this connection, too, the former use of a special climbing staff, surely is indicative of a mountaineering people (Hadleigh-West 1963:270).

After caribou, Dall sheep are the most important large land mammal harvested for food. Moose were scarce (Hadleigh-West 1963: 172). Neets'aii Gwich'in relied upon sheep as a food source primarily in late summer or whenever caribou were scarce. Hadleigh-West (1963: 138) identified four very specific sheep hunting areas used by Arctic Village residents: 1.) along the Junjik River, 2.) East Fork Chandalar River, 3.) Cane Creek, and 4.) Red Sheep Creek. All are within the AVSMA.

The customary and traditional use determination for sheep in Unit 25A, including the AVSMA, consists of five communities with a total population of roughly 1,100 people according to the 2020 U.S. Census. (The other communities are Kaktovik, Fort Yukon, Chalkyitsik, and Venetie.)

Of the five communities with C&T for sheep in Unit 25A, the residents of Arctic Village have the strongest ties to and are the primary users of the AVSMA (OSM 1993; see also Dinero 2003, Gustafson 2004, and Reed et al. 2008). Sheep hunting is a longstanding tradition of Arctic Village residents (Caulfield 1983:68; Dinero 2003; EIRAC 2006:110–137, 2007, 2011; Gustafson 2004), and the Cane Creek and Red Sheep Creek drainages have been a longstanding focus of this activity. Sheep are a prized and subsistence resource, and providing sheep meat to the community is highly respected (cf.

Caulfield 1983 and Dinero 2003 for discussion). Sheep are also known as an important “hunger food;” a food source that is critical when caribou are unavailable (Caulfield 1983, Dinero 2011, pers. comm.; Gilbert 2011, pers. comm.). Local people report increasing uncertainty of caribou migrations in recent years (recent years is not clearly defined but some people refer to the construction of the Trans-Alaska crude oil pipeline as a turning point) declining quality of caribou meat and increasing difficulty and travel distances to obtain moose in recent years. For these reasons, local residents say that sheep are an increasingly important resource (Gilbert 2011, pers. comm.; Swaney 2011, pers. comm.). As noted by one prominent elder, “When we have no caribou, that’s the time we have to go up [to get sheep]” (Gilbert 2011, pers. comm.).

The public record demonstrates that Arctic Village residents have a long history of using the Cane Creek and Red Sheep Creek drainages, which continue to be culturally significant, sacred areas to harvest sheep and for other activities. Extensive discussion included in previous proposal analyses (OSM 1993, 1995a, 2014a, 2018, 2020) and testimony received during Council and Board meetings (EIRAC 2006, 2007, 2011, 2017, 2019, FSB 2020) demonstrate regular use of these drainages by residents of Arctic Village. Gustafson (2004), in a study of traditional ecological knowledge, discussed the importance and continued use of the Red Sheep Creek drainage for sheep hunting. Discussions with Refuge Information Technicians from Arctic Village, other Arctic NWR staff, researchers working in the area, and subsistence hunters from Arctic Village also confirm continued sheep hunting in the Cane Creek and Red Sheep drainages (Bryant 2011, pers. comm.; Dinero 2011 pers. comm.; Mathews 2011, pers. comm.; John 2011, pers. comm.).

The trip from Arctic Village to Red Sheep Creek and back is about 90 miles, requiring great effort both physically and economically, to hunt sheep in this area (Bryant 2011, pers. comm.; John 2011, pers. comm.; Gilbert 2011, pers. comm.; Swaney 2011, pers. comm.). Residents of Arctic Village have repeatedly expressed concerns about non-federally qualified users hunting sheep in Red Sheep Creek and Cane Creek drainages. These residents have provided testimony and public comment at numerous Council and Board meetings to attest to the importance of Red Sheep Creek, to describe their use of the area, and to explain that the presence of non-federally qualified users has affected their access and reduced their harvest opportunities (EIRAC 2006, 2007, 2011, 2017, 2019; FSB 1991a:291-311, 1995, 2006a, 2007:292–306, 2012, 2020; OSM 1993, 1995a, 1996, 2006b, 2007a, 2014a; 2020; Swaney 2011, pers. comm.; Gilbert 2011, pers. comm.; John 2011, pers. comm.).

Among the Gwich’in, there is a story about how Red Sheep Creek was named, which illustrates the link between subsistence and religious practices and beliefs. It also underscores the importance of this area to the residents of Arctic Village. The story relates Red Sheep Creek to the Episcopalian Church, an influential factor in establishing Arctic Village in the late 19th century and sheds some light on why Arctic Village residents consider Red Sheep Creek a sacred and revered place (Dinero 2007; Dinero 2011, pers. comm.). The story begins with people who were hungry. One day at the church, someone spotted caribou moving in the brush. Upon closer inspection people realized they were looking at unusual sheep with red markings, or what many say were crosses on their coats. The next day, people followed these red sheep far into the mountains where they were finally able to harvest them. The hides of these sheep were kept and passed down because of their distinctive markings (Dinero 2011, pers.

comm.). The story of the sheep with red markings links a precious subsistence resource (sheep) to traditional and modern beliefs and practices, and demonstrates the complementary nature of subsistence to place, tradition, culture, and modern beliefs.

Traditionally, Arctic Village residents harvested sheep in early fall (late August or early September) or in early winter (November) (Caulfield 1983, FSB 2007:292–306). “Sheep taste best in the fall,” as documented in earlier research (OSM 1995a:353). Residents generally travel to hunt sheep by boat, then by foot from hunting camps in the fall or by snowmachine in late fall, but not in winter given the dangerous terrain and winter weather (OSM 1993).

In his 1963 dissertation, ethnographer Hadleigh-West described Neets’*aii* Kutchin sheep hunting:

Sheep hunting methods, both in the past when the bow was the weapon used, and at present with the rifle, are essentially the same. Men hunted singly by stalking sheep; the technique was to get above the sheep because that animal when frightened will seek higher ground. Since sheep are skittish, usually one shot at a time was possible and hence only one animal was down at one time (141-142).

Hadleigh-West’s account provides context for the AVSMA closure. Arctic Village residents have commented that allowing non-federally qualified users to harvest sheep in Red Sheep Creek and Cane Creek drainages during the time when Arctic Village residents harvested sheep affects Arctic Village residents’ ability to access an important sheep hunting area. Since 1993, Arctic Village residents have commented to the Board that the planes used by non-federally qualified users have interfered with their ability to successfully hunt sheep in the Red Sheep and Cane Creek drainages. Residents reported that plane fly-overs “spook” sheep and that “older rams can climb to higher elevations, making them more difficult to hunt” (OSM 1993, see also OSM 1995a for additional discussion). Gideon James from Arctic Village explained that Red Sheep and Cane Creek are both very narrow valleys, and consequently, flights through the area disturb sheep (FSB 2012:201). These disturbances have also been described by Arctic NWR staff (Mathews 2011, pers. comm.), and local residents (Swaney 2011, pers. comm., John 2011 pers. comm., Gilbert 2011, pers. comm.). This phenomenon was documented by Frid (2003) who found that fixed-wing aircraft disrupted resting or caused fleeing behavior in Dall sheep in the Yukon Territory during overflights.

Harvest History

A Federal closure to the harvest of sheep by non-federally qualified users in the AVSMA has been in effect since 1991. In 1995, the AVSMA was expanded north to include the Cane Creek and Red Sheep Creek drainages. The closure to non-federally qualified users was rescinded in these drainages from Aug. 10-Sept. 30 in 2007 (and by special action in 2006) and re-established in 2012. Therefore, the only sheep hunting that has occurred within the AVSMA under State regulations since 1995 was between 2006 and 2011 in the Red Sheep and Cane Creek drainages.

From 1983 to 1990 regulatory years, before most of this area was closed to the harvest of sheep by non-federally qualified users in 1991, approximately 61 sheep harvests (about 8 sheep annually) were reported on State harvest tickets and permits in an area approximating the AVSMA (OSM 2019).

From 1983 to 1994 regulatory years, approximately 27 sheep harvests (about 2 sheep per year) were reported on State harvest tickets and permits in the area north of Cane Creek and in the Red Sheep Creek drainage, before it closed to the harvest of sheep by non-federally qualified users in 1995 (OSM 2019, none were reported by federally qualified subsistence users).

From 2006 to 2010 regulatory years, approximately 22 sheep harvests (about 4 sheep annually) were reported on State harvest tickets and permits in Cane Creek and Red Sheep Creek drainages, while it was open to the harvest of sheep from Aug. 10-Sept. 30 by non-federally qualified users (OSM 2019, harvest site information is not readily available after the 2010 regulatory year).

Data on the reported use of the AVSMA by federally qualified subsistence users is sparse, and how many sheep are harvested by federally qualified subsistence users in the AVSMA is unknown. It is likely that many Gwich'in hunters have not reported their harvest efforts (Van Lanen et al. 2012, Anderson and Alexander 1992). There are multiple reasons described in the two citations above that account for low and non-reporting in rural communities. Most of these reasons are cultural and include lack of information as to who uses harvest data and how, group hunts that result in shared harvests, "super households" who specialize in a type of harvest and provide food to multiple households in addition to their own (Van Lanen et al. 2012: 5)

Since 1995, federally qualified subsistence users have been required to get a Federal registration permit (FS2502) to hunt for sheep in the AVSMA. **Table 1** shows Federal permit data from 1995 through 2018. During this time period, a total of 40 permits were issued to residents of Arctic Village and Fort Yukon and nine sheep were reported harvested. Only some hunters submitted harvest reports, so these data are incomplete. Hunters did not always report areas they used to hunt for sheep within the AVSMA. Of these incomplete data, three hunters reported using the Red Sheep Creek drainage to hunt for sheep and one sheep harvest was reported. Sixteen hunters reported the type of transportation they used to reach hunt areas: one by boat, 14 by airplane, and one reported using no transportation, perhaps walking or hiking. Of those reporting, hunting trips lasted an average of 5 days (OSM 2019).

Table 1. Federal permit FS2502 data for the Arctic Village Sheep Management Area from 1995 through 2020 regulatory years, cumulative (OSM 2022).

Community	Issued	Hunted	Harvest
Arctic Village	36	14	8
Fort Yukon	7	6	4
Total	43	20	12

ADF&G maintains a harvest reporting database where hunting efforts by users hunting under State regulations are recorded (ADF&G 2019a). Complete records were not kept until the mid-1980s, and it is likely that many Gwich'in hunters have not reported their harvest efforts or have reported their harvest efforts on Federal permits (see above). The following description of hunter effort and success is for Unit 25A.

From 1983 to 2017 regulatory years, hunters with State harvest tickets and permits reported harvesting 1,746 sheep (about 50 sheep annually) from Unit 25A (see **Table 2**, ADF&G 2019a).

Table 2. *State harvest tickets and permits only:* Reported effort to harvest sheep and reported sheep harvested in Unit 25A, from 1983 through 2017, by user group (Source: ADF&G 2019a).

Year	federally qualified subsistence users:	federally qualified subsistence users:	Other Alaska residents:	Other Alaska residents:	Non- residents of Alaska:	Non- residents of Alaska:	Total:	Total:
	Permits issued	Reported sheep harvest	Permits issued	Reported sheep harvest	Permits issued	Reported sheep harvest	Permits issued	Reported sheep harvest
2017			61	20	40	26	101	46
2016			62	20	37	24	99	44
2015			62	16	41	24	103	40
2014			77	24	41	21	118	45
2013			91	36	48	31	139	67
2012			90	36	41	26	131	62
2011			93	42	59	44	152	86
2010			107	47	52	30	159	77
2009			86	45	59	39	145	84
2008			91	39	57	37	148	76
2007			75	36	54	41	132	80
2006			60	36	46	33	107	70
2005			56	28	52	38	108	66
2004			35	9	47	37	82	46
2003			50	20	51	33	102	53
2002			44	14	45	25	89	39
2001			40	15	50	36	90	51
2000			37	12	35	19	72	31
1999			37	16	33	25	70	41
1998			30	12	21	15	51	27
1997			36	16	22	17	58	33
1996			33	13	19	13	52	26
1995			41	14	20	9	61	23
1994			16	2	15	8	31	10
1993			52	17	18	10	70	27
1992			62	15	33	24	96	40
1991			44	19	46	36	92	56
1990			78	27	44	40	126	71
1989			35	23	52	39	87	62
1988			38	24	46	38	85	62
1987			46	22	34	29	80	51
1986			54	22	31	27	86	49
1985			46	22	29	23	75	45
1984			34	14	19	16	53	30
1983			35	13	25	17	60	30

	federally qualified subsistence users:	federally qualified subsistence users:	Other Alaska residents:	Other Alaska residents:	Non- residents of Alaska:	Non- residents of Alaska:	Total:	Total:
Total	14 ¹	11 ¹	1,934	786	1,362	950	3,310	1,746

Effects

Continuation of this closure will allow for the continuation of culturally important subsistence sheep harvest by federally qualified subsistence users without user conflict.

If the closure were rescinded, non-federally qualified users would be able to hunt sheep in the AVSMA. This could result in more user conflict and interfere with sheep harvest by Federally qualified subsistence users. There are questions about the viability of these sheep populations.

If the closure were extended to all users, it would disconnect federally qualified subsistence users from a subsistence resource, sheep, that is an important subsistence food and culturally significant harvest. It would interrupt intergenerational transmission of knowledge and the reciprocal spiritual/cultural relationship that federally qualified subsistence users have with all of the resources upon which they depend, including sheep.

OSM CONCLUSION:

- ☒ **Retain the Status Quo**
- ☐ **Rescind the Closure**
- ☐ **Modify the closure to . . .**
- ☐ **Defer Decision on the Closure or Take No Action**

Justification

The current closure is still necessary to continue subsistence uses of the AVSMA for federally qualified subsistence users, especially the residents of Arctic Village. The rationale for the closure in 1991 is not completely clear but user conflict, concerns about the health of the AVSMA Dall sheep population and the importance of the area for the continuation of subsistence sheep harvests are consistently cited as reasons for the closure. In 2020, in response to proposal WP20-49, the Board stated that there is still a significant conservation concern and that user group conflicts have not yet been resolved (85 Fed. Reg. 226 74798 [November 23, 2020]).

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¹ Four or fewer reports were received in any given year. Only the total is provided to protect confidentiality of federally qualified subsistence users reporting their effort and harvest.

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APPENDIX 1

REGULATORY HISTORY

At the beginning of the Federal Subsistence Management Program in Alaska in 1990, existing State regulations were adopted into Temporary Subsistence Management Regulations (55 Fed. Reg. 126. 27117 [June 29, 1990]). The customary and traditional use determination for sheep in Unit 25A was and continues to be (in 2022) for residents of Arctic Village, Chalkyitsik, Fort Yukon, Kaktovik, and Venetie. At this point in FSB history, the Board was operating under the assumption that the State would soon resume fish and wildlife management on Federal public lands in Alaska (FSB 1991c: 164-168).

The Board established the AVSMA in 1991 (56 Fed. Reg. 73 15433 [April 16, 1991]; 56 Fed. Reg. 123 29344 [June 26, 1991]) in response to concerns raised by residents of Arctic Village, who felt that non-federally qualified hunters interfered with sheep hunting by local residents and to address concerns about the health of sheep populations (FSB 1991a: 302; FSB 1991b: 161). In 1991, Proposal 75 was submitted by the Yukon Flats Fish and Game Advisory Committee and Proposal 100A by the Arctic National Wildlife Refuge. Proposal 100A requested the Board, in an area of Unit 25A encompassing most of the contemporary Arctic Village Sheep Management Area, to modify the harvest limit from 3 sheep from October 1 through April 30 and 1 ram with 7/8 curl horn or larger from August 20 through September 20, to 2 rams from August 10 through April 20, by registration permit. The northern boundary of the area was the mainstem of Cane Creek. The area did not include areas north of Cane Creek, including Red Sheep Creek. Regional Advisory Councils did not meet until fall 1993, so there were no Council recommendations for the Board to consider. The Board adopted the Interagency Staff Committee recommendation and adopted the proposal with modification. The modification was to close the area to the harvest of sheep except by federally qualified subsistence users and extend the hunting season to April 30. The justification was that portions of the area did not appear to be able to support more sheep than were currently present, the population of sheep in the Red Sheep Creek drainage was of much higher density and could continue to support existing seasons and harvest limits, the Red Sheep Creek drainage received quite a bit more effort than other areas of Unit 25A, and the remainder of Unit 25A supported a substantial opportunity for all hunters (FSB 1991b:150–164; 56 Fed. Reg. 123. 29344 [June 26, 1991]).

Proposal 75 requested that the Board, in an area of Unit 25A encompassing most of the contemporary Arctic Village Sheep Management Area, to close to the harvest of sheep except by federally qualified subsistence users. The northern boundary of the area was the Red Sheep Creek drainage. The Board adopted the Interagency Staff Committee recommendation and rejected the proposal because of its earlier action taken on Proposal 100A, described above (FSB 1991b:164–168).

In June 1991, the Board met and considered proposals received during the public comment period on wildlife regulations that included actions taken by the Board at its March 1991 meeting, described above (56 Fed. Reg. 73 15433 [April 16, 1991]). Proposals 09, 10, and 11 were submitted by the Arctic

Village Council and Proposal 21 was submitted by Brooks Range Arctic Hunts. In Proposal 09, the Arctic Village Council requested the Board to include Cane Creek and Red Sheep Creek drainages in the Arctic Village Sheep Management Area, which had been closed to the harvest of sheep except by federally qualified subsistence users. The proponent said that the area set aside did not include all of the areas that must be included to accommodate customary and traditional uses of sheep by residents of Arctic Village (OSM 1991). The Board adopted the Interagency Staff Committee recommendation and rejected the proposal. The Board said Arctic Village residents used Cane Creek and Red Sheep Creek only for a short time when air taxi service was available. These two areas could support both subsistence and sport harvest (FSB 1991a:297–299). Proposals 10 and 11 requested that the Board eliminate harvest limits in the Arctic Village Sheep Management Area (Proposal 10) or increase the harvest limit to 3 sheep (Proposal 11). The Board adopted the Interagency Staff Committee recommendations and rejected both proposals. The Board said the sheep population in the Sheep Management Area was extremely low and the proposed regulations would jeopardize the continuation of healthy populations of sheep (FSB 1991a:299–301). The Board adopted the Interagency Staff Committee recommendation and also rejected Proposal 21, which requested the Board to open the Sheep Management Area to the harvest of sheep by non-federally qualified users. The Interagency Staff Committee said that the sheep population was extremely low, and subsistence users must be afforded a priority (OSM 1991).

In 1992, Request for Reconsideration (RFR) 23 was submitted by the Arctic Village Council requesting that the Board reconsider its decision on Proposal 9, described above, which if adopted would have added Cane Creek and Red Sheep Creek drainages to the Arctic Village Sheep Management Area, which had been closed to the harvest of sheep except by federally qualified subsistence users. The Office of Subsistence Management incorporated the request into Proposal 58 of the 1993 regulatory cycle, described below (OSM 1993). The Arctic Village Council made the same request during the 1992 regulatory cycle in Proposals 118A and 118B, seeking to eliminate harvest limits in the Sheep Management Area, or alternatively to increase the harvest limit from 2 rams to 3 sheep. In Proposal 118B, the Arctic Village Council requested the Board to include Cane Creek and Red Sheep Creek drainages to the Sheep Management Area. The Board adopted Proposal 118A with modification, in the remainder of Unit 25A, outside of the Sheep Management Area, to lengthen the season from Aug. 10 – Sept. 20 and Oct. 1 – Apr. 30 to Aug. 10 – Apr. 30 and to modify the harvest limit from 1 ram with 7/8 curl horn in fall season to 3 sheep throughout the season (57 FR 103, 22557 [May 28, 1992]). Furthermore, the Board directed the staff to seek alternatives to a Federal registration permit before the opening of the 1992 season for implementation at that time. The Board followed the Interagency Staff Committee recommendation and rejected Proposal 118B because biological data indicated that the sheep population in the Cane Creek and Red Sheep Creek drainages could support both sport and subsistence use. The Board stated that the Council had not provided adequate justification that subsistence sheep hunting opportunities were being limited. (FSB 1992:59–99).

In 1993, Proposal 58 (OSM 1993:1) was received from the Arctic Village Council, requesting that the Board add Cane Creek and Red Sheep Creek drainages to the Management Area; replace individual harvest limits with a community harvest limit for Arctic Village, to be established in consultation with the village; and to establish, in consultation with Arctic Village, an appropriate harvest reporting

method that would avoid the need for registration permits and harvest tickets, relying instead on a community harvest report of an appropriate nature. At its meeting in April 1993, the Board adopted the Interagency Staff Committee recommendation and rejected the proposal. The Board said that Cane Creek and Red Sheep Creek drainages supported adequate sheep to support harvest by non-federally qualified users and that not enough data was available on harvest levels to support community harvest or reporting systems (FSB 1993:140–512).

In 1995, the Board extended the original boundary of the AVSMA to include the Cane Creek and Red Sheep Creek drainages to protect the opportunity for subsistence harvest (60 Fed. Reg. 115 31545 [June 15, 1995]; 60 Fed. Reg. 157 42127 [August 15, 1995]). Proposal 54 was submitted by the Arctic Village Council requesting that the Board add Cane Creek and Red Sheep Creek drainages to the Arctic Village Sheep Management Area. The Eastern Interior Council took no action on the proposal (EIRAC 1995:88–97, OSM 1995a:359). The North Slope Subsistence Advisory Council (North Slope Council) recommended that the Board adopt the proposal (NSSRAC 1995:206, OSM 1995a:359). The Board adopted the proposal with modification. The Board said that although there was no biological reason for closing Cane Creek and Red Sheep Creek drainages to the harvest of sheep except by federally qualified subsistence users, it had heard substantial testimony regarding the fact that due to the customary and traditional hunting practices of the residents of Arctic Village, not adopting the proposal would deny a subsistence opportunity to the residents of Arctic Village (FSB 1995:611–634, 686–693; 60 Fed. Reg. 115, 31545 [June 15, 1995]).

In 1995, Request for Reconsideration RFR95-06 was submitted by the Alaska Department of Fish and Game (ADF&G) requesting that the Board reconsider its decision on Proposal 54. The Board rejected the request in July 1995 (OSM 1995b). The Board determined that the request did not meet the threshold criteria for accepting an RFR (based on information that was not previously considered by the Board, the existing information used by the Board was incorrect, or the Board’s interpretation of information, applicable law, or regulation was in error or contrary to existing law) (50 CFR 100.20).

In 1996, ADF&G submitted Proposal 55, requesting that the Board open Cane Creek and Red Sheep Creek drainages to the harvest of sheep by non-federally qualified users. The Eastern Interior Council recommended opposing the proposal. The Eastern Interior Council said it had heard no compelling evidence to overturn recent Board action closing these drainages. Opposition to the proposal came before the Council from an Arctic Village resident’s testimony, a letter from the Arctic Village Council, and from the Eastern Interior Alaska Council’s representative from Arctic Village. The Eastern Interior Alaska Council affirmed its support for the existing Arctic Village Sheep Management Area. The North Slope Council recommended deferring action for one year until more information concerning Kaktovik residents’ use of AVSMA was available, however, the Council expressed desire to “defer to wishes of their neighbors to the south” (OSM 1996:12). The Board rejected the proposal referring to its action on Proposal 54 the previous year in 1995, described above, and because there had been no dialogue between the State and Arctic Village (FSB 1996:20).

This Regulatory History contains more information on each regulatory proposal below than above. This is because official records of Council and Board justifications were not kept until after 1995.

Justification for Board actions that were provided in letters to the Councils, as mandated in ANILCA Section 805(c), were reviewed and compared to transcripts and provide an accurate description of the Board's justifications.

In 2006, Proposal WP06-57 was submitted by ADF&G. It requested that the Board open the AVSMA to the harvest of sheep by non-federally qualified users. The Eastern Interior Council recommended opposing the proposal and said that it needed to see results from sheep population surveys before considering reopening to non-federally qualified users. The Council said that people of Arctic Village were totally dependent on the land for food for their nutritional and cultural needs. The Council said managers cannot only depend on harvest tickets for harvest information. It continued that there was a problem with transporters throughout the region. Transporters brought people up to this area, and they did not clean up after themselves. The Eastern Interior Council heard testimony from Arctic Village residents during the meeting that sheep have been harvested but not reported by subsistence users in this area. The Council indicated there was a need for a meeting with the people of Arctic Village and a need for more work on this issue before the area was opened to non-federally qualified users. The Council said there was no biological reason given to support this proposal, and here was an opportunity for the people in the area to work with non-subsistence users before submitting a proposal (OSM 2006b:452–453). The North Slope Council recommended deferring the proposal to get more information on the status of the sheep population and more harvest information. The Council said it would feel very uncomfortable making a decision that might be detrimental when there was a lack of information (OSM 2006a:452–453). The Board rejected the proposal. The Board said it had listened to public testimony on this proposal and was unable to pass a motion to allow non-federally qualified users to hunt sheep in the drainages of Red Sheep Creek and Cane Creek or to defer action on the proposal with respect to the remainder of the AVSMA. The Board did not see a need for action at this time because of the commitment of the Arctic National Wildlife Refuge staff to conduct sheep surveys in the area the following summer (FSB 2006:261–283, OSM 2006a:6).

In 2006, Wildlife Special Action Request WSA06-03 was submitted by the U.S. Fish and Wildlife Service. It requested that the Board open Cane Creek and Red Sheep Creek drainages to the harvest of sheep by non-federally qualified users from August 10 through September 20, 2006. The Board approved the request, having reviewed new information on sheep abundance in the AVSMA from a survey conducted by the USFWS in June 2006 and presented in an assessment report.

In 2007, Proposal WP07-56 was submitted by ADF&G. It requested that the Board open Cane Creek and Red Sheep Creek drainages to the harvest of sheep by non-federally qualified users from Aug. 10 - Sept. 20. The Eastern Interior Council recommended the Board defer action on the proposal for one year to allow formation of a working group of representatives from affected villages, hunting interests, and agencies to decide what an acceptable sheep harvest or number of sheep hunters would be in this area, and then draft a proposal to the Alaska Board of Game (BOG) for its March 2008 meeting. The Council said the proposal could contain the number of non-federally qualified users to be allowed to hunt in the Cane Creek and Red Sheep Creek area. The Council said the working group timeline would give the Board time to monitor the progress of the working group, the BOG proposal(s), and the actions of the BOG before the Board met later in the spring of 2008. The Council said it had received

testimony from Arctic Village sheep hunters, local elders, and Arctic Village Tribal Council members who all had requested the closure of the Red Sheep and Cane Creek area remain in effect. Testimony included the cultural importance of the area because of burial sites, allotments, and a traditional area where they hunt sheep, and that they would not be able to compete with other hunters if the area was opened to non-federally qualified users. The Council said testimony also included the high cost of accessing the area and the difficulty reaching the area other than by aircraft. Council members discussed the relationship of caribou migrations and the need to hunt for sheep as well as the desired time to harvest sheep. When caribou and moose are plentiful, local hunters do not hunt for sheep, but when caribou and moose are not plentiful, they depend on sheep. The Council shared that the last time a similar proposal to open the area to other hunters was submitted, the Council had unanimously opposed it but was overridden by the Board. The Council sympathized with Arctic Village concerns, but believed the closure of the Cane Creek and Red Sheep Creek drainages would be lifted by the Board based on its action with the recent special action to open the area (WSA06-03, which the Board approved). Several Council members worked with village leaders to see what options were available to limit the number of other hunters allowed to hunt in the area; hence, the recommendation to defer to a working group (OSM 2007a). The North Slope Council recommended the Board oppose the proposal. The Council said that there was no evidence that passage of this proposal would not impact villages. The Council said resource needs should be assessed to ensure subsistence users' needs were being met at each village. The sheep population was so small, it could not support harvest by commercial and sport hunters (OSM 2007a).

The Board adopted the proposal. The Board said that Section 815(3) of ANILCA only allows restrictions on the taking of fish and wildlife for non-subsistence uses on Federal public lands if necessary for the conservation of healthy populations of fish and wildlife, to continue subsistence uses of such populations, or pursuant to other applicable law. Maintaining the Federal closure to non-subsistence hunting of sheep in the Red Sheep Creek and Cane Creek drainages was no longer necessary for the conservation of a healthy sheep population. Allowing sheep hunting by non-federally qualified users in these drainages would not adversely affect the sheep population because these hunters would be limited to taking one full-curl ram in the fall season. Removal of some full-curl rams from the population was not expected to reduce the reproductive success of the sheep population. Maintaining the closure to non-subsistence hunting of sheep in these drainages was also not necessary to provide for continued subsistence use of sheep. The sheep population could support harvest by both subsistence and non-subsistence hunters. The existing closure was also not justified for reasons of public safety, administration, or pursuant to other applicable law (OSM 2007b).

In 2012, the Board re-established the closure to sheep hunting by non-federally qualified users in the Red Sheep and Cane Creek drainages during the fall because the Board said there was no conservation concern, and the closure was needed to ensure the continuation of traditional subsistence uses of sheep by Arctic Village hunters (OSM 2012b:7; 77 Fed. Reg. 114 35485 [June 13, 2012]). Proposal WP12-76 was submitted by the Eastern Interior Council. It requested that the Board close Cane Creek and Red Sheep Creek drainages to the harvest of sheep by non-federally qualified users from Aug. 10 - Sept. 20. The Eastern Interior Council recommended the Board support the proposal. The Council said the proposal enhanced the ability of the residents of Arctic Village to pursue subsistence opportunities and

might reduce incidents of trespass and resource damage. The Council said it appreciated the information provided during public testimony and recognized the powerful connection between residents of Arctic Village and the subject area as one that was deeply culturally rooted. The Council said it was compelled by extensive and detailed public testimony and that subsistence users were concerned that non-subsistence users were interfering with subsistence users, particularly the people of Arctic Village. The North Slope Council also recommended the Board support the proposal. The Council said that the travel time by rural residents was a concern due to long distance required and the cost of fuel. The Board adopted the proposal (OSM 2012a:355).

In 2014, Proposal WP14-51 was submitted by ADF&G. It requested the Board to open Cane Creek and Red Sheep Creek drainages to the harvest of sheep by non-federally qualified users from Aug. 10 - Sept. 20. It also requested that hunters be required to complete courses on hunter ethics and orientation, including land status and trespass information. The Eastern Interior Council recommended the Board oppose the proposal. The Council said it had heard extensive testimony from Tribal and community members from Arctic Village and Venetie expressing the importance of sheep in this area to their culture and community. The Council said public testimony also noted that air traffic disturbance and hunter activity was pushing sheep further away and higher. The Council said that the cultural importance of the sheep and the area to Arctic Village and other residents was their overriding concern. The North Slope Council also recommended the Board oppose the proposal. The Council said deflection or disturbance of sheep by sport hunters and aircraft flights made it difficult for Arctic Village residents to reach sheep for subsistence hunting. The Council said these sheep were a very important subsistence food shared within the community, and even if local harvest numbers were not high, effort to reach the animals was considerable and the sharing of the meat and organs was widespread and important. The Council said these sheep and this location had special cultural and medicinal value due to their history and relationship with the community as well the mineral licks that the sheep frequented in this area, which made their meat contain unique qualities (OSM 2014a:350).

The Board rejected Proposal WP14-51. The Board rejected this proposal based on the OSM analysis and conclusion, the recommendations of the North Slope and Eastern Interior Councils, and overwhelming public comment over the years, including the testimony presented to the Board in 2012 during consideration of a similar proposal. The Board referenced extensive public testimony of local community concerns and cultural importance of this area and the long-established administrative record on this issue. The Board recognized the cultural importance of the Cane Creek and Red Sheep Creek areas for subsistence harvest of sheep for the residents of Arctic Village and Venetie. The Board said the importance of this area was also demonstrated by the number and location of Native allotments, cultural sites, and ethnographic studies documenting the long history of use in this area (OSM 2014b:3).

Furthermore, the Board heard testimony and reports that aircraft and non-subsistence hunter activity may have interfered with subsistence users' attempts to harvest sheep in this area. The Board concurred with this testimony—that non-subsistence user activities had resulted in the displacement of sheep, pushing them out of range and preventing subsistence hunters from being able to harvest them. The Board supported keeping the closure in place to help ensure the continued subsistence uses of sheep for

residents of Arctic Village, Venetie, and the several other villages with C&T for sheep in this area: Chalkyitsik, Fort Yukon, and Kaktovik. The Board said that this closure was based on ANILCA Section 815(3), which allows for a restriction on the taking of fish and wildlife for non-subsistence uses on public lands when necessary to continue Federal subsistence uses (OSM 2014b:3).

In 2014, WRFR14-01 was submitted by the State of Alaska requesting that the Board reconsider its actions on Proposal WP14-51, described above. In September 2015, the Board denied the request (OSM 2017). The Board determined that none of the claims in the request met the criteria to warrant further reconsideration, as set forth in 50 CFR Part 100.20.

In 2018, Proposal WP18-56 was submitted by Richard Bishop of Fairbanks, requesting that the Board open the AVSMA to the harvest of sheep by non-federally qualified users. The Eastern Interior Council supported the proposal with modification to open the area north of Cane Creek only. The Council said that the only legitimate reasons under Title VIII of ANILCA to restrict or eliminate the use of a resource on Federal public lands by non-subsistence users are conservation concerns and/or detrimental effects on the satisfaction of subsistence needs. The Council recognized that the issue was of cultural concern and felt that “cultural or social issues” are not a legitimate reason to close the area under provisions of ANILCA. The closing of the AVSMA to the harvest of sheep by non-subsistence users only affects sheep hunters. All other types of visitors to the area, including hikers, wildlife photographers, and flight site-seers, have been allowed to use the area. The Council stated that they consider this issue to be a “political football” and were very disappointed to find out that it was not resolved and was on the table again. The Council felt that sheep conservation was very important and encouraged Federal and State government agencies to work together on this regulatory issue. The Council also suggested requiring a specially designed, respectful hunter education course for users who would hunt in this area. The Council felt that learning respect for other people’s uses and for the resource is very important, as well as learning and understanding other cultures. The Red Sheep Creek area is an important cultural place, and Alaska Native cultures value the world and wildlife very differently than Euro-American culture. The importance of a certain area in the Alaska Native culture does not have to manifest itself in a substantial harvest. To alleviate some potential conservation concerns, the Council modified the proposal to only open the area north of Cane Creek, including the Red Sheep Creek drainage (OSM 2018a).

The North Slope Council opposed Proposal WP18-56. The Council found this proposal alarming in that it could potentially take away a very important subsistence priority on Federal public lands that, despite being small in size, has been vital to the community of Arctic Village for generations and was very important to other rural communities in the region with cultural and traditional use of sheep in this area. The Council said opening the AVSMA to hunting by non-federally qualified users would be detrimental to subsistence users, and it was necessary to restrict these other uses in order to provide for subsistence needs. The Council highlighted that there is a considerable amount of historical discussion, and the importance of this area to the local communities is well-supported. There was need for stability and for food security in these communities. The importance of protecting the subsistence opportunity in this area was well documented and recognized through repeated proposal reviews. The historic and contemporary hunting patterns exist to provide food security to the community, and the closure had

allowed for the continued traditional harvest of sheep. The Council also stressed that the concern was not only the harvest of sheep by non-federally qualified users, but also the deflection of these sheep by nonresident hunting and plane activity pushing sheep further and higher up into the mountains, displacing them away from the local community. The Council stated it had heard testimony from Arctic Village as well as Kaktovik in the past. It noted that hunters from Kaktovik hunted in the AVSMA when other animals were not available, and it was an important area because sheep have been reliably found around the natural mineral formations in that small area (OSM 2018a).

North Slope Council members spoke to the cultural importance of this area and that the sheep not only provided important subsistence food but were also considered medicinal, providing minerals and special nourishment for elders and were helpful for recovery from illness. It noted that sheep are an important survival food when caribou do not come around the community, and even if harvest is low in some years, it is critical to maintain the sheep population for food security when people need to shift harvest to more sheep in low caribou years. The Council stressed that the sheep population needs to be higher before opening up the hunt and currently the census data is incomplete and unreliable. It was noted that even though non-federally qualified users would be required to take a full-curl ram, the pressure of numerous hunters traveling into the area to harvest those rams would displace animals that locals would otherwise have been able to hunt. Additionally, the breeding impact of that lone, full-curl ram was important in a sheep population that was struggling, and when there are concerns about recruitment and stabilizing the population (OSM 2018a).

The Board rejected Proposal WP18-56. The Board stated that the AVSMA needs to remain closed because of the significant spiritual/cultural importance of the area and to support the continuation of the subsistence uses by the area's residents. The Board also encouraged the State to come up with suggestions or a proposal to resolve this issue during the next wildlife regulatory cycle (OSM 2018b).

In 2019, ADF&G submitted Proposal WP20-49, which requested re-opening the AVSMA in Unit 25A to the harvest of sheep by non-federally qualified users. ADF&G stated that the closure to non-federally qualified users was not necessary to accommodate local subsistence uses because harvest records indicate (according to the proponent) that residents of the communities rarely hunt sheep. Further, ADF&G claimed that there were no conservation concerns with reopening this hunt and that because of the full-curl ram harvest limit during the fall hunting season, there would be no effect on the sheep population. ADF&G continued that it was unknown if federally qualified subsistence users would be impacted by adoption of this proposal and, based on biological data, federally qualified subsistence users would retain opportunity to meet their subsistence needs if non-federally qualified users regained opportunity to harvest sheep in the AVSMA. The Eastern Interior and North Slope Councils opposed, and the Board rejected this proposal. The Board stated that there is still a significant conservation concern and the user group conflicts have not yet been resolved (85 Fed. Reg. 226 74798 [November 23, 2020]).

As stated above, the Eastern Interior Council opposed the proposal. However, prior to their October 2019 meeting, the Council attempted to address issues to decrease tension between ADF&G and the Board in regard to the AVSMA closure by submitting Proposal 82 to the BOG (EIRAC 2019: 69-70).

In this proposal, the Council stated that it “...intends for this proposal to become a joint effort between the State Board of Game, the Federal Subsistence Board and Arctic Village residents to find a workable solution to a historically contentious issue and build mutual respect between parties” (BOG 2020: 95). Proposal 82 requested that the BOG establish a new hunt area akin to the AVSMA with the following hunt: 1) a draw permit hunt for residents and non-residents in the fall (Aug. 10-Sept. 20) with a harvest limit of one ram with full-curl horn or larger every four regulatory years; 2) a registration permit (RS595) hunt for residents in the winter (Oct. 1-Apr. 30) with a harvest limit of one ram with full-curl horn or larger every four regulatory years; and 3) a youth hunt by harvest ticket in August (Aug. 1-5) with a harvest limit of one ram with full-curl horn or larger. These proposed harvest limits were intended as a compromise to reduce the harvest of non-federally qualified subsistence users. It was not intended as a harvest limit for federally qualified subsistence users. The Council also requested elimination of the nonresident youth hunt in the AVSMA. The Council expressed hope that the BOG would develop a hunter ethics and orientation course for non-federally qualified hunters that included land status and trespass information. According to Proposal 82, the BOG “...addressed this issue by requiring sheep hunters in this area to complete a department approved” course which it required (5 AAC 92.003(i)) but had not been implemented because the AVSMA had been closed to non-federally qualified users (BOG 2020: 97).

In 2020, the EIRAC attempted to form a hunter ethics subcommittee and workshops to address issues in the AVSMA. OSM staff reported on this workshop at the October 2019 meeting, which also informed consideration of Proposal WP20-49 and State Proposal 82. These efforts included tribal officials and residents from Arctic Village and Venetie. A full array of tribal, state, and federal government partners as well as non-governmental organizations attended workshops and developed plans for local community hunter liaisons, coordination and communication to connect with hunters from military bases and a statewide hunter education campaign to encourage awareness and understanding of the wide range of cultural values related to hunting across the spectrum of user groups (EIRAC 2019: 22-31). Prior to the Council meeting, the Council Chair conducted outreach that led to an informal meeting with the First and Second Chiefs of Arctic Village, the Chief of Native Village of Venetie, officials from Village of Venetie Tribal Government, Arctic Village Council, and Elders (EIRAC 2019: 5, 581). This informal meeting occurred the night before the Council meeting began and led to the Tribal government officials attending the Council meeting and providing extensive testimony through a roundtable discussion (EIRAC 2019: 15). Much of the discussion focused on the issue of harvest data and how lack of data definitely does not indicate lack of harvest or need (EIRAC 2019: 102, 105, 111, 115). Extensive traditional knowledge was shared including the sacredness of Red Sheep Creek, sharing of sheep meat with other villages, traditional management which includes direction from a hunting chief as to when it is and is not appropriate to hunt, and observations of extremely low numbers of sheep in the Red Sheep and Cane Creek drainages (EIRAC 2019: 42-49, 51-54). Most pointed, however, was the repeated emphasis by Tribal officials and some Council members that the issue of the AVSMA must be addressed through formal government-to-government Tribal consultation (EIRAC 2019: 50, 64, 66, 117). Evon Peter, former Chief of Arctic Village stated:

...I think it is really important for us to recognize that we have three sovereigns at work in Alaska and those are the Federal government, the State government and Tribal governments. As I began looking at the letter that was sent out to Arctic Village, I think it was addressed to our council or our chief, and it refers to just Arctic Village residents, but that doesn't really adhere to the frameworks of those three government-to-government relationships between our Tribe, the State and the Federal government (EIRAC 2019: 47).

As noted above, the Eastern Interior Council voted unanimously to oppose WP20-49.

The North Slope Council also voted to oppose WP20-49 in support of Arctic Village and Venetie and in acknowledgement of the importance of the subsistence sheep harvest. The North Slope Council stated that it is important to protect customary and traditional uses of sheep and the opportunity to hunt without conflict (FSB 2020: 607).

In March 2020, the BOG voted to amend Proposal 82, resulting in the current State regulations. It created the Eastern Brooks Range Management Area (EBRMA) which covers the same area as the AVSMA, and required the hunter education class for all hunters planning to hunt in the AVSMA/EBRMA. Harvest limits were changed under the winter registration permit hunt (RS595) from three sheep to one ram with $\frac{3}{4}$ -curl horn or less every four years and a draw permit fall hunt was established for residents and non-residents as proposed (FSB 2020: 562). Much like at the Eastern Interior Council meeting, Tribal officials and residents of Arctic Village and Venetie shared traditional ecological knowledge and information about the sacredness of sheep and the low numbers of sheep in Red Sheep and Cane Creeks during the BOG meeting (BOG 2020). Again, tribal officials, including the Vice-President of Tanana Chiefs Conference (TCC) repeatedly emphasized that the path to addressing the AVSMA is formal, government-to-government Tribal consultation (BOG 2020).

In April 2020, the Board voted to reject Proposal WP20-49. Much of the Board discussion covered the same points as the Eastern Interior Council's discussion. Many tribal officials and residents of Arctic Village and Venetie provided testimony on the very low numbers of sheep in the Red Sheep and Cane Creek drainages (FSB 2020). While federal and state officials talked of working groups and subcommittees, Tribal officials repeatedly emphasized their desire for formal, government-to-government consultation to address the AVSMA (FSB 2020: 565, 567, 581). Charlene Stern, Vice-President of TCC stated:

TCC opposes Proposal WP20-49 and any attempt to open a non-subsistence hunt in the Arctic Village Sheep Management Area. As a tribal member, citizen of Arctic Village, the men in my family, including my grandfather and uncles, were raised with sheep hunting as part of their seasonal subsistence cycle. The Gwich'in people of Arctic Village have intergenerational knowledge about the sheep of Red Sheep Creek and Cane Creek areas and have consistently opposed efforts to open it to non-

subsistence hunting. This area is included in our customary and traditional use area and is a critical historical and spiritual site including burial grounds. Any proposed change to the management of sheep must be discussed in advance in tribal consultation with the Arctic Village Council and Venetie Village Council and Native Village of Venetie Tribal Government (FSB 2020: 581).

APPENDIX 1
TANANA CHIEFS CONFERENCE 2023 RESOLUTION

(NEXT PAGE)

OPPOSING THE OPENING OF TRADITIONAL SUBSISTENCE USE HUNTING AREA TO SPORT HUNTERS IN THE ARCTIC VILLAGE SHEEP MANAGEMENT AREA PERMANENTLY AND CLOSING OTHER CRITICAL SUBSISTENCE AREAS IN NEED OF PROTECTION

- WHEREAS,** Tanana Chiefs Conference (TCC) is an Alaska Native tribal health and social services consortium established by the Interior Alaska tribes and tribal communities, to provide a unified voice in advancing sovereign tribal governments through the promotion of physical and mental wellness, education, socioeconomic development and culture of the Interior Alaska Native; and
- WHEREAS,** Alaskan Natives have stewarded their territories for over 10,000 years to ensure the health, well-being, social and cultural foundation, and spiritual existence of their peoples, as well as that of the animals, lands, and waters since time immemorial; and
- WHEREAS,** The Arctic Village Sheep Management Area is a critical subsistence use sheep hunting area of historical and cultural significance where our ancestors have hunted on this sacred site before us since time immemorial; and
- WHEREAS,** The Neets'aii Gwich'in and all Interior Tribes have managed their subsistence resources in common with their traditional laws. For the Neets'aii Gwich'in this has translated to this important subsistence use area being closed off to sport hunters, and
- WHEREAS,** High air traffic activity caused by sport hunting and guiding parties within our traditional hunting areas has created a high influx of hunters that compete with the Neets'aii Gwich'in subsistence hunting and the current Sheep population cannot sustain this; and

RESOLUTION 2023 - 12

Tanana Chiefs Conference Full Board of Directors



WHEREAS, Every two years sport hunters or outside interests propose to open the Arctic Village Red Sheep Creek Management Area to outside sport hunters, and the Neets'aii Gwich'in have to endlessly advocate to keep the area closed to sport hunters and stay abreast of these efforts, and

WHEREAS, While the Neets'aii Gwich'in of Arctic Village will bear the greatest impact of opening the Arctic Village Red Sheep Creek Management area these nonindigenous stressors impact our collective wildlife populations and need additional support and advocacy efforts to keep the area closed off to sport hunters permanently; and

WHEREAS, Sport and commercial hunting and fishing interests are threatening critical subsistence resources throughout the Tanana Chiefs region and have led to a drastic decline in the Chinook salmon runs in the Yukon-Kuskokwim Rivers and the Western Arctic caribou herd; and

WHEREAS, TCC and its member villages are endlessly having to advocate at Alaska Department of Fish and Game for limits on commercial and sport hunting and fishing to protect our food security and survival of our people.

NOW THEREFORE BE IT RESOLVED that the Tanana Chiefs Conference Full Board of Directors does hereby support the Neets'aii Gwich'in traditional sheep management decision to maintain the Red Sheep Creek and Crane Creek closures to sport hunters within the Arctic Village Sheep Management Area permanently; and

BE IT FURTHER RESOLVED the Tanana Chiefs Board of Directors does hereby support all TCC communities to advocate and encourage permanent solutions to protecting the food security of our people; and


BE IT FURTHER RESOLVED that the Tanana Chiefs Board of Directors does direct the Tribal Stewardship Program to work with Arctic Village and other TCC villages to advocate for a permanent solution to closing the Arctic Village Sheep Management Area and other critical subsistence use areas to sport hunting and fishing and outside interests that negatively affect subsistence rights; and

BE IT FINALLY RESOLVED that this resolution shall be the policy of Tanana Chiefs Conference.

CERTIFICATION

I hereby certify that this resolution was duly passed by the Tanana Chiefs Conference Full Board of Directors on March 16, 2023 at Fairbanks, Alaska and a quorum was duly established.





Charlie Wright
Charlie Wright
Secretary/Treasurer

Submitted by: Arctic Village Council

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WCR24-35 - Unit 12, east of the Nabesna River and the Nabesna Glacier and south of the Winter Trail running southeast from Pickeral Lake to the Canadian border closed to caribou hunting by non-federally qualified users (Chisana caribou)

WCR24-35 Executive Summary	
General Description	Wildlife Closure Review WCR24-35 reviews the closure to caribou hunting in the southeastern portion of Unit 12 where Federal public lands are closed to caribou hunting, except by Federally qualified subsistence users. The closure targets the Chisana Caribou Herd.
Current Regulation	<p>Unit 12–Caribou</p> <p><i>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.</i></p> <p><i>Aug. 10-Sept. 30</i></p> <p><i>Federal public lands are closed to the harvest of caribou except by Federally qualified subsistence users hunting under these regulations.</i></p>
OSM Preliminary Conclusion	Retain the Status Quo
Southcentral Subsistence Regional Advisory Council	
Eastern Interior Subsistence Regional Advisory Council	
Interagency Staff Committee Comments	
ADF&G Comments	
Written Public Comments	2–Support

WCR24-35 - Unit 12, east of the Nabesna River and the Nabesna Glacier and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border closed to caribou hunting by non-federally qualified users (Chisana caribou)

FEDERAL WILDLIFE CLOSURE REVIEW WCR24-35

Issue: Wildlife Closure Review WCR24-35 reviews the closure to caribou hunting in the southeastern portion of Unit 12 where Federal public lands are closed to caribou hunting, except by Federally qualified subsistence users. The closure targets the Chisana Caribou Herd (CCH).

Closure Location and Species: 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—caribou (**Map 1**).

Current Federal Regulation

Unit 12—Caribou

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. Aug. 10-Sept. 30

Federal public lands are closed to the harvest of caribou except by Federally qualified subsistence users hunting under these regulations.

Closure Dates: Year-round