Federal Subsistence Board

Wildlife Meeting Materials
April 29–May 1, 2008

Coast
International Inn
Anchorage, AK

FEDERAL SUBSISTENCE BOARD
PUBLIC MEETING AGENDA

April 29–May 1, 2008
8:30 AM–5:00 PM Daily

Coast International Inn, 3450 Aviation Avenue
Anchorage, Alaska

1) Call to Order and Introductions

2) Corrections/Additions to the Agenda

3) Board Discussion of Council Topics with Regional Advisory Council Chairs or their Designees

4) Public Comment Period on Non-Agenda Items *(This opportunity is available at the beginning of each day)*

5) Public Comment Period on Consensus Agenda Items *(This opportunity is available at the beginning of each day)*

6) 2008–2010 Subparts C&D Proposals *(Wildlife Regulations)*

(a) Announcement of Consensus Agenda *(see detailed agenda that follows)*

(b) Board deliberation and action on Non-Consensus Agenda items *(see detailed agenda that follows)*

(c) Adoption of Consensus Agenda

7) Other Business

8) Adjourn

Note: *The meeting will be held daily from 8:30 a.m. to 5:00 p.m., or until the Board calls a recess for the day, or completes its work. Daily updates on Board progress through the agenda can be obtained by calling 1-800-478-1456, or in Anchorage at 786-3888.*

FEDERAL SUBSISTENCE BOARD CONSENSUS AGENDA PROPOSALS

The following proposals have been included on the consensus agenda. These are proposals for which there is agreement among Federal Subsistence Regional Advisory Councils, the Federal Interagency Staff Committee, and the Alaska Department of Fish and Game concerning Board action. Anyone disputing the recommendation on a proposal may request that the Board remove the proposal from the consensus agenda and place it on the regular agenda. The Board retains final authority for removal of proposals from the consensus agenda. The Board will take final action on the consensus agenda after deliberation and decisions on all other proposals.

Region 2: Southcentral Alaska

Proposal	Unit / Species	Recommendation	Page
WP08-02	Unit 11 / Muskrat (trapping)	Support with modification	17
WP08-08	Unit 6 / Deer	Support with modification	26
WP08-09	Unit 6 / Deer	Support with modification	37
WP08-10	Unit 6 / Mountain Goat	Support with modification	47
WP08-12	Unit 11 / Bear	Oppose	64
WP08-13	Unit 11 / Bear	Oppose	73
WP08-15	Unit 11 / Beaver (trapping)	Support	82
WP08-23	Unit 16B rem. / Moose	Support	92
WP08-24	Unit 15B & 15C / Moose	Oppose	104

Region 3: Kodiak Aleutians

WP08-25	Unit 10 / Caribou	Support	115
WP08-26	Unit 9D / Caribou	Support	123

Region 4: Bristol Bay

WP08-27b	Unit 9C / Bear	Support with modification	135
WP08-28	Units 9 and 17 / Designated Hunter	Support	144
WP08-29	Unit 9 / Moose and Caribou	Support	152

Region 6: Western Interior Alaska

WP08-35	Unit 19A / Moose	Oppose	162

Region 7: Seward Peninsula

WP08-48/49	Unit 22 / Ground Squirrel and Porcupine	Oppose	177

FEDERAL SUBSISTENCE BOARD
NON-CONSENSUS AGENDA PROPOSALS

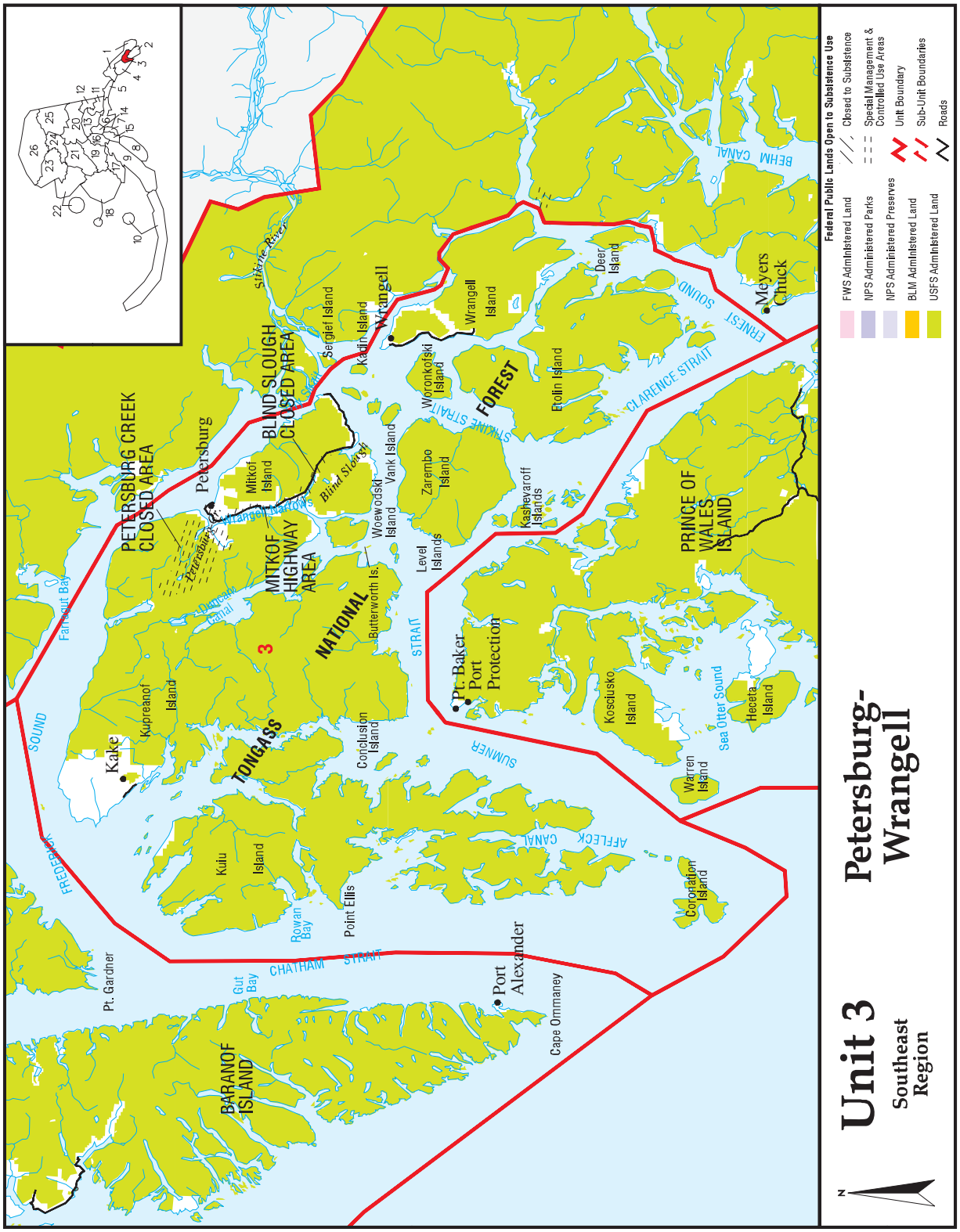
Procedure for considering proposals:

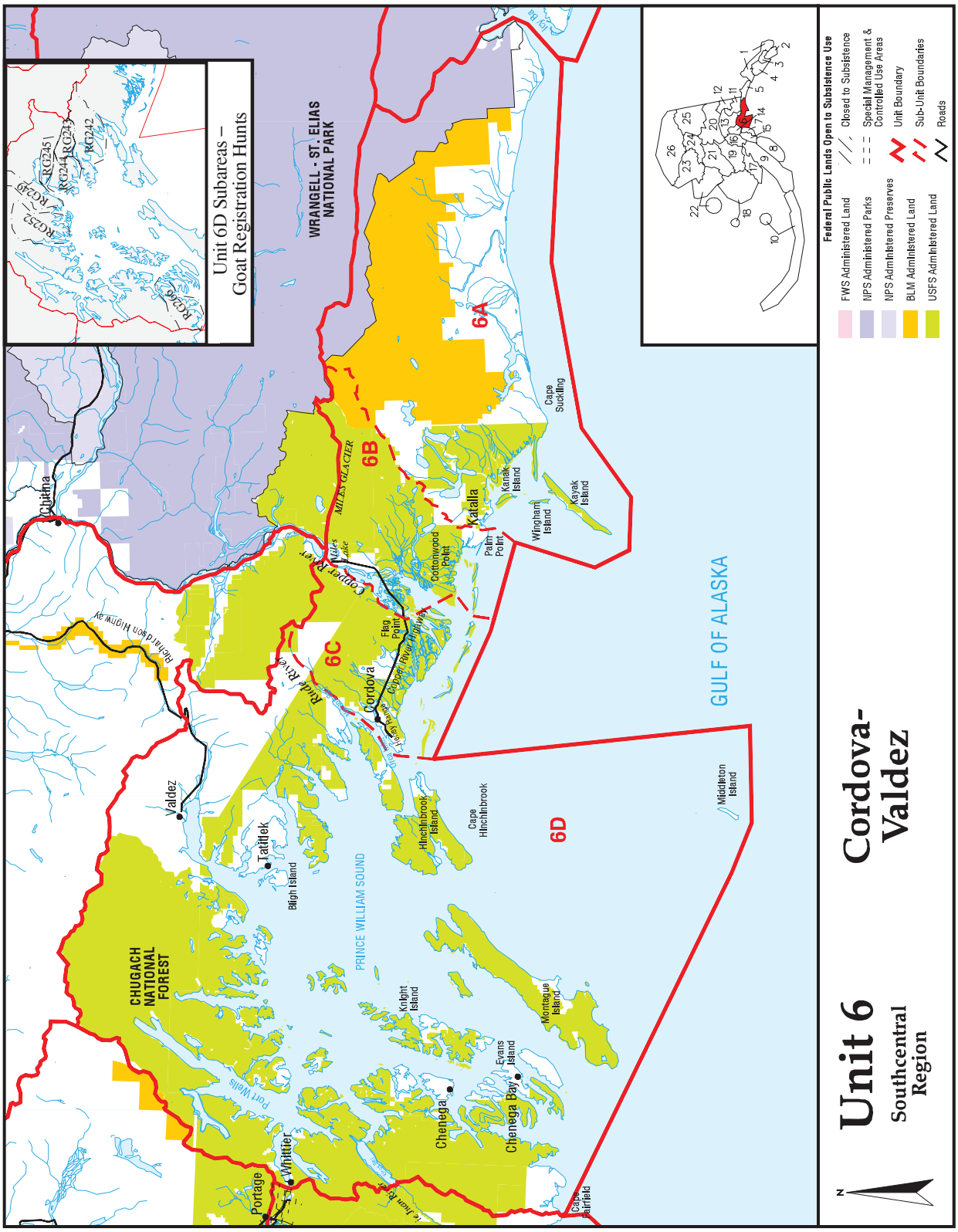
1) Analysis *(Lead author)*
2) Summary of written public comments *(Regional Council Coordinator)*
3) Open floor to public testimony
4) Regional Council recommendation *(Chair or designee)*
5) Alaska Department of Fish and Game comments
6) Interagency Staff Committee comments (*ISC Chair*)
7) Board discussion with Council Chairs and State Liaison
8) Federal Subsistence Board action

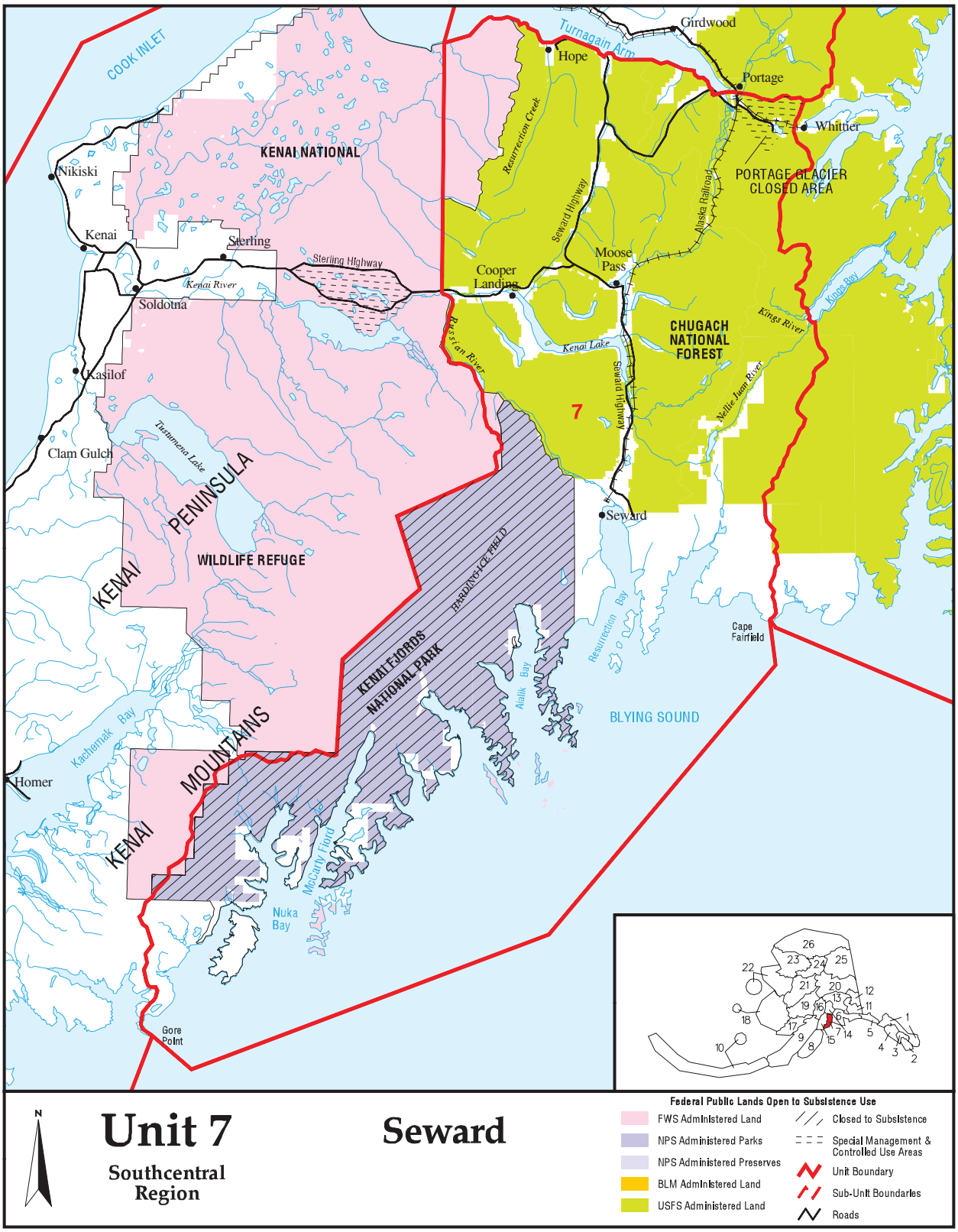
Proposal	Unit / Species	Page
Statewide		
WP08-01	All Units / Wolf	183
WP08-05	All Units / Bear	205
Southeast Alaska *(Region 1)*		
WP08-06a	Unit 1 / Moose	225
WP08-06b	Unit 1 / Moose	258
WP08-07	Units 1 and 3 / Deer	274
Southcentral Alaska *(Region 2)*		
WP08-03/04	Unit 11 / Wolverine (trapping)	299
WP08-11	Unit 6 / Moose	309
WP08-14	Unit 11 / Bear	320
WP08-16	Unit 11 / Mountain Goat	328
WP08-17/18	Unit 15 / Moose	338
WP08-19/20/21	Unit 15 / Moose	359
WP08-22a	Units 7 and 15 / Moose	380
WP08-22b	Units 7 and 15 / Moose	399
Bristol Bay *(Region 4)*		
WP08-27a	Unit 9C / Bear	427

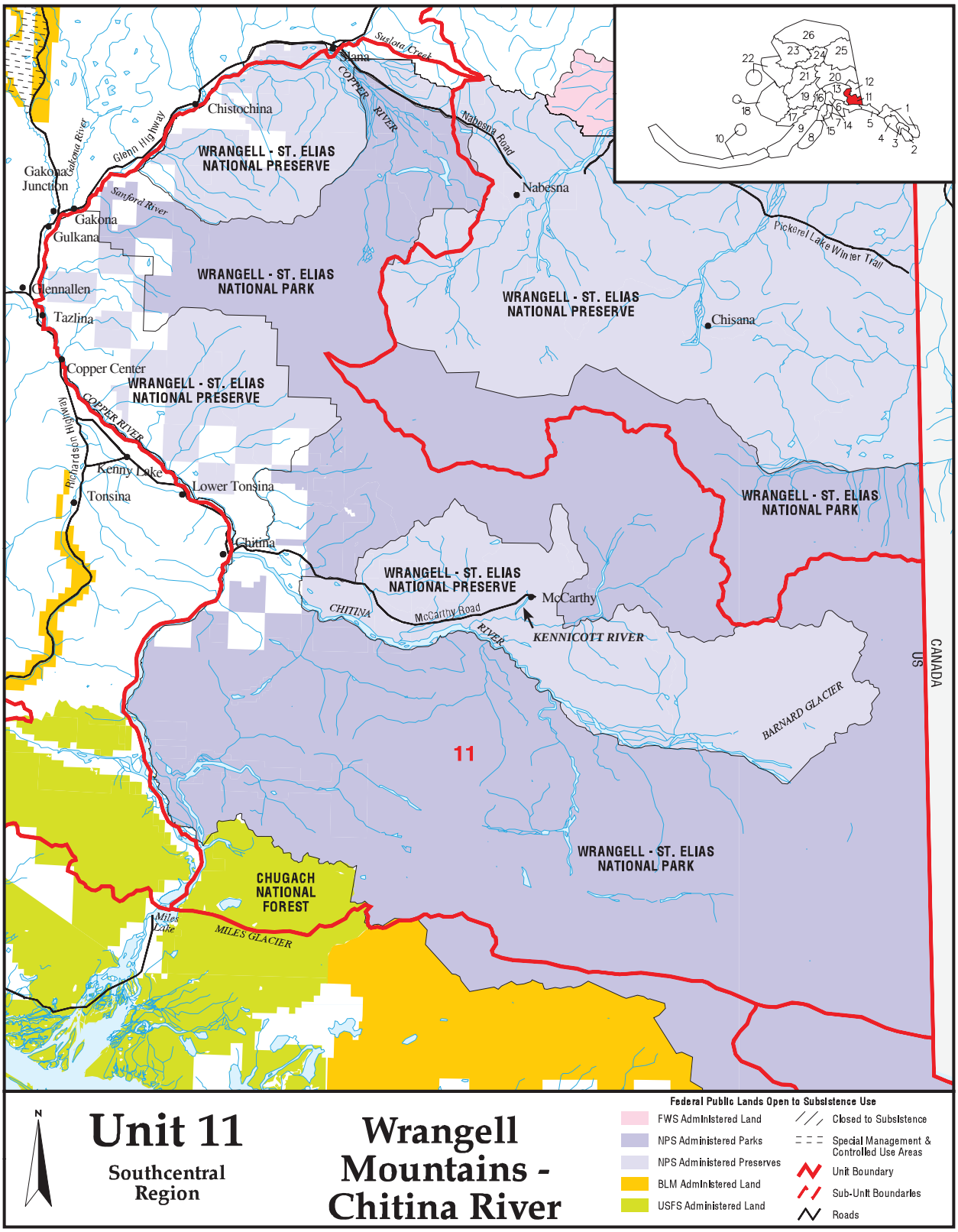
Proposal	**Unit / Species**	**Page**
WP08-30/31	Unit 9 / Moose	445
WP08-32	Unit 9 / Bear	461
Yukon-Kuskokwim Delta *(Region 5)*		
WP08-33	Unit 18 / Moose	474
WP08-34	Unit 18 / Moose	489
Seward Peninsula *(Region 7)*		
WP08-36/37/38	Unit 22 / Moose	512
WP08-39-45	Unit 22 / Beaver, Arctic Fox, Red Fox, Hare, Lynx, Marten, and Wolverine	535
WP08-46/47	Unit 22 / Spruce Grouse and Ptarmigan	546
Northwest Arctic *(Region 8)*		
WP08-50/51	Unit 23 / Noatak Controlled Use Area	555
WP08-52	Unit 23 / Bear	568
North Slope *(Region 10)*		
WP08-53	Units 24B and 26 / Bear	577
WP08-54	Unit 26 / Moose	587

KLONDIKE GOLD RUSH NATIONAL HISTORICAL PARK
1D
Klukwan
Skagway
Haines
CANADA
US
Canal
Lynn
Glacier Bay
Cape Fairweather
GLACIER BAY NATIONAL PARK
1C
Gustavus
Lake Bay
Juneau
Elfin Cove
CHICHAGOF ISLAND
Hoonah
Pelican
Tenakee Springs
Chatham Strait
ADMIRALTY ISLAND NATIONAL MONUMENT
Glass Peninsula
TONGASS
BARANOF
Angoon
Hood Bay
Sitka
Sitka Sound
ISLAND
Pt. Gardner
Frederick Sound
Kake
Kupreanof
Kulu Island
Petersburg
Mitkof Island
NATIONAL
Wrangell
Wrangell Island
Etolin Island
Pt. Baker
Sumner Strait
1B
LeConte Glacier
Stikine River
SALMON RIVER DRAINAGE
ANAN CREEK DRAINAGE
Hyder
1A
FOREST
MISTY FJORDS NATIONAL MONUMENT
PRINCE OF WALES ISLAND
Klawock
Craig
Kasaan
Hydaburg
REVILLAGIGEDO ISLAND
Ketchikan
Saxman
Annette Island
Metlakatla
Revillagigedo Channel
Dixon Entrance
Clarence Strait
Cleveland Peninsula
Dall Island
Cordova Bay
Unit 1
Southeast Region
Southeast Mainland
Federal Public Lands Open to Subsistence Use
FWS Administered Land
NPS Administered Parks
NPS Administered Preserves
BLM Administered Land
USFS Administered Land
Closed to Subsistence
Special Management & Controlled Use Areas
Unit Boundary
Sub-Unit Boundaries
Roads


Unit 3
Southeast Region
Petersburg-Wrangell
Federal Public Lands Open to Subsistence Use
FWS Administered Land
NPS Administered Parks
NPS Administered Preserves
BLM Administered Land
USFS Administered Land
Closed to Subsistence
Special Management & Controlled Use Areas
Unit Boundary
Sub-Unit Boundaries
Roads
PETERSBURG CREEK CLOSED AREA
BLIND SLOUGH CLOSED AREA
MITKOF HIGHWAY AREA
TONGASS NATIONAL FOREST
PRINCE OF WALES ISLAND
BARANOF ISLAND
Petersburg
Wrangell
Kake
Meyers Chuck
Pt. Baker
Port Protection
Port Alexander
Pt. Gardner
Cape Ommaney
Kupreanof Island
Kuiu Island
Mitkof Island
Sergief Island
Kadin Island
Wrangell Island
Woronkofski Island
Vank Island
Woewodski Island
Zarembo Island
Etolin Island
Deer Island
Kashevaroff Islands
Level Islands
Butterworth Is.
Conclusion Island
Point Ellis
Kosciusko Island
Warren Island
Heceta Island
Coronation Island
Stikine River
Blind Slough
Wrangell Narrows
Petersburg
Duncan Canal
Farragut Bay
Rowan Bay
Gut Bay
FREDERICK SOUND
CHATHAM STRAIT
SUMNER STRAIT
AFFLECK CANAL
Sea Otter Sound
SUMNER STRAIT
SHAKE STRAIT
CLARENCE STRAIT
FRENSI SOUND
BEHM CANAL
N


Unit 6
Southcentral Region
Cordova-Valdez
Unit 6D Subareas – Goat Registration Hunts
RG240
RG241
RG242
RG243
RG244
RG245
RG250
RG251
RG252
WRANGELL - ST. ELIAS NATIONAL PARK
CHUGACH NATIONAL FOREST
PRINCE WILLIAM SOUND
GULF OF ALASKA
6A
6B
6C
6D
Cordova
Valdez
Tatitlek
Chenega
Chenega Bay
Whittier
Portage
Cliffna
Katalla
Richardson Highway
Copper River Highway
Copper River
Rude River
Bligh Island
Knight Island
Evans Island
Montague Island
Hinchinbrook Island
Cape Hinchinbrook
Cape Suckling
Kanak Island
Kayak Island
Wingham Island
Palm Point
Cottonwood Point
Flag Point
Middleton Island
Cape Fairfield
Federal Public Lands Open to Subsistence Use
FWS Administered Land
NPS Administered Parks
NPS Administered Preserves
BLM Administered Land
USFS Administered Land
Closed to Subsistence
Special Management & Controlled Use Areas
Unit Boundary
Sub-Unit Boundaries
Roads


COOK INLET
Turnagain Arm
Girdwood
Hope
Portage
Whittier
PORTAGE GLACIER CLOSED AREA
KENAI NATIONAL
Nikiski
Kenai
Sterling
Sterling Highway
Kenai River
Soldotna
Resurrection Creek
Seward Highway
Alaska Railroad
Moose Pass
Cooper Landing
Russian River
Kenai Lake
CHUGACH NATIONAL FOREST
Kings River
Nellie Juan River
Johns Bay
7
Kasilof
Tustumena Lake
Clam Gulch
KENAI PENINSULA
WILDLIFE REFUGE
Seward
HARDING ICE FIELD
KENAI FIORDS NATIONAL PARK
Resurrection Bay
Cape Fairfield
Alaska Bay
BLYING SOUND
Kachemak Bay
Homer
KENAI MOUNTAINS
McCarty Fjord
Nuka Bay
Gore Point
N
Unit 7
Southcentral Region
Seward
Federal Public Lands Open to Subsistence Use
FWS Administered Land
NPS Administered Parks
NPS Administered Preserves
BLM Administered Land
USFS Administered Land
Closed to Subsistence
Special Management & Controlled Use Areas
Unit Boundary
Sub-Unit Boundaries
Roads


Unit 11
Southcentral Region
Wrangell Mountains - Chitina River
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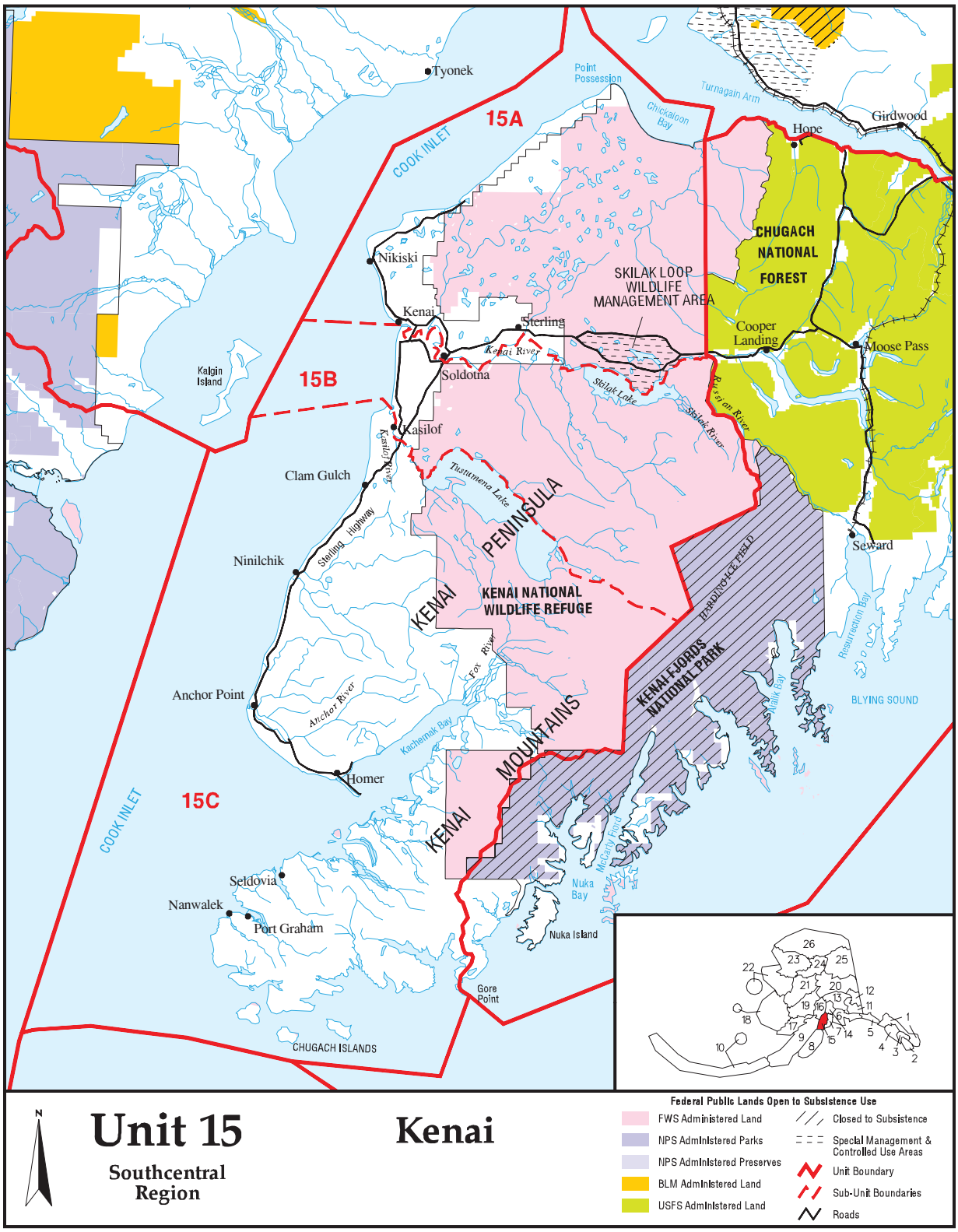
FWS Administered Land
NPS Administered Parks
NPS Administered Preserves
BLM Administered Land
USFS Administered Land
Closed to Subsistence
Special Management & Controlled Use Areas
Unit Boundary
Sub-Unit Boundaries
Roads
WRANGELL - ST. ELIAS NATIONAL PRESERVE
WRANGELL - ST. ELIAS NATIONAL PARK
CHUGACH NATIONAL FOREST
Slana
Chistochina
Nabesna
Chisana
Gakona Junction
Gakona
Gulkana
Glennallen
Tazlina
Copper Center
Kenny Lake
Lower Tonsina
Tonsina
Chitina
McCarthy
Glenn Highway
Richardson Highway
Gakona River
Sanford River
Suslota Creek
COPPER RIVER
Nabesna Road
Pickerel Lake Winter Trail
CHITINA RIVER
McCarthy Road
KENNICOTT RIVER
BARNARD GLACIER
MILES GLACIER
Miles Lake
11
CANADA
US


Tyonek
Point Possession
Turnagain Arm
Chickaloon Bay
Hope
Girdwood
15A
COOK INLET
CHUGACH NATIONAL FOREST
Nikiski
SKILAK LOOP WILDLIFE MANAGEMENT AREA
Kenai
Sterling
Cooper Landing
Moose Pass
Kenai River
Kalgin Island
15B
Soldotna
Skilak Lake
Resurrection River
Skilak River
Kasilof
Kasilof River
Clam Gulch
Tustumena Lake
PENINSULA
Sterling Highway
Seward
Ninilchik
KENAI
KENAI NATIONAL WILDLIFE REFUGE
HARDING ICE FIELD
Resurrection Bay
Fox River
KENAI-FJORDS NATIONAL PARK
Anchor Point
Anchor River
Kachemak Bay
Aialik Bay
BLYING SOUND
MOUNTAINS
Homer
15C
COOK INLET
KENAI
McCarty Fjord
Seldovia
Nuka Bay
Nanwalek
Port Graham
Nuka Island
Gore Point
CHUGACH ISLANDS
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Unit 15
Southcentral Region
Kenai
Federal Public Lands Open to Subsistence Use
FWS Administered Land
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USFS Administered Land
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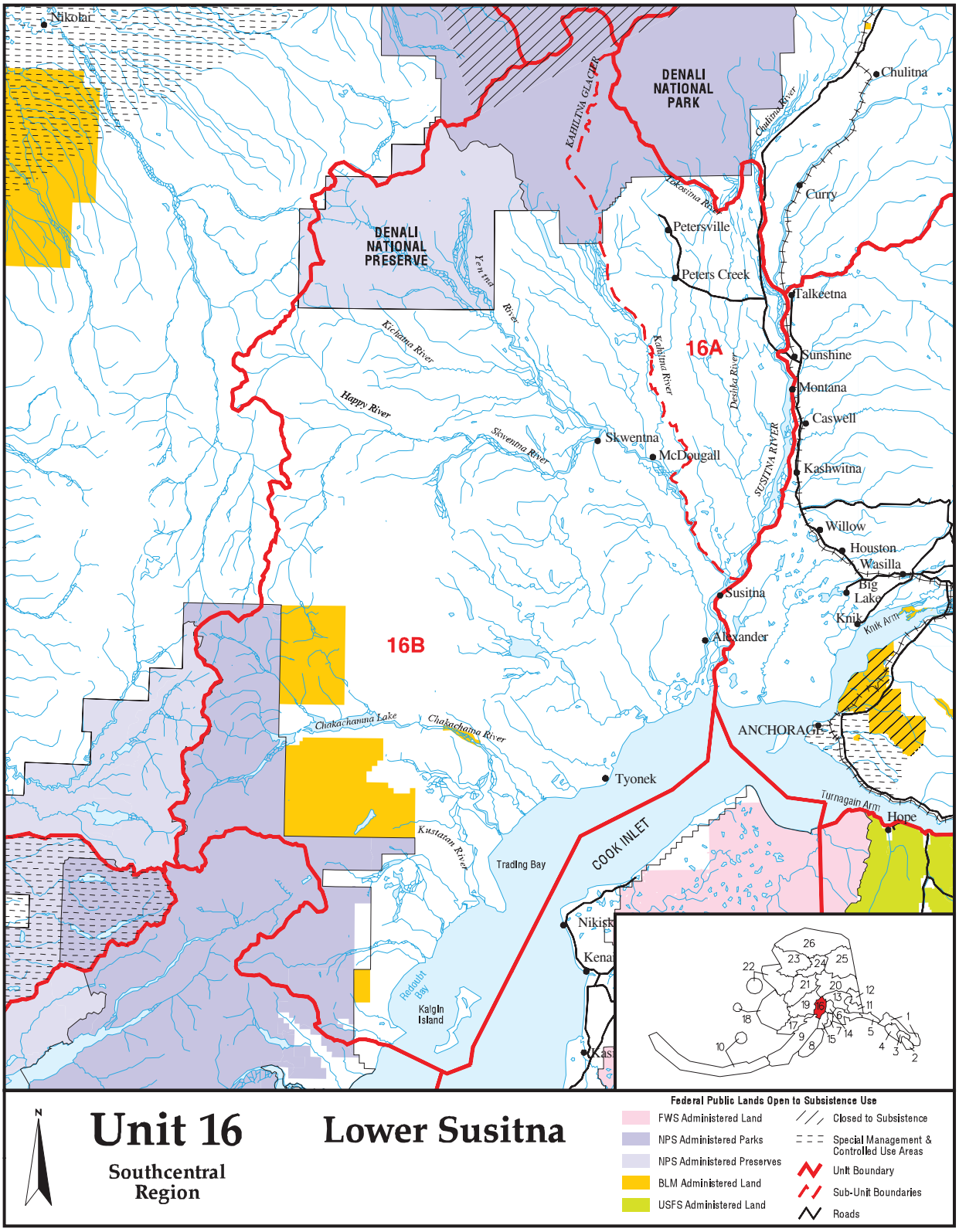
Nikolai
DENALI NATIONAL PARK
KAHILTNA GLACIER
Chulitna
Chulitna River
Curry
Tokositna River
Petersville
Peters Creek
Talkeetna
DENALI NATIONAL PRESERVE
Yentna River
Kichatna River
Kahiltna River
16A
Sunshine
Montana
Deshka River
Caswell
Happy River
Skwentna River
Skwentna
McDougall
SUSITNA RIVER
Kashwitna
Willow
Houston
Wasilla
Big Lake
Susitna
Knik
Knik Arm
Alexander
16B
Chakachamna Lake
Chakachamna River
ANCHORAGE
Tyonek
Turnagain Arm
Hope
Kustatan River
Trading Bay
COOK INLET
Nikiski
Kenai
Redoubt Bay
Kalgin Island
Kas
26
23
24
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22
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17
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14
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15
N
Unit 16
Southcentral Region
Lower Susitna
Federal Public Lands Open to Subsistence Use
FWS Administered Land
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NPS Administered Preserves
BLM Administered Land
USFS Administered Land
Closed to Subsistence
Special Management & Controlled Use Areas
Unit Boundary
Sub-Unit Boundaries
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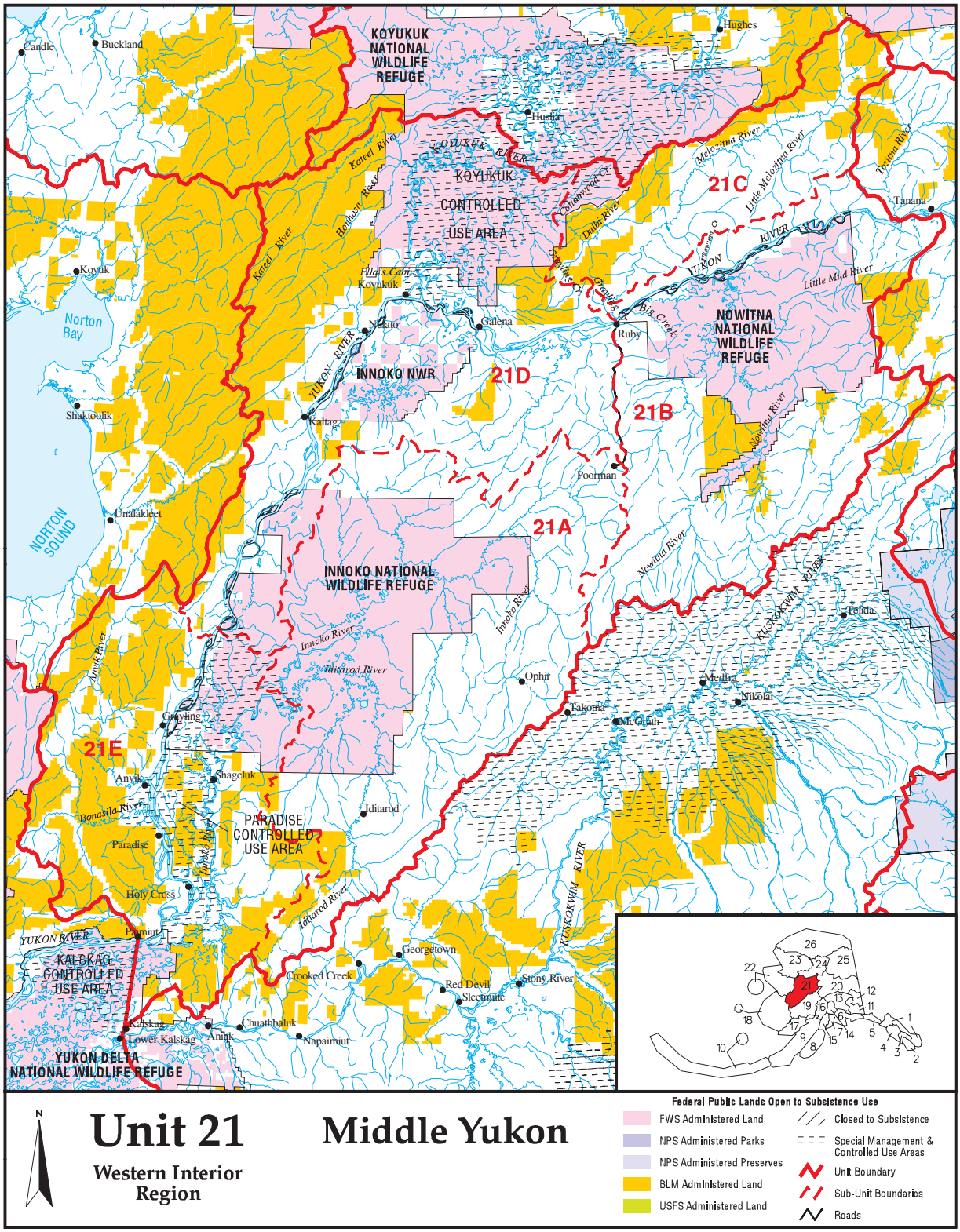
Unit 21
Western Interior Region
Middle Yukon
Federal Public Lands Open to Subsistence Use
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NPS Administered Parks
NPS Administered Preserves
BLM Administered Land
USFS Administered Land
Closed to Subsistence
Special Management & Controlled Use Areas
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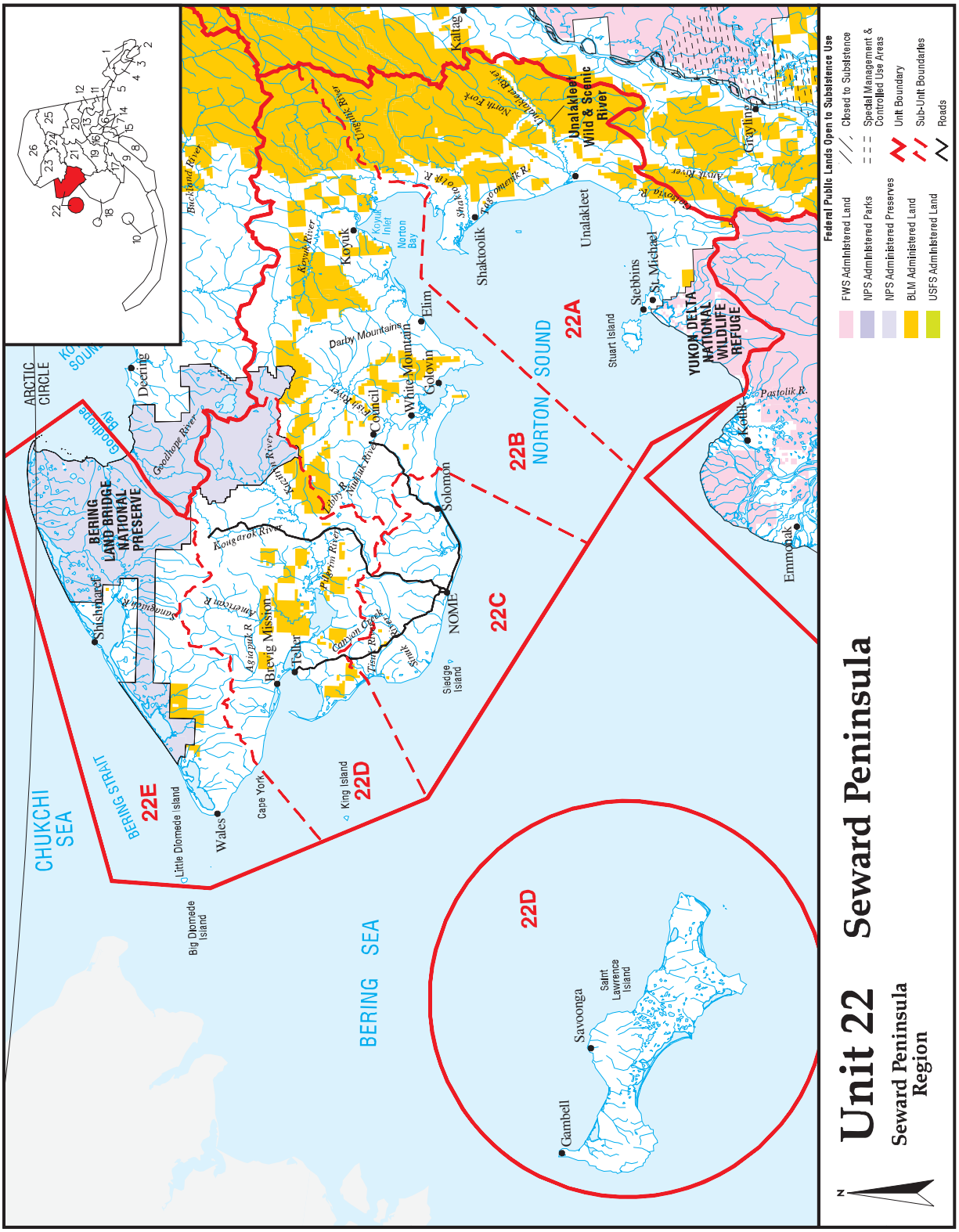
KOYUKUK NATIONAL WILDLIFE REFUGE
KOYUKUK CONTROLLED USE AREA
NOWITNA NATIONAL WILDLIFE REFUGE
INNOKO NWR
INNOKO NATIONAL WILDLIFE REFUGE
PARADISE CONTROLLED USE AREA
KALSKAG CONTROLLED USE AREA
YUKON DELTA NATIONAL WILDLIFE REFUGE
21A
21B
21C
21D
21E
Norton Bay
NORTON SOUND
Candle
Buckland
Koyuk
Shaktoolik
Unalakleet
Grayling
Anvik
Shageluk
Paradise
Holy Cross
Pamiut
Kalskag
Lower Kalskag
Aniak
Chuathbaluk
Napaimiut
Crooked Creek
Georgetown
Red Devil
Sleetmute
Stony River
Iditarod
Ophir
Takotna
McGrath
Medfra
Nikolai
Telida
Poorman
Ruby
Galena
Nulato
Kaltag
Hughes
Huslia
Tanana
YUKON RIVER
KUSKOKWIM RIVER
Innoko River
Iditarod River
Nowitna River
Bonasila River
Anvik River
Kateel River
Hogatza River
Melozitna River
Little Melozitna River
Tozitna River
Little Mud River
Dulbi River
Bio Creek
Elia's Cabin


Unit 22
Seward Peninsula
Seward Peninsula Region
Federal Public Lands Open to Subsistence Use
FWS Administered Land
NPS Administered Parks
NPS Administered Preserves
BLM Administered Land
USFS Administered Land
Closed to Subsistence
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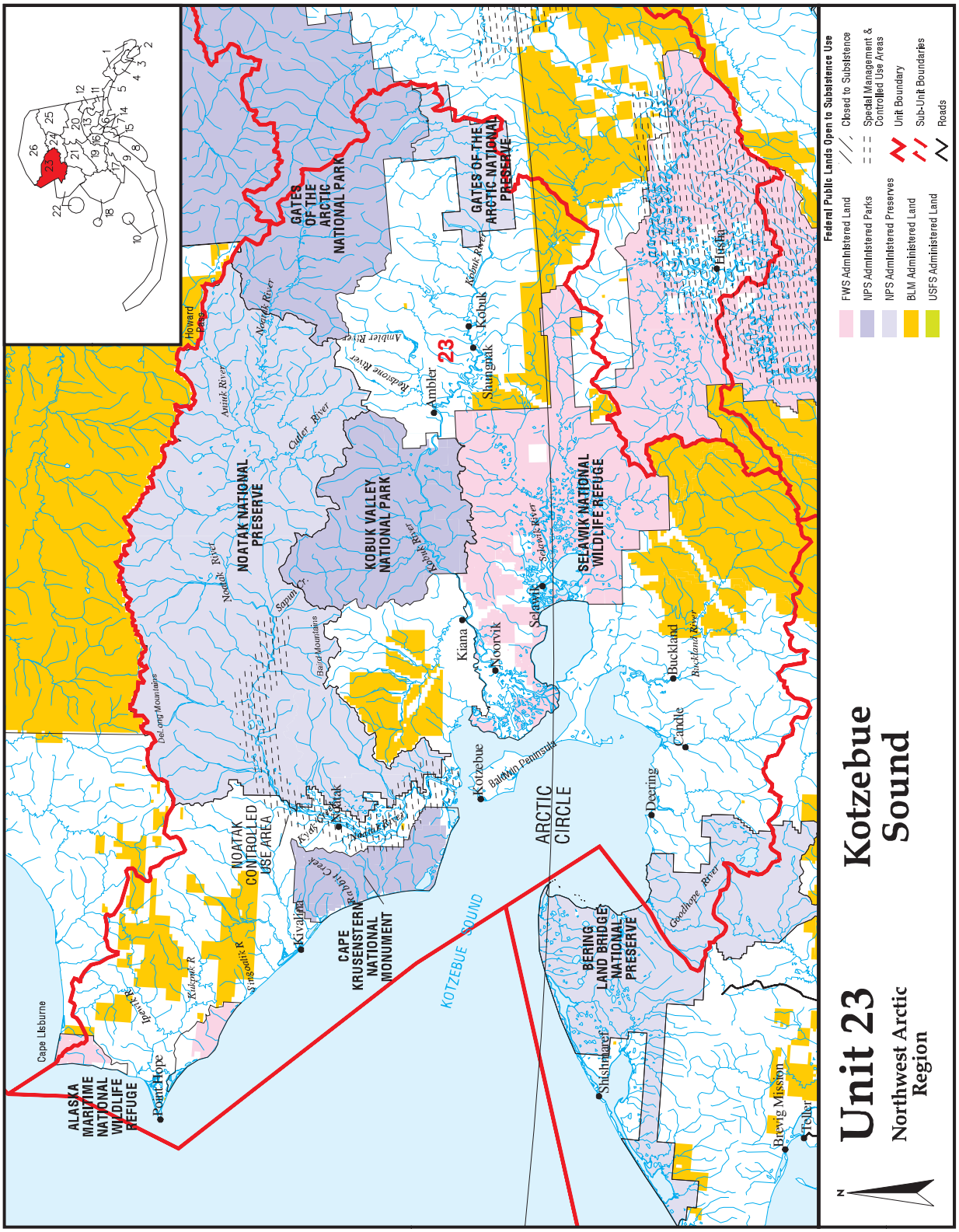
CHUKCHI SEA
BERING STRAIT
BERING SEA
ARCTIC CIRCLE
BERING LAND BRIDGE NATIONAL PRESERVE
YUKON DELTA NATIONAL WILDLIFE REFUGE
Unalakleet Wild & Scenic River
NORTON SOUND
22A
22B
22C
22D
22E
Shishmaref
Deering
Wales
Little Diomede Island
Big Diomede Island
Cape York
King Island
Brevig Mission
Teller
Nome
Sledge Island
Solomon
Council
White Mountain
Golovin
Elim
Koyuk
Shaktoolik
Unalakleet
Kaltag
Stebbins
St. Michael
Stuart Island
Grayling
Kotlik
Emmonak
Savoonga
Saint Lawrence Island
Gambell
Buckland River
Kougarok River
Goodhope River
Darby Mountains
Norton Bay
Pastolik R.


Unit 23
Northwest Arctic Region
Kotzebue Sound
Federal Public Lands Open to Subsistence Use
FWS Administered Land
NPS Administered Parks
NPS Administered Preserves
BLM Administered Land
USFS Administered Land
Closed to Subsistence
Special Management & Controlled Use Areas
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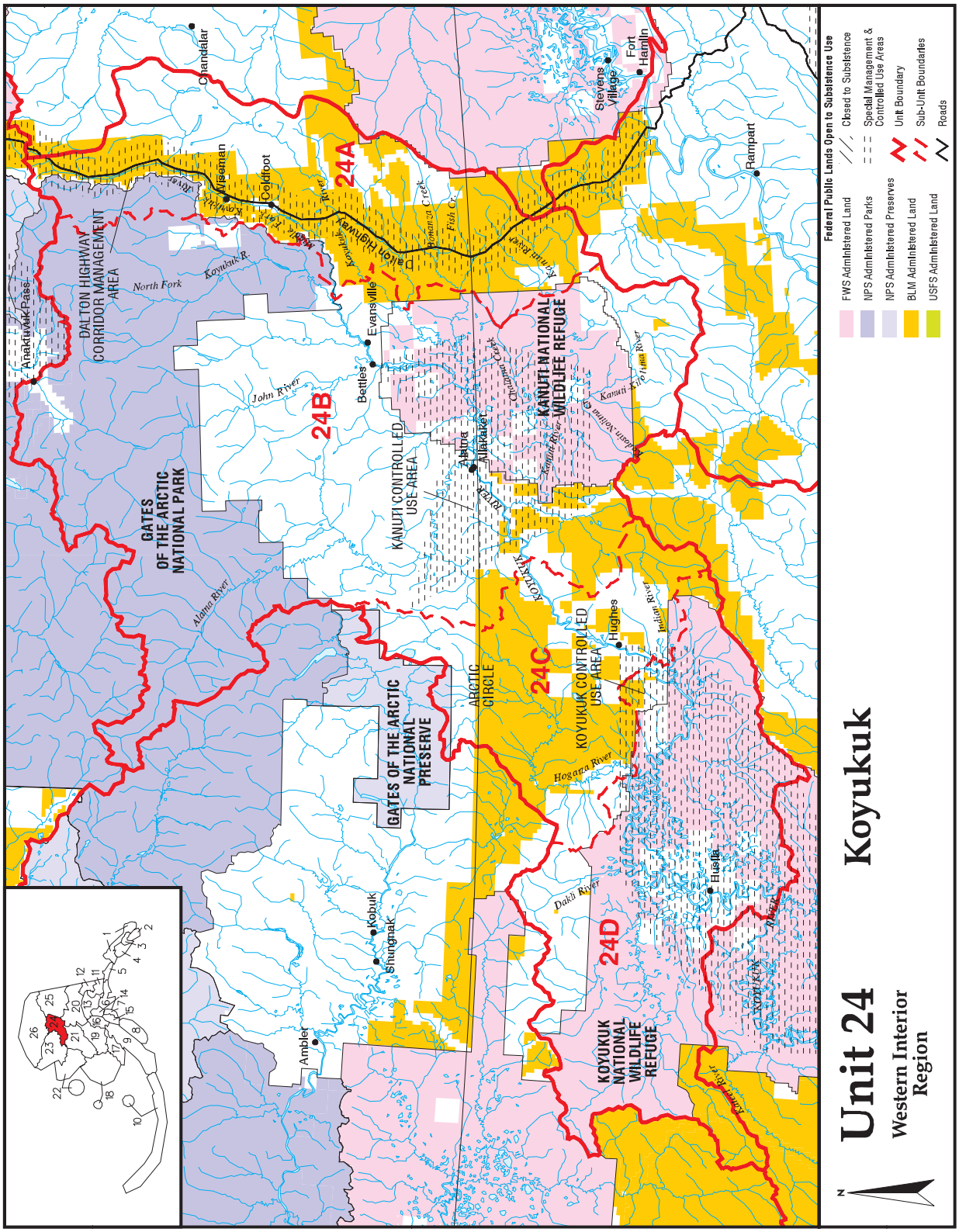
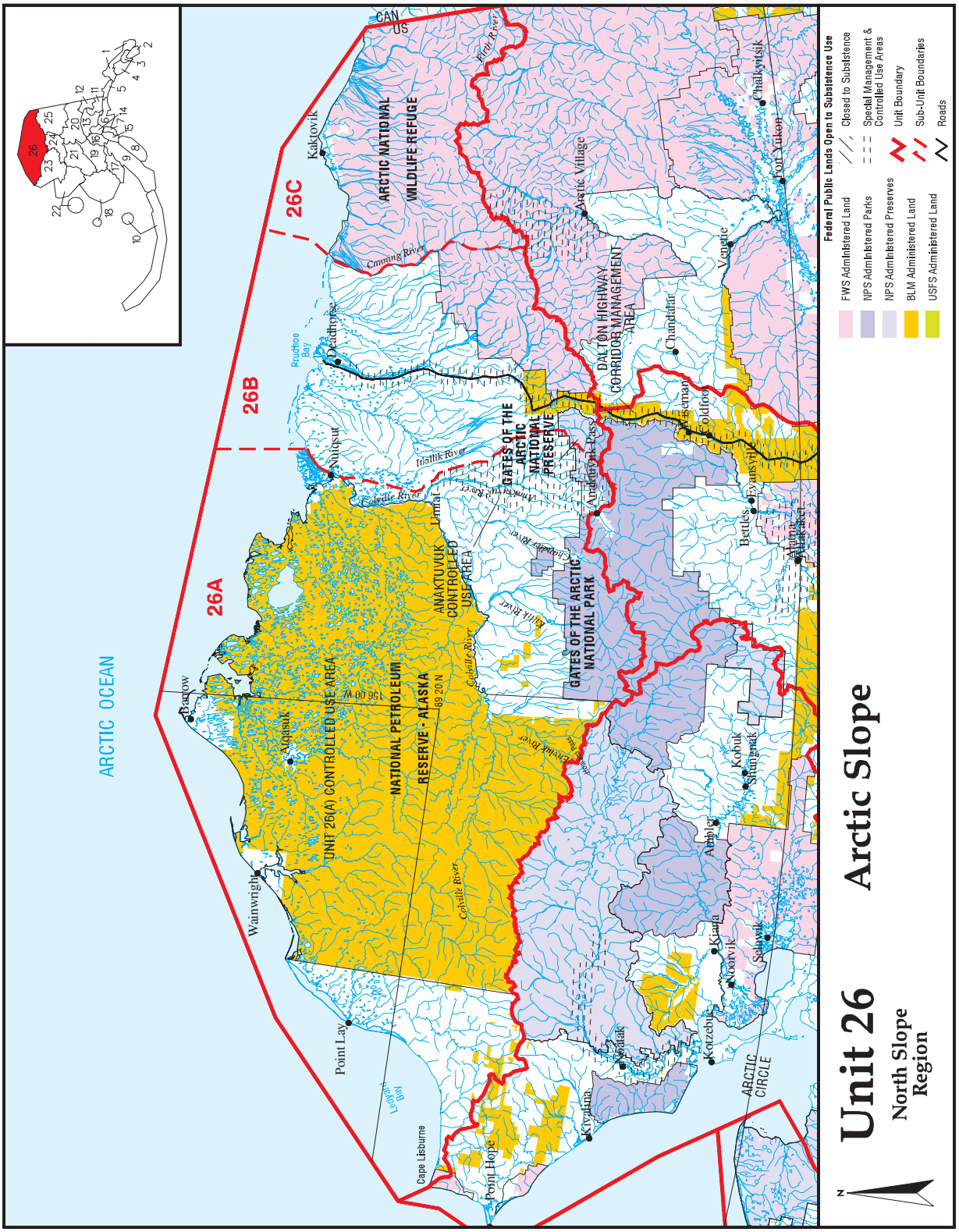
GATES OF THE ARCTIC NATIONAL PARK
GATES OF THE ARCTIC NATIONAL PRESERVE
NOATAK NATIONAL PRESERVE
KOBUK VALLEY NATIONAL PARK
SELAWIK NATIONAL WILDLIFE REFUGE
NOATAK CONTROLLED USE AREA
CAPE KRUSENSTERN NATIONAL MONUMENT
BERING LAND BRIDGE NATIONAL PRESERVE
ALASKA MARITIME NATIONAL WILDLIFE REFUGE
KOTZEBUE SOUND
ARCTIC CIRCLE
23
Point Hope
Kivalina
Noatak
Kotzebue
Kiana
Noorvik
Selawik
Ambler
Shungnak
Kobuk
Buckland
Deering
Candle
Shishmaref
Brevig Mission
Teller
Hughes
Howard Pass
Cape Lisburne
Baldwin Peninsula
Noatak River
Kobuk River
Selawik River
Buckland River
Goodhope River
Utukok R
Kukpuk R
Singoalik R
Kivalina River
Kugrua River
Wulik River
Kogoluktuk Creek
Kyak Creek
Cutler River
Anisak River
Nimiuktuk River
Redstone River
Ambler River
Akillik River
Sapun Cr.
Baird Mountains
DeLong Mountains


Unit 24
Western Interior Region
Koyukuk
Federal Public Lands Open to Subsistence Use
FWS Administered Land
NPS Administered Parks
NPS Administered Preserves
BLM Administered Land
USFS Administered Land
Closed to Subsistence
Special Management & Controlled Use Areas
Unit Boundary
Sub-Unit Boundaries
Roads
24A
24B
24C
24D
GATES OF THE ARCTIC NATIONAL PARK
GATES OF THE ARCTIC NATIONAL PRESERVE
DALTON HIGHWAY CORRIDOR MANAGEMENT AREA
KANUTI CONTROLLED USE AREA
KANUTI NATIONAL WILDLIFE REFUGE
KOYUKUK CONTROLLED USE AREA
KOYUKUK NATIONAL WILDLIFE REFUGE
ARCTIC CIRCLE
Chandalar
Anaktuvuk Pass
Wiseman
Coldfoot
Evansville
Bettles
Allakaket
Alatna
Hughes
Huslia
Stevens Village
Fort Hamlin
Rampart
Kobuk
Shungnak
Ambler
Dalton Highway
Koyukuk R.
North Fork
John River
Alatna River
Kanuti River
Hogatza River
Hogatza River
Dakli River
Indian River
Koyukuk River
Kanuti River
Kanuti Flat River
Fish Cr.
Roman Creek
Kanuti Bay
Kanuti Lake
Kanuti Flat
Koyukuk River


Unit 26
North Slope Region
Arctic Slope
Federal Public Lands Open to Subsistence Use
FWS Administered Land
NPS Administered Parks
NPS Administered Preserves
BLM Administered Land
USFS Administered Land
Closed to Subsistence
Special Management & Controlled Use Areas
Unit Boundary
Sub-Unit Boundaries
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ARCTIC OCEAN
26A
26B
26C
CAN
US
ARCTIC NATIONAL WILDLIFE REFUGE
NATIONAL PETROLEUM RESERVE - ALASKA
UNIT 26(A) CONTROLLED USE AREA
ANAKTUVUK CONTROLLED USE AREA
GATES OF THE ARCTIC NATIONAL PARK
GATES OF THE ARCTIC NATIONAL PRESERVE
DALTON HIGHWAY CORRIDOR MANAGEMENT AREA
Barrow
Wainwright
Atqasuk
Point Lay
Point Hope
Cape Lisburne
Kivalina
Noatak
Kotzebue
Noorvik
Kiana
Selawik
Ambler
Shungnak
Kobuk
Bettles
Evansville
Allakaket
Coldfoot
Wiseman
Anaktuvuk Pass
Chandalar
Arctic Village
Venetie
Fort Yukon
Chalkyitsik
Kaktovik
Deadhorse
Prudhoe Bay
Nuiqsut
Lonely
Colville River
Itkillik River
Anaktuvuk River
Alatna River
Koyukuk River
Hogatza River
Kobuk River
Noatak River
Kivalina River
Canning River
Firth River
Ledyard Bay
ARCTIC CIRCLE
156 00 W
69 20 N

WP08-02 Executive Summary	
General Description	Proposal WP08-02 requests an expansion of the muskrat trapping season for Unit 11 from Nov. 10 – June 10 to Sept. 20 – June 10.
Proposed Regulation	**Unit 11 — Muskrat (trapping)** *Unit 11 — No limit* *~~Nov. 10~~* ***Sept. 20****–June 10*
Southcentral Regional Council Recommendation	**Support** Proposal WP08-02 **with modification** to establish a muskrat hunting season for Sept. 20–June 10. The intent of the proponent was for hunting of muskrat in Unit 11, not trapping.
Eastern Interior Regional Council Recommendation	**Support** Proposal WP08-02 **with modification** to establish a muskrat hunting season for Sept. 20 – June 10 with a no harvest limit for Unit 11.
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**No recommendation.** *See comments following the analysis.*
Written Public Comments	**2 Support** **1 Support with modification**

REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-02 **with modification** to establish a muskrat hunting season for Sept. 20–June 10. The intent of the proponent was for hunting of muskrat in Unit 11, not trapping.

The modified regulation should read:

Unit 11 — Muskrat (hunting)

No limit	***Sept. 20–June 10***

There is no biological concern for the muskrat population. The proposal is supported by the public through written public comments. Muskrat is not a big part of income for trapping, but used mainly in spring and fall for food.

EASTERN INTERIOR SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-02 **with modification** to establish a muskrat hunting season for Sept. 20 – June 10 with a no harvest limit for Unit 11.

The modified regulation should read:

Unit 11 — Muskrat (hunting)

No limit	***Sept. 20–June 10***

The Council supported the proposal with the modification to establish a hunting season for Sept. 20–June 10. Passage of this proposal as modified would provide an additional opportunity and desired spring food source. The modification would allow this traditional harvest to be legal on National Park Service lands where the taking of free ranging furbearers with a firearm under a trapping license is not allowed.

STAFF ANALYSIS
WP08-02

ISSUES

Proposal WP08-02, submitted by Dean Wilson Jr., requests an expansion of the muskrat trapping season for Unit 11 from Nov. 10 – June 10 to Sept. 20 – June 10.

DISCUSSION

The proponent's intent is to provide an additional 51 days of opportunity for Federally qualified users to harvest muskrat for human consumption of the meat and also for the pelts under Federal trapping regulations in Unit 11. The proposed regulatory change would provide Federally qualified users access to muskrat habitat on Federal public lands before freeze up occurs.

Existing Federal Regulation

Unit 11 — Muskrat (trapping)

No limit	*Nov. 10–June 10*

Proposed Federal Regulation

Unit 11 — Muskrat (trapping)

No limit	*~~Nov. 10~~* ***Sept. 20****–June 10*

Existing State Regulation

Unit 11 — Muskrat (trapping)

No limit	*Nov. 10–June 10*

Extent of Federal Public Lands

Federal public lands comprise approximately 81% of Unit 11 (79% NPS and 2% USFS). The affected Federal public lands are the Wrangell-St. Elias National Park and Preserve and a small portion of the Chugach National Forest of the Cordova District (**Unit 11 map**).

Customary and Traditional Use Determinations

All rural Alaska residents are eligible to harvest muskrat under Federal subsistence regulations in Unit 11. However, NPS regulations restrict who is eligible to engage in subsistence activities on lands in Wrangell-St. Elias National Park to individuals living in resident zone communities or areas, or have a 13.440 subsistence permit issued by the Park Superintendent.

Regulatory History

Federal muskrat trapping regulations for Unit 11 were originally adopted by the Federal Subsistence Board (Board) in July 1990, when the Board adopted the State season and harvest limit for the unit. Federal trapping regulations for Unit 11 muskrat have remained unchanged since the establishment of the Federal Subsistence Management Program for Alaska. The State muskrat trapping regulations for Unit 11 have also remained unchanged since the 1990/91 regulatory year. Currently, there are no Federal or State muskrat hunting regulations for Unit 11.

Current Events Involving the Species

Note: Subsequent to the publication of this proposal in the 2008–2010 Federal Subsistence Wildlife Proposals booklet (FWS 2007), the proponent provided additional comments on WP08-02 and WP08-15 on December 10, 2007. The proponent stated that establishment of a Sept. 20–June 10 muskrat hunting season in Unit 11, instead of an expansion of the existing trapping season, would better address the intent of WP08-02. The proponent stated that because NPS regulations (36 CFR 1.4 and 13.1) do not allow for the harvest of furbearers with a firearm on NPS lands during the trapping season, he felt it necessary to provide additional information to better address the intent.

Management Objectives

To develop measurable objectives for management of furbearer populations in Unit 11 (ADF&G).
To manage furbearers for healthy and natural populations in Unit 11 (NPS).

Biological Background

Currently, muskrats generally are common in Unit 11, while they cycle naturally but predictably (Tobey 2008, pers. comm.). Results from analysis of the 2004/05 State Trapper Questionnaire produced an estimated species relative abundance index for Unit 11 as “common” for muskrat (ADF&G 2006). The index ranks relative abundance as “not present, scarce, common, or abundant.” The winter of 2002–03 had the highest muskrat population in more than 20 years based on the number of houses and push-ups in many lakes and marshes (ADF&G 2004).

Muskrats were abundant in Units 11 and 13 during the early 1980s; however, their numbers substantially declined over the next few years (ADF&G 2004). A review of the State Trapper Questionnaires revealed that muskrat either were not present or scarce on traplines from 1993 to 1997. Further analysis revealed that more push-ups were observed by trappers during the late 1990s when trappers indicated that muskrat numbers had rebounded, but were report during a period when trapper reports were highly variable.

Harvest History

Estimates of trapping pressure in Units 11 and 13, produced by the ADF&G, are compiled from the State Trapper Questionnaire, sealing data, and staff contact with trappers. Results from the 2001/02 through 2004/05 State Trapper Questionnaires revealed that trapping pressure was variable from year to year and was based on winter conditions (ADF&G 2006). Results from additional analysis suggest fewer individuals are trapping these days in Units 11 and 13 and those that are, as a group, are getting older, with a substantial number of years of trapping experience (ADF&G 2006). Total effort made by these individuals declined in the early 1990s but stabilized over the last few years, as reflected by the number of sets made, length of traplines, and total weeks trapped. Although results of trapper questionnaire responses suggest that the price paid for fur really was not a factor for those still trapping, it was low fur

prices that were a major underlying contributing factor to the decline in the number of trappers (ADF&G 2006).

Because muskrat pelts are not required to be sealed in Alaska, the total harvest is most likely higher than the reported total in some areas. A total of 17 muskrat were reported harvested in Unit 11 according to the 2004/05 State Trapper Questionnaire (ADF&G 2006). Further analysis of the State questionnaire also revealed that the average price paid in Alaska for a muskrat pelt was $2.84 during 2004/05, substantiating that lack of economic demand for prime muskrat pelts. Results of the State's 2001 through 2005 Fur Acquisition and Export Reports, revealed that trapper effort and success fluctuated statewide during the four regulatory years (**Table 1**). Muskrat export numbers spiked for 2002/03 and 2003/04 regulatory years probably in anticipation of and response to the higher muskrat prices that peaked at $7.00 for 2003/04.

Table 1. Fur acquisition and export report for muskrat harvested in Alaska, 2001–2005 (ADF&G 2006).

2001/02		2002/03		2003/04		2004/05	
Export	Acquisition	Export	Acquisition	Export	Acquisition	Export	Acquisition
511	391	992	475	1,074	163	200	283

Note: A Fur Acquisition and Export Report is used to document the number of pelts of one particular species that are sold (acquisitioned) by a trapper or hunter to a fur buyer, and is used to document the number of pelts that are sent out (exported) of Alaska.

Unit 11 trappers who participated in the 2004/05 Trapper Questionnaire reported that muskrat ranked 12th in order of furbearer important to trappers, while red fox ranked 11th and red squirrel ranked 13th and least important (ADF&G 2006). This ranking substantiates the recent low amount of effort made by users to harvest muskrat in Unit 11.

Effects of the Proposal

The intent of the original Proposal WP08-02 (trapping) would not accomplish the proponent's objective since NPS regulations do not allow for the harvest of furbearers by firearm, under a trapping license, on NPS managed lands and waters. Adoption of the proposal would create a Sept. 20–Nov. 9 Federal only trapping season, providing 51 days of additional opportunity than provided by State regulations. Federally qualified subsistence users would be required to identify Federal and State jurisdictional boundaries during a Federal only trapping season. An amended proposal; however, would provide 51 days of opportunity for Federally qualified users to shoot muskrat on Federally managed lands and waters before freeze up in Unit 11, by establishing a muskrat hunting season from Sept. 20–June 10 with a no harvest limit. Adoption of the proposed hunting season would also provide the option to harvest muskrat by firearm during the period from spring thaw (the onset of bare ground) and breakup through June 10. The proposal should have minimal effects on the muskrat population of Unit 11, as muskrat are presently common to Unit 11 users and the current harvest is considered sustainable. Adoption of the proposed season and harvest limit should have no adverse impacts on users who trap muskrat under State regulations in Unit 11.

OSM CONCLUSION

Support Proposal WP08-02 **with modification** to establish a muskrat hunting season for Sept. 20–June 10 with a no harvest limit for Unit 11, consistent with the intent of the proponent upon further consideration.

The regulations should read:

Unit 11 — Muskrat (trapping)

No limit	*Nov. 10–June 10*

Unit 11 — Muskrat (hunting)

No limit	***Sept. 20–June 10***

Justification

The primary intent of the proposal is to allow the taking of muskrat for food, secondary to pelt value. Given the NPS's regulation which prohibits the taking of furbearers with a firearm under a trapping license, establishing a Unit 11 muskrat hunting season is appropriate for addressing the proponent's intent. Similar hunting regulations for beaver have been established by the Board for Units 12, 20E, and 25. Muskrat in Unit 11 are considered common and capable of supporting additional harvest. Little, if any, additional harvest is expected from adoption of the proposed season, while Federally qualified subsistence users would have additional opportunity for harvesting muskrat on NPS lands in Unit 11.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-02

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Councils to be consistent with ANILCA Section 805(c).

Comments on WP08-02
April 10, 2008, Page 1 of 1

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP08-02, as amended: Establish a muskrat hunting season (originally submitted for public comment as an expanded trapping season) in Game Management Unit 11.

Introduction: This amended proposal would establish a September 20 to June 10 muskrat hunting season in Game Management Unit 11. This authorizes harvest by federally-qualified subsistence users on federal lands to open 51 days before the State of Alaska's trapping season opening date of November 10. The closure date of June 10 would be the same for both the federal hunting season and the State trapping season.

Impact on Subsistence Users: The proponent is seeking to provide additional time for muskrats to be harvested before freeze up. The proposal was amended from seeking to expand the federal trapping season to creation of a hunting season, because National Park Service lands comprise most of the federal public lands in Unit 11 and are not open to the harvest of furbearers with firearms under a trapping license.

Opportunity Provided by State: State trapping regulations authorize the taking of muskrats from November 10 to June 10 and do not limit the number of muskrats that can be harvested. The state does not have an open hunting season for muskrat in Unit 11.

Conservation Issues: Adoption of this proposal is not expected to cause conservation concerns at this time.

Enforcement Issues: Differences in federal and state regulations resulting from adoption of this proposal create confusion and enforcement issues in areas with mixed land ownership. While the Alaska Department of Fish and Game does not anticipate much additional harvest will occur if this proposal is adopted, it would create unnecessary divergence between state regulations that apply on all lands and federal regulations that also apply on federal lands.

Recommendation: None. There has been no supporting evidence provided that substantiates the need for this proposed expansion of the federal muskrat hunting season beyond the opportunity already provided by the State for subsistence use on federal lands by federally-qualified subsistence users. While the State does not object to adoption of this proposal as modified, the State continues to oppose unnecessary divergence of state and federal regulations and unnecessary expansion of the federal subsistence priority. The State will seek opportunities to resolve this issue without delaying adoption of this proposal. If this proposal is adopted despite this lack of supporting evidence, the Department recommends adoption as modified in the Office of Subsistence Management's Conclusion to establish a September 20 to June 10 muskrat hunting season with a "no limit" harvest limit in Game Management Unit 11.

WRITTEN PUBLIC COMMENTS

Support. The Copper River Native Association supports this proposal to extend the muskrat season from November 10–June 10 to September 10– June 10 in Unit 11 with the intention that subsistence users will have more opportunity to trap muskrats. *Submitted by Copper River Native Association.*

Support. AHTNA Inc. supports this proposal to extend the muskrat season from November 10–June 10 to September 10– June 10 in Unit 11 so that subsistence users will have more opportunity to trap muskrats. *Submitted by AHTNA Inc.*

Support with modification. Wrangell-St. Elias National Park Subsistence Resource Commission supports the proposal as modified in the OSM staff recommendation (i.e., establish a muskrat hunting season). National Park Service regulations prohibit the taking of free-ranging furbearers with a firearm under a trapping license. Establishing a muskrat hunting season in Unit 11 will address the proponent's interest in the harvest of muskrat with a firearm primarily for food. The proposed change does not appear to present a conservation concern. *Submitted by Wrangell-St. Elias National Park Subsistence Resource Commission*

WP08-08 Executive Summary	
General Description	Proposal WP08-08 would allow one permit to take five deer by designated hunters during the period of July 1–March 31 in Unit 6D to be used at a memorial event at the Old Chenega village site. The permit would be issued by the Cordova District Ranger. Deer harvested with this permits would not count towards individual harvest limits. *Submitted by the Chenega Indian Reorganization Act (IRA) Council*
Proposed Regulation	**Unit 6—Special Provisions** ***(G) One permit will be issued by the Cordova District Ranger to the Chenega IRA Council to take five deer by designated hunters from Federal lands in Unit 6D for their annual Old Chenega Memorial;*** ***July 1–March 31***
Southcentral Regional Council Recommendation	**Support** WP08-08 **with modification** to change the season date from July 1 – March 31 to year-round and to allow up to five permits to be issued.
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Neutral**
Written Public Comments	**1 Support with modification**

REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-08 **with modification** to change the season date from July 1 – March 31 to year-round and to allow up to five permits to be issued.

The modified regulation should read:

Unit 6—Special Provisions	
(G) Up to five permits will be issued by the Cordova District Ranger to the Native Village of Chenega annually to harvest up to five deer total from Federal public lands in Unit 6D for their annual Old Chenega Memorial;	***July 1–June 30***

Currently there are no biological or conservation concerns for the deer population in Unit 6D. The proposal as modified will allow harvest of up to five deer in Unit 6 during the memorial event at the Old Chenega village site, using up to five permits, with a year round season. Ending the season on March 31 would be disadvantageous relative to the timing of the memorial

STAFF ANALYSIS
WP08-08

ISSUES

Proposal WP08-08, submitted by the Chenega Indian Reorganization Act (IRA) Council, requests one permit to take five deer by designated hunters during the period of July 1–March 31 in Unit 6D to be used at an annual memorial event at the Old Chenega village site. The permit would be issued by the Cordova District Ranger. Deer harvested with this permit would not count towards individual harvest limits.

DISCUSSION

The proponent requests the addition of a unit-specific regulation to allow the harvest of up to five deer during the period July 1–March 31 for an annual memorial event commemorating the destruction of the old village of Chenega. The village was destroyed by a tsunami in 1964. The proposal asks for a season beginning one month prior to the opening of, and ending three months after, the State and Federal deer seasons. This proposal requests that the Chenega IRA Council be allowed to select designated hunters to harvest the deer, and that these hunters would retain their individual harvest limits.

Following submittal of the proposal, the proponent clarified his intent is to allow for the harvest of five deer annually for the memorial event. The proponent also requested that the Native Village of Chenega replace the Chenega IRA Council and that the permits be provided to the Native Village of Chenega so that it can select the hunters, rather than include the designated hunter provision in the proposal. The proponent had not understood that the designated hunter provisions in Federal subsistence regulations for Unit 6 do not apply to cultural events described in this proposal.

Existing Federal Regulation

Unit 6—Special Provisions

No existing regulation.

Proposed Federal Regulation

Unit 6—Special Provisions

(G) One permit will be issued by the Cordova District Ranger to the Chenega IRA Council to take five deer by designated hunters from Federal lands in Unit 6D for their annual Old Chenega Memorial;	***July 1–March 31***

Relevant Federal Regulations

Federal Subsistence Board—Powers and Duties

(5) *The Board may implement one or more of the following harvest and harvest reporting or permit systems:*

(iii) The fish and wildlife is taken by individuals or community representatives permitted (via a Federal Subsistence Registration Permit) a one-time or annual harvest for special purposes including ceremonies and potlatches;

Unit 6—Deer

4 deer; however, antlerless deer may be taken only from Oct. 1–Dec. 31	*Aug. 1–Dec. 31*

Existing State Regulation

5 AAC 92.034. Permit to take game for cultural purposes

The commissioner may issue a permit for the taking of game for the teaching and preservation of historic or traditional Alaskan cultural practices, knowledge, and values, only under the terms of a permit issued by the department upon application. A permit may not be issued if the taking of the game can be reasonably accommodated under existing regulations. For purposes of this section, "game" includes

(1) deer;
(2) moose;
(3) caribou;
(4) black bear;
(5) mountain goat;
(6) small game;
(7) furbearers; and
(8) any migratory bird for which a federal permit has been issued.

Relevant State Regulations

Unit 6—Deer

Residents only—5 deer:	
Bucks	*Aug. 1–Sept. 30*
Any deer	*Oct. 1–Dec. 31*

Extent of Federal Public Land

Federal public lands comprise approximately 67% of Unit 6D and are almost all USFS lands, while less than 1% is BLM lands. Forest Service lands are within the Chugach National Forest (**Unit 6 map**).

Customary and Traditional Use Determinations

All rural residents can harvest deer under Federal subsistence regulations in Unit 6.

Regulatory History

On December 4, 2007, the Alaska Department of Fish and Game (ADF&G) issued an emergency order (EO) closing the antlerless season in Unit 6 to resident and nonresident hunters (ADF&G Emergency Order No. 02-14-07 issued under the authority of AS 16.05.060). The EO included this justification:

> Winter mortality during the 2006–2007 winter probably exceeded 50% in some areas because of heavy snow that persisted into late spring. Snowfall expected in December will concentrate deer near beaches in Unit 6D, where they will be vulnerable to heavy harvest by boat-based hunters.

> Additional doe harvest beyond the closure date would be excessive, and could delay recovery of the population.

Harvest of up to four antlerless deer by rural residents, however, was still allowed under Federal regulation. No Federal special action request was received (Burcham 2008, pers. comm.).

Recent Events that Prompted this Request

In 2005, the Chenega IRA Council submitted a proposal to the Federal Subsistence Management Program requesting a special provision in Unit 6 regulations that would allow the harvest of one moose per year for the Old Chenega memorial event. However Chenega's customary and traditional uses of moose in Unit 6 were not recognized by the Federal program, and it was rejected by the Board.

Chenega Memorial Event

The Prince William Sound community of Chenega Bay is located on Evans Island. The population of Chenega Bay was estimated to be 86 people in 2000 (ADOLWD 2007). Chenega Bay was established in 1984 by residents from the original community of Chenega on Chenega Island. The original settlement at Chenega was destroyed by a tsunami caused by a high-magnitude earthquake in 1964 (Davis 1984:199; Fall et al. 1996:11; Stratton and Chisum 1986:2). Many survivors relocated to Cordova and Tatitlek until resettling at the new village site. From Stratton and Chisum (1986:2):

> Until the March 27, 1964 earthquake, Chenega was a fishing village on the southern end of Chenega Island, on Knight Island Passage in western Prince William Sound. Founded before the Russians arrived in the late 1700s, Chenega was the longest occupied village in Prince William Sound at the time of the earthquake. Minutes after the earthquake, a tidal wave destroyed all the buildings in the village except one house and the school. Twenty-three of the 68 residents lost their lives (North Pacific Rim 1980:37; Plafker et al. 1969:15). The village site was abandoned immediately after the earthquake; survivors were taken initially to Cordova and later resettled in Tatitlek by the Bureau of Indian Affairs. Plans to re-establish the village were launched in the 1970s. Provisions in the Alaska Native Claims Settlement Act allowed the village to acquire land. Those enrolled to Chenega Village Corporation chose a new site at Crab Bay on Evans Island, which was named Chenega Bay in March 1977 (North Pacific Rim 1980:36). The Chenega Corporation and the Chenega IRA Council worked together to obtain funding for a road, a water and sewer system, electric generators, a boat and float plane dock, and a school. In 1984, with the construction of 21 Housing and Urban Development (HUD) houses, the dream of a new village was realized.

Chenega Bay residents and former Chenega residents from around the State return to the old village site on Memorial Day and participate in memorial and cultural activities (Miraglia 1999). One significant ceremony is the memorial event conducted by the Russian Orthodox priest. People gather on the remains of the foundation of the Church destroyed by the tsunami. A memorial plaque is placed on what is left of the altar, and the Priest conducts a service. During the day traditional foods are prepared in barbecue fires on the beach, traditional dances are performed, and people relate their memories of the old village and tell stories (Miraglia 1999; Smelcer, editor, 2006).

Biological Background

In 2004, the deer population in Unit 6D was stable to increasing after a severe decline in the late 1990s (Crowley 2005:95). In Unit 6D specifically, higher deer densities generally occur on big islands, while

small islands and the mainland coast support lower deer densities. State management objectives for Unit 6 deer is to maintain a deer population capable of sustaining an annual harvest of 1,500 deer, minimum harvest of 60% male, and minimum hunter success rate of 50% (Crowley 2005:94). The most important factors limiting the deer population are snow depth and duration (Reynolds 1979).

The average estimated harvest in the 1990s was 2,160 deer annually, ranging from 1,300 to 3,000 deer per year (Crowley 2005:94). Annual estimated harvests 1999–2003 range from a low of 2,121 deer in 2000–2001 to a high of 3,759 deer in 2003–2004 (**Tables 1 and 2**).

Table 1. The estimated harvest of deer in Unit 6, 1999–2003 (Crowley 2005).

Area	Regulatory Year	Estimated Harvest
Hawkins Island	1999–2000	537
	2000–2001	253
	2001–2002	497
	2002–2003	473
	2003–2004	581
Hinchinbrook Island	1999–2000	427
	2000–2001	515
	2001–2002	776
	2002–2003	462
	2003–2004	766
Montegue Island	1999–2000	1,015
	2000–2001	802
	2001–2002	1,137
	2002–2003	652
	2003–2004	1,038
Western Prince William Sound	1999–2000	480
	2000–2001	337
	2001–2002	613
	2002–2003	559
	2003–2004	940
Northern and Eastern Prince William Sound	1999–2000	89
	2000–2001	45
	2001–2002	14
	2002–2003	33
	2003–2004	133
Unit 6—Unknown	1999–2000	20
	2000–2001	0
	2001–2002	0
	2002–2003	18
	2003–2004	0
Unit 6—Total	1999–2000	2,567
	2000–2001	2,121
	2001–2002	3,301
	2002–2003	2,389
	2003–2004	3,759

Table 2. The estimated number of successful deer hunters in Unit 6, by residency, 1999-2003 (Crowley 2005).

Regulatory Year	Successful Hunters			Total Successful Hunters
	Local Resident[a]	Nonlocal Resident	Non-resident	
1999-2000	345	495	18	858
2000-2001	224	448	11	683
2001-2002	407	508	26	941
2002-2003	346	477	14	837
2003-2004	401	687	26	1,114

[a] Residents of Unit 6.

Effects of the Proposal

If this proposal is adopted up to five deer could be harvested July 1–March 31 in Unit 6D to be used for the annual Old Chenega memorial event. The individuals harvesting the deer could do so without it counting against their personal harvest limits. Minimal impacts on deer populations are anticipated if this proposal is adopted. No effects on nonsubsistence uses are anticipated.

If this proposal is rejected the harvest of deer for the Old Chenega memorial event will continue to be deducted from individual harvest limits during the regular open deer season.

OSM CONCLUSION

Support WP08-08 **with modification** to change the legal harvest dates to July 1–June 30 (year-round) and to issue up to five permits (one deer each) annually. The permit will be issued to Native Village of Chenega.

The modified regulation should read:

Unit 6—Special Provisions

(G) Up to five permits will be issued by the Cordova District Ranger to the Native Village of Chenega annually to harvest up to five deer total from Federal public lands in Unit 6D for their annual Old Chenega Memorial;	***July 1–June 30***

Justification

The modified proposal is consistent with the Southcentral Regional Advisory Council's recommendation. Issuance of annual permits for ceremonies and potlatches is authorized by Federal regulation. The proposed harvest would provide subsistence users at Chenega Bay an opportunity to share additional food as part the annual memorial event at the Old Chenega village site; this event has occurred regularly since at least 1984. Residents of Chenega Bay can harvest deer under Federal subsistence regulations. This modified proposal would allow residents to harvest up to five deer in total throughout the regulatory year, for use at a memorial event, without it counting against individual annual harvest limits. The season would be year round, to allow flexibility for Chenega Bay residents. This modification also clarifies that

the permits will be issued to Native Village of Chenega rather than the Chenega IRA Council, consistent with the proponent's request. Adoption of this modified proposal is expected to have minimal impacts on deer populations. Permits will be issued by the Forest Service, Cordova District Ranger, when there is no violation of recognized principles of fish and wildlife conservation. No effects on subsistence uses are anticipated.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-08

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Council to be consistent with ANILCA Section 805(c).

Comments on WP08-08
April 2, 2008, Page 1 of 1

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP08-08: This proposal requests that the Cordova Ranger District be authorized to issue one permit to the Chenega IRA Council to harvest 5 deer by designated hunters in Game Management Unit 6D during July 1 – March 31 for their annual Old Chenega Memorial potlatch held at the original Chenega Village site.

Opportunity Provided by State: Under State of Alaska regulations 5 AAC 92.034, Alaska Department of Fish and Game "may issue a permit for the taking of game for the teaching and preservation of historic or traditional Alaskan cultural practices, knowledge, and values…" No requests for a permit for this memorial event have ever been submitted to the Department but likely would have been approved.

Conservation Issues: The proposal does not specify doe or buck. Recent winter mortality caused the Alaska Department of Fish and Game to close the State doe season in Unit 6 on December 4, 2007, so the sex of deer to be taken should be determined in consultation with the Department's Area Biologist in Cordova.

Other Comments: The State system of permitting applies to all lands, so use of State permits would reduce land status issues for persons issued ceremonial permits. The Alaska Department of Fish and Game is concerned that the current process for addressing cultural or ceremonial permit requests should be mutually evaluated with the federal subsistence administrators. Federal and state staff should notify the applicant of the availability for cultural or ceremonial permits from the State. Such requests may be more appropriate for disposition by the State because a State permit is valid on <u>all</u> land, thereby reducing confusion for the user and enforcement issues for the federal and state staff. A better understanding is also needed of the basis for issuance of cultural or ceremonial permits within the federal responsibility to provide subsistence use of fish and wildlife.

Recommendations: Neutral. If adopted as modified, the Cordova District Ranger should consult with the Alaska Department of Fish and Game Area Biologist in Cordova to determine the sex of deer to be taken and require timely reporting since the proposal was modified to allow hunting year-round.

WRITTEN PUBLIC COMMENTS

Support with modification. Proposals WP08-08 and 09 were discussed by the committee for quite some time with no real problems with our Prince William Sound neighbors harvesting these deer, but were concerned by both proposals as the Chenega proposal asked for harvest during closed regulatory dates, and Tatitlek non specific about when they would harvest these animals. Both of these proposals were amended by a committee member to allow for the harvest from August 1– December 31, which is consistent with both state and federal regulation. *Submitted by Copper River/PWS Fish and Game Advisory Committee.*

WP08-09 Executive Summary	
General Description	Proposal WP08-09 would allow one permit to take five deer in Unit 6D to be used during the Cultural Heritage Week that occurs annually in Tatitlek. The permit would be issued by the Cordova District Ranger. Deer harvested with this permit would not count towards individual harvest limits. *Submitted by the Tatitlek Indian Reorganization Act (IRA) Council*
Proposed Regulation	**Unit 6—Special Provisions** ***(G) One permit will be issued by the Cordova District Ranger to the Tatitlek IRA Council to take five deer from Federal lands in Unit 6D for their annual Cultural Heritage Week;*** ***Aug. 1—Dec. 31***
Southcentral Regional Council Recommendation	**Support** WP08-09 **with modification** to extend the season to year-round and to allow up to five permits to be issued.
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Neutral**
Written Public Comments	**None**

REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-09 **with modification** to extend the season to year-round and to allow up to five permits to be issued.

The modified regulation should read:

Unit 6—Special Provisions	
(G) Up to five permits will be issued by the Cordova District Ranger to the Tatitlek IRA Council annually to harvest up to five deer total from Federal public lands in Unit 6D for their annual Cultural Heritage Week;	***July 1–June 30***

Currently there are no biological or conservation concerns for the deer population in Unit 6D. The proposal will allow harvest of up to five deer from Federal public lands in Unit 6D using up to five permits, with a year-round season.

DRAFT STAFF ANALYSIS
WP08-09

ISSUES

Proposal WP08-09, submitted by the Tatitlek Indian Reorganization Act (IRA) Council, requests the issuance of one permit to take five deer in Unit 6D to be used during the Cultural Heritage Week that occurs annually in Tatitlek. The permit would be issued by the Cordova District Ranger. Deer harvested with this permit would not count towards individual harvest limits.

DISCUSSION

The proponent requests the addition of unit-specific regulations to allow the harvest of up to five deer annually to be used during the community-sponsored, annual Cultural Heritage Week. This proponent requests that the permit be issued to the Tatitlek IRA Council which would then select hunters to harvest the deer; hunters harvesting the deer for the annual event, would retain their individual harvest limits.

Existing Federal Regulation

Unit 6—Special Provisions

No existing regulation.

Proposed Federal Regulation

Unit 6—Special Provisions

(G) One permit will be issued by the Cordova District Ranger to the Tatitlek IRA Council to take five deer from Federal lands in Unit 6D for their annual Cultural Heritage Week;	***Aug. 1—Dec. 31***

*NOTE: The proposal book included the statement "Dates to be determined." However, the original proposal did not include dates, and the proponent's intent was to use the existing Federal season.

Relevant Federal Regulations

Federal Subsistence Board—Powers and Duties

(5) The Board may implement one or more of the following harvest and harvest reporting or permit systems:

(iii) The fish and wildlife is taken by individuals or community representatives permitted (via a Federal Subsistence Registration Permit) a one-time or annual harvest for special purposes including ceremonies and potlatches;

Unit 6—Deer

4 deer; however, antlerless deer may be taken only from Oct. 1–Dec. 31	*Aug. 1–Dec. 31*

Existing State Regulation

5 AAC 92.034. Permit to take game for cultural purposes

The commissioner may issue a permit for the taking of game for the teaching and preservation of historic or traditional Alaskan cultural practices, knowledge, and values, only under the terms of a permit issued by the department upon application. A permit may not be issued if the taking of the game can be reasonably accommodated under existing regulations. For purposes of this section, "game" includes

(1) deer;
(2) moose;
(3) caribou;
(4) black bear;
(5) mountain goat;
(6) small game;
(7) furbearers; and
(8) any migratory bird for which a federal permit has been issued.

Relevant State Regulations

Unit 6—Deer

Residents only—5 deer:

Bucks	*Aug. 1–Sept. 30*
Any deer	*Oct. 1–Dec. 31*

Extent of Federal Public Land

Federal public lands comprise approximately 67% of Unit 6D and are almost all USFS lands, while less than 1% is BLM lands. Forest Service lands are within the Chugach National Forest (**Unit 6 map**).

Customary and Traditional Use Determinations

All rural residents can harvest deer under Federal subsistence regulations in Unit 6.

Regulatory History

On December 4, 2007, the Alaska Department of Fish and Game (ADF&G) issued an emergency order (EO) closing the antlerless season in Unit 6 to resident and nonresident hunters (ADF&G Emergency Order No. 02-14-07 issued under the authority of AS 16.05.060). The EO included this justification:

> Winter mortality during the 2006–2007 winter probably exceeded 50% in some areas because of heavy snow that persisted into late spring. Snowfall expected in December will concentrate deer near beaches in Unit 6D, where they will be vulnerable to heavy harvest by boat-based hunters. Additional doe harvest beyond the closure date would be excessive, and could delay recovery of the population.

Harvest of up to four antlerless deer by rural residents, however, was still allowed under Federal regulation. No Federal special action request was received (Burcham 2008, pers. comm.).

Tatitlek's Cultural Heritage Week

The community of Tatitlek is located on mainland Prince William Sound at the opening to the Valdez Arm. The population of Tatitlek was estimated to be 107 people in 2000 (ADOLWD 2007). Cultural Heritage Week has been celebrated annually the first week in May since at least 1998, and is one of the best attended events of the year in the community. The purpose of Cultural Heritage Week is to educate young people about their cultural traditions and practices. Typically, the village council hosts around 200 people, including students, chaperones, and instructors, from throughout Alaska. Every year, students from the nearby communities of Whittier, Valdez, Cordova, and Chenega Bay are invited. The center of activity is the community school. Workshops have included activities such as making drums, atlatls, and barabaras; traditional dancing; and wood carving to make items such as bowls and spoons. Typically, a seal, or a sea lion, and salmon are harvested and butchered as part of the educational activities. A State Educational Permit has been requested and issued in the past for harvesting salmon out of season (Simeone 2007, pers. comm.).

Biological Background

In 2004, the deer population in Unit 6D was stable to increasing after a severe decline in the late 1990s (Crowley 2005:95). In Unit 6D specifically, higher deer densities generally occur on big islands, while small islands and the mainland coast support lower deer densities. State management objectives for Unit 6 deer is to maintain a deer population capable of sustaining an annual harvest of 1,500 deer, minimum harvest of 60% male, and minimum hunter success rate of 50% (Crowley 2005:94). The most important factors limiting the deer population are snow depth and duration (Reynolds 1979).

The average estimated harvest in the 1990s was 2,160 deer annually, ranging from 1,300 to 3,000 deer per year (Crowley 2005:94). Annual estimated harvests 1999–2003 range from a low of 2,121 deer in 2000–2001 to a high of 3,759 deer in 2003–2004 (**Tables 1 and 2**).

Effects of the Proposal

If this proposal is adopted up to five deer could be harvested in Unit 6D to be used for the annual Cultural Heritage Week in Tatitlek. The individuals harvesting the deer could do so without it counting against their personal harvest limits. Minimal impacts on deer populations are anticipated if this proposal is adopted. No effects on nonsubsistence uses are anticipated.

If this proposal is rejected the harvest of deer for the Cultural Heritage Week in Tatitlek will continue to be deducted from individual harvest limits.

Table 1. The estimated harvest of deer in Unit 6, 1999–2003 (Crowley 2005).

Area	Regulatory Year	Estimated Harvest
Hawkins Island	1999–2000	537
	2000–2001	253
	2001–2002	497
	2002–2003	473
	2003–2004	581
Hinchinbrook Island	1999–2000	427
	2000–2001	515
	2001–2002	776
	2002–2003	462
	2003–2004	766
Montegue Island	1999–2000	1,015
	2000–2001	802
	2001–2002	1,137
	2002–2003	652
	2003–2004	1,038
Western Prince William Sound	1999–2000	480
	2000–2001	337
	2001–2002	613
	2002–2003	559
	2003–2004	940
Northern and Eastern Prince William Sound	1999–2000	89
	2000–2001	45
	2001–2002	14
	2002–2003	33
	2003–2004	133
Unit 6—Unknown	1999–2000	20
	2000–2001	0
	2001–2002	0
	2002–2003	18
	2003–2004	0
Unit 6—Total	1999–2000	2,567
	2000–2001	2,121
	2001–2002	3,301
	2002–2003	2,389
	2003–2004	3,759

Table 2. The estimated number of successful deer hunters in Unit 6, by residency, 1999-2003 (Crowley 2005).

Regulatory Year	Successful Hunters			Total Successful Hunters
	Local Resident[a]	Nonlocal Resident	Non-resident	
1999-2000	345	495	18	858
2000-2001	224	448	11	683
2001-2002	407	508	26	941
2002-2003	346	477	14	837
2003-2004	401	687	26	1,114

[a] Residents of Unit 6.

OSM CONCLUSION

Support Proposal WP08-09 **with modification** to change the legal harvest dates to July 1–June 30 (year-round) and to issue up to five permits (one deer each) annually.

The modified regulation should read:

Unit 6—Special Provisions

(G) Up to five permits will be issued by the Cordova District Ranger to the Tatitlek IRA Council annually to harvest up to five deer total from Federal public lands in Unit 6D for their annual Cultural Heritage Week;	***July 1–June 30***

Justification

The modified proposal is consistent with the Southcentral Regional Advisory Council's recommendation. Issuance of annual permits for ceremonies and potlatches is authorized by Federal regulation. The proposed harvest would provide subsistence users at Tatitlek an opportunity to share additional food as part the annual Cultural Heritage Week; this event has occurred regularly since at least 1998. Residents of Tatitlek can harvest deer under Federal subsistence regulations. This modified proposal would allow residents to harvest up to five deer in total throughout the regulatory year, for use at Cultural Heritage Week, without it counting against individual annual harvest limits. The season would provide subsistence users flexibility. Adoption of this modified proposal is expected to have minimal impacts on deer populations. Permits will be issued by the Forest Service, Cordova District Ranger, when there is no violation of recognized principles of fish and wildlife conservation. No effects on nonsubsistence uses are anticipated.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-09

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Council to be consistent with ANILCA Section 805(c).

Comments on WP08-09
April 2, 2008, Page 1 of 1

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP08-09: Authorize harvest of 5 deer in Game Management Unit 6D for an annual Cultural Heritage Week in Tatitlek in May.

Introduction: The Tatitlek IRA Council requests that the Cordova District Ranger, US Forest Service, be authorized to issue a permit to the Tatitlek IRA Council to harvest 5 deer on federal public land in Unit 6D for their Cultural Heritage Week held annually in May.

Impact on Subsistence Users: None.

Opportunity Provided by State: Under State of Alaska regulations 5 AAC 92.034, the Commissioner of the Alaska Department of Fish and Game "may issue a permit for the taking of game for the teaching and preservation of historic or traditional Alaskan cultural practices, knowledge, and values." No requests for a permit for this cultural event have been submitted to the Department but likely would have been approved.

Other Comments: The Alaska Department of Fish and Game is concerned that the current process for addressing cultural or ceremonial permit requests should be mutually evaluated with the federal subsistence administrators. Federal and state staff should notify the applicant of the availability for cultural or ceremonial permits from the State. Such requests may be more appropriate for disposition by the State because a State permit is valid on all land, thereby reducing confusion for the user and enforcement issues for the federal and state staff. A better understanding is also needed of the basis for issuance of cultural or ceremonial permits within the federal responsibility to provide subsistence use of fish and wildlife.

Recommendation: Neutral. If adopted as modified, the Cordova District Ranger should consult with the Department of Fish and Game Area Biologist in Cordova to determine the sex of deer to be taken and to require timely reporting since the proposal was modified to allow hunting year-round.

WP08-10 Executive Summary	
General Description	Proposal WP08-10 would allow a designated hunter to harvest a mountain goat in Unit 6 on behalf of a Federally qualified user who is either blind, 65 years of age or older, at least 70% disabled, or temporarily disabled. The proposed regulation would add mountain goat to an existing regulation. *Submitted by the Chenega IRA Council*
Proposed Regulation	**Unit 6—Special Provisions** *(D) A Federally qualified subsistence user (recipient) who is either blind, 65 years of age or older, at least 70 percent disabled, or temporarily disabled may designate another Federally qualified subsistence user to take any moose, deer, black bear,* ***mountain goat****, and beaver on his or her behalf in Unit 6, unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients, but may have no more than one harvest limit in his or her possession at any one time;*
Southcentral Regional Council Recommendation	**Support** WP08-10 **with modification** to include only Unit 6D.
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Support** Proposal WP08-10 **with modification** to limit designated goat hunting to Unit 6D subject to the same limitations that govern designated hunting of other wildlife in Unit 6. *See comments following the analysis.*
Written Public Comments	**1 Support**

REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-10 **with modification** to include only Unit 6D.

The modified regulation should read:

> **Unit 6—Special Provisions**
>
> *(D) A Federally qualified subsistence user (recipient) who is either blind, 65 years of age or older, at least 70 percent disabled, or temporarily disabled may designate another Federally qualified subsistence user to take any moose, deer, black bear,* ***and mountain goat Unit 6D****, and beaver on his or her behalf in Unit 6, unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients, but may have no more than one harvest limit in his or her possession at any one time;*

The Council supported the proposal after hearing positive public comments supporting the harvest of 1 goat by a designated hunter. There are no conservation concerns for Unit 6D mountain goat.

STAFF ANALYSIS
WP08-10

ISSUES

Proposal WP08-10, submitted by the Chenega Indian Reorganization Act (IRA) Council, would allow a designated hunter to harvest a mountain goat in Unit 6 on behalf of a Federally qualified user who is either blind, 65 years of age or older, at least 70% disabled, or temporarily disabled. The proposed regulation would add mountain goat to an existing regulation.

DISCUSSION

Designated hunter regulations allow any Federally qualified subsistence user to designate another qualified subsistence user to hunt on his or her behalf (in those communities not operating under a community harvest system). The Unit 6 regulations in place allow a designated hunter to harvest moose, deer, black bear, and beaver in Unit 6. The reason for the request is to provide for elders at Chenega Bay who want to use mountain goat, but are unable to hunt for themselves.

A major difference between Unit 6 and other units' designated hunter regulations is that the recipient of the resource must be either blind, 65 years of age or older, at least 70% disabled, or temporarily disabled. This language exists nowhere else in Federal subsistence wildlife regulations. Another difference is that a designated hunter in Unit 6 may have no more than one harvest limit in his or her possession at any one time. In all other units he or she may have two harvest limits, or more, in possession.

Existing Federal Regulation

> **Unit 6—Special Provisions**
> *(D) A Federally qualified subsistence user (recipient) who is either blind, 65 years of age or older, at least 70 percent disabled, or temporarily disabled may designate another Federally qualified subsistence user to take any moose, deer, black bear and beaver on his or her behalf in Unit 6, unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients, but may have no more than one harvest limit in his or her possession at any one time;*

Proposed Federal Regulation

> **Unit 6—Special Provisions**
> *(D) A Federally qualified subsistence user (recipient) who is either blind, 65 years of age or older, at least 70 percent disabled, or temporarily disabled may designate another Federally qualified subsistence user to take any moose, deer, black bear,* ***mountain goat****, and beaver on his or her behalf in Unit 6, unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients, but may have no more than one harvest limit in his or her possession at any one time;*

Relevant Federal Regulations

Unit 6—Mountain goat

Unit 6A and 6B—1 goat by State registration permit only	*Aug. 20–Jan. 31*
Unit 6C—No Federal open season.	
Unit 6D (Subareas RG242, RG243, RG244, RG249, RG266 and RG252 only)—1 goat by Federal registration permit only	*Aug. 20–Jan. 31*
In each of the Unit 6D subareas goat seasons will be closed when harvest limits for that subarea are reached. Harvest quotas are as follows: RG242—2 goats, RG243—4 goats, RG244—2 goats, RG249—4 goats, RG266—4 goats, and RG252—1 goat **[see Map 1]**.	

Existing State Regulation

The State of Alaska provides for the transfer of harvest limits from one person to another through its proxy hunting program (5 AAC 92.011 [2006–2007]). A side-by-side comparison of the State's proxy system in Unit 6 with Federal designated hunter system in Unit 6 is as follows:

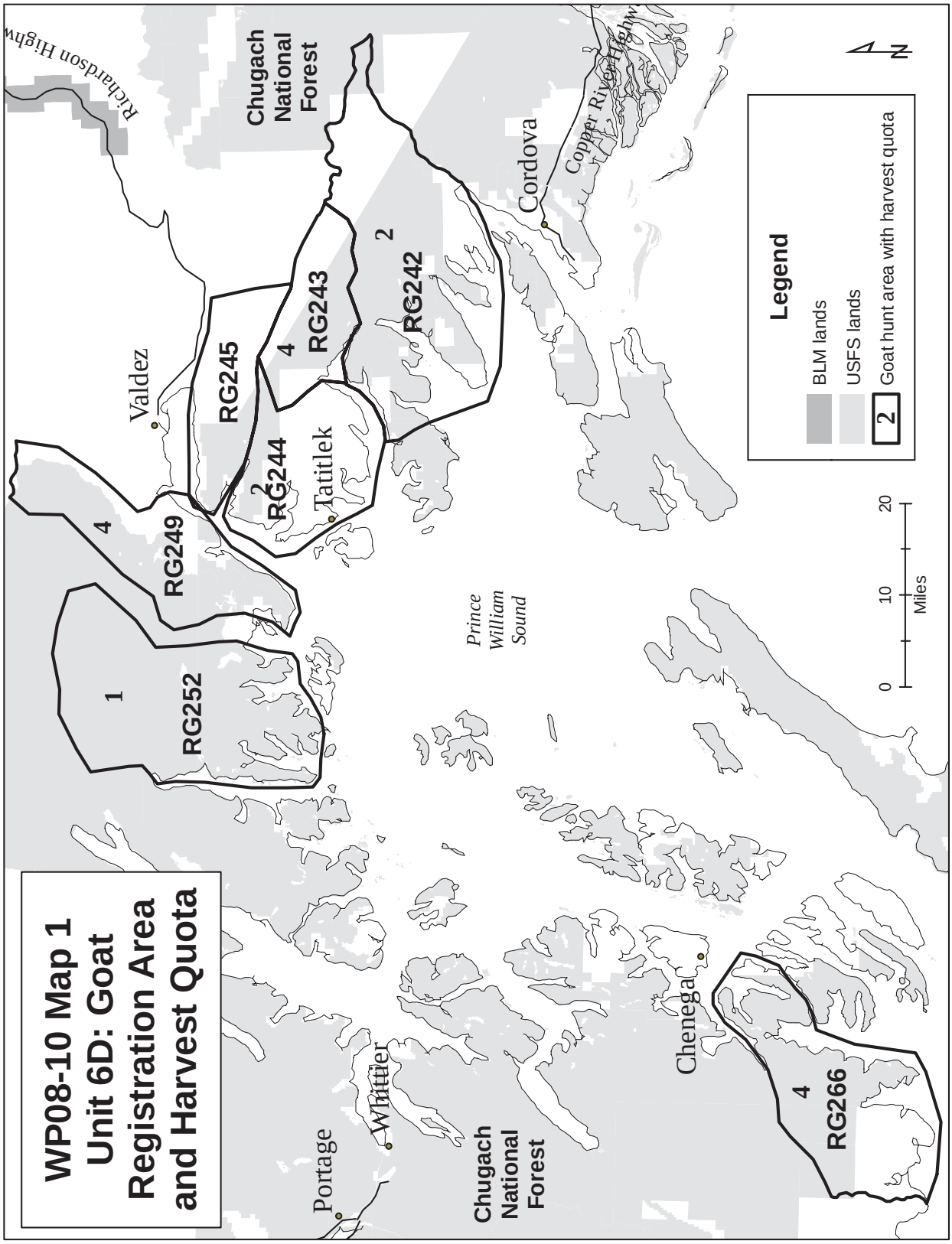
State of Alaska Proxy System—Unit 6	Federal Designated Hunter System—Unit 6
Applies where there is an open State harvest season.	Applies to Federal public lands when there is an open Federal harvest season.
Applies to caribou, deer, and moose.	Applies to moose, deer, black bear, and beaver.
Available only to residents who are blind, 70% physically disabled or 65 years of age or older.	Available to Federally qualified residents who are blind, 65 years of age or older, at least 70% disabled, or temporarily disabled.
Either the recipient or the hunter may apply for the authorization.	Recipient may designate another Federally qualified subsistence user on his or her behalf.
No person may be a proxy for more than one recipient at a time.	Hunter may hunt for any number of recipients, but may have no more than one harvest limit in his or her possession at any one time.
Antler destruction is required for all species.	No antler destruction is required.

Extent of Federal Public Land

Federal public lands comprise approximately 68% of Unit 6 and consist of 48% USFS, Chugach National Forest; 13% BLM; and 6% NPS, Wrangell-St. Elias National Park (**Unit 6 Map**).

Customary and Traditional Use Determinations

The rural residents of Units 5A, 6C, and Chenega Bay and Tatitlek have positive customary and traditional use determinations to harvest mountain goats in Unit 6A. The rural residents of Unit 6C and 6D have positive determinations to harvest mountain goats in Unit 6C and 6D. The communities in Unit 6C and 6D are Cordova, Tatitlek, Chenega Bay, and Whittier. All rural residents are eligible to harvest mountain goats under Federal regulations in the remainder of Unit 6.


WP08-10 Map 1
Unit 6D: Goat
Registration Area
and Harvest Quota
Richardson Highw
Chugach
National
Forest
Valdez
RG245
4
RG243
2
RG242
Cordova
Copper River Highw
RG244
2
Tatitlek
4
RG249
1
RG252
Prince
William
Sound
Legend
BLM lands
USFS lands
2
Goat hunt area with harvest quota
0
10
20
Miles
N
Portage
Whittier
Chugach
National
Forest
Chenega
4
RG266

NPS lands in Unit 6A are subject to the restriction that only local rural residents who make their primary permanent home in one of the park's resident zone communities, or hold a 13.440 Subsistence Eligibility Permit issued by the superintendent, are eligible. Yakutat is the only resident zone community with recognized customary and traditional uses of mountain goats in Unit 6.

The community of Valdez, in Unit 6D, is designated as nonrural under the Federal Subsistence Management Program and therefore Valdez residents are not eligible to harvest wildlife under Federal subsistence regulations.

Regulatory History

Prior to 2003 the Board adopted designated hunter regulations for 21 unit-specific hunts, and there were differences in how the regulations addressed the designated hunter system. In 2003 the Board established the statewide designated hunter regulation for deer, caribou, and moose, leaving the option for unit-specific regulations to include other species and special provisions.

Biological Background

Mountain goats are endemic on the mainland in Unit 6 and to Bainbridge, Culross, and Knight islands in Prince William Sound. Goat populations have fluctuated over the past 60 years. The estimated goat population in Unit 6 in 1987 was around 3,400; 3,000 in 1994; 4,000 in 1999; and 3,600 in 2003. Goats are managed based on small geographic units to reduce the harvest and to distribute hunting pressure. The first State permit hunt was in 1980. By 1986 the present State system of registration hunts was in place (Crowley 2004:82).

The State management objectives are to maintain a minimum population of 2,400 mountain goats and achieve a minimum of 70% males in the harvest (Crowley 2004:83). The population has been stable since 2000 when hunting was closed in some areas because goat numbers were approaching minimum acceptable levels (Crowley 2004:87).

Harvest History

Two types of harvest measures exist for mountain goats in Unit 6. Harvest surveys were conducted in selected years between 1984 and 2003 at Chenega Bay, Cordova, Tatitlek, Whittier, and Yakutat (see **Tables 1 and 2**). The second measure is the harvest reported to ADF&G and the U.S. Forest Service from returned permits (**Table 3**). At Chenega Bay the 10-year average 1995–2004 goat harvest was less than 1 goat annually, 12 goats annually at Cordova, less than 1 goat annually at Tatitlek, and less than 1 goat annually at Whittier.

Table 4 indicates the reported harvest in Unit 6 from all permits—Federal registration permits, State registration permits, and State drawing permits. The total reported harvest 1986–2004 ranged from 39 mountain goats in 1996, to 117 goats in 1986. In 2004, the most recent year for which data is available, 76 goats were harvested in Unit 6.

The harvest from the Federally managed registration hunt in Unit 6D 1990–2004 has ranged from 1 mountain goat in 1990, 1992, and 2001, to 5 goats in 1997, based on the information in **Table 4**. More recent data indicate a harvest of 2 mountain goats in 2005 and 3 goats in 2006 from this Federal hunt in Unit 6D (FWS 2007). The total harvest in Unit 6D 1990–2004 ranged from 28 goats in 1995 and 1996 to 84 goats in 1986.

Table 1. Household survey sampling and participation summary, Yakutat, Cordova, Chenega Bay, Tatitlek, and Whittier, all study years (ADF&G 2007a).

			Survey Results			
Community	**Study Year**	**Type of Sample**	**Total Identified Households**	**Surveyed Housholds**	**Percentage of Total**	**Estimated Human Population**
Residents of Unit 5A						
Yakutat	1984	Random	181	50	28%	543
	1987	Stratified random[a]	169	48	28%	589
	2000	Random	234	139	59%	635
Residents of Unit 6C						
Cordova	1985	Random	853	206	24%	2,265
	1988	Stratified random[b]	872	101	12%	2,407
	1991	Stratified[c]	784	101	13%	2,290
	1992	Census panal[d]	784	41	5%	2,677
	1993	Stratified random[e]	946	104	11%	2,965
	1997	Stratified random[f]	830	152	18%	2,507
	2003	Random	910	148	16%	2,397
Residents of Unit 6D						
Chenega Bay	1984	Census	16	16	100%	57
	1985	Census	17	16	94%	61
	1989	Census	21	18	86%	74
	1990	Census	21	18	86%	77
	1991	Census	22	18	82%	81
	1992	Census	26	23	88%	90
	1993	Census	28	23	82%	101
	1997	Census	21	15	71%	59
	2003	Census	20	16	80%	56
Tatitlek	1987	Census	31	19	61%	124
	1988	Census	28	21	75%	101
	1989	Census	28	22	79%	111
	1990	Census	28	17	61%	124
	1991	Census	27	19	70%	108
	1993	Census	28	20	71%	97
	1997	Census	27	16	59%	81
	2003	Census	27	25	93%	73
Whittier	1990	Stratified random[a]	103	56	54%	279

[a] Strata consisted of households with "active harvesters" and households with "less active harvesters."

[b] Strata consisted of households with "high harvestors," "medium harvestors," and the remaining households in Cordova.

[c] Strata consisted of a census survey of a panal of households that had been randomly selected and interviewed during previous research, and a random sample of remaining households in Cordova.

[d] A census survey was conducted with a panal of 62 households that were interviewed in 1991.

[e] Strata consisted of a panal of 44 households that had been interviewed in the two previous years, and the remaining households in Cordova.

[f] Strata consisted of the households of Eyak Tribe members and the remaining households in Cordova.

Table 2. Estimated goat harvest from household surveys at Yakutat, Cordova, Chenega Bay, Tatitlek, and Whittier, all survey years (ADF&G 2007a).

		Percentage of Households					Goat Harvest	
Community	Study Year	Using Goat (%)	Hunting Goat (%)	Harvesting Goat (%)	Giving Goat (%)	Receiving Goat (%)	Reported (Number)	Expanded to Households Not Surveyed (Number)
Residents of Unit 5A								
Yakutat	1984	12	8	6	6	8	3	11
	1987	2	NA	0	0	2	0	0
	2000	18	4	2	3	16	3	5
Residents of Unit 6C								
Cordova	1985	6	4	2	1	4	4	17
	1988	3	1	1	1	2	[a]	8
	1991	2	0	0	1	2	0	0
	1992	2	2	0	0	2	0	0
	1993	1	1	0	0	1	0	0
	1997	10	6	4	4	6	[a]	39
	2003	11	3	1	3	9	2	16
Residents of Unit 6D								
Chenega	1984	6	38	6	6	6	2	2
	1985	31	13	6	6	25	2	2
	1989	39	11	11	17	28	2	2
	1990	0	11	0	0	0	0	0
	1991	0	6	0	0	0	0	0
	1992	39	0	0	13	39	0	0
	1993	9	4	0	4	9	0	0
	1997	20	7	7	7	20	1	1
	2003	25	13	6	13	25	1	1
Tatitlek	1987	16	5	0	0	16	0	0
	1988	52	24	10	10	48	2	3
	1989	5	0	0	0	5	0	0
	1990	0	24	0	0	0	0	0
	1991	42	21	21	21	26	4	6
	1993	40	20	15	15	25	4	6
	1997	38	25	19	19	19	3	5
	2003	40	12	4	28	36	1	1
Whittier	1990	0	0	0	0	0	0	0

NA=not asked.

[a] Not available.

Table 3. The reported mountain goat harvest using any permit, by Chenega Bay, Cordova, Tatitlek, Whittier, and Yakutat, 1984-2004 (ADF&G 2007b).

	Chenga Bay		Cordova		Tatitlek		Whittier		Yakutat	
Year	Permits Issued	Goats Harvested	Permits Issued	Goats Harvested	Permits Issued	Goats Harvested	Permits Issued	Goats Harvested	Permits Issued	Goats Harvested
1984	0	0	2	0	0	0	1	0	0	0
1985	0	0	0	0	0	0	0	0	0	0
1986	0	0	87	19	2	0	7	1	24	4
1987	0	0	56	2	9	0	3	0	3	0
1988	4	0	56	3	5	1	2	0	16	0
1989	7	1	33	2	11	0	3	0	18	2
1990	3	0	45	6	4	0	0	0	19	4
1991	8	0	44	4	3	0	1	0	16	2
1992	16	1	36	2	11	0	0	0	14	2
1993	2	0	45	2	10	0	3	0	19	0
1994	2	1	43	7	8	3	1	0	30	9
1995	3	0	36	11	9	0	3	0	39	2
1996	1	0	36	4	11	4	2	0	24	3
1997	1	0	62	23	3	0	5	2	31	2
1998	0	0	71	15	6	0	1	0	24	5
1999	2	0	39	7	0	0	3	0	24	7
2000	1	0	42	7	0	0	3	1	23	1
2001	1	0	45	5	2	0	2	0	14	3
2002	6	1	60	19	6	0	3	0	25	1
2003	2	0	79	20	0	0	NA	NA	29	0
2004	0	0	60	10	0	0	NA	NA	10	0
10-yr. ave. 1985-1994	4	<1	45	5	6	<1	2	<1	16	2
10-yr. ave. 1995-2004	2	<1	53	12	4	<1	3	<1	24	2
20-year average	3	<1	49	8	5	<1	2	<1	20	2

NA=not available.

Customary and Traditional Uses

Designated hunting provisions provide recognition of the customary and traditional practices of sharing and redistribution of harvests. On a statewide basis, findings from a comparison of community household harvests documented that "it is not uncommon for about 30% of the households in a community to produce about 70% or more of the community's wild food harvest" (Wolfe 1987:16–17). One explanation for the existence of these highly productive households is multi-household kinship groups where the mature household (higher producers) is characterized by the largest pool of labor and equipment and the largest set of social obligations to produce food. This study concluded that individual bag or harvest limits do not allow for these patterns and recommended alternative management tools "such as the transferable bag and the community bag limit" as being more compatible with the customary harvest patterns of particular rural Alaskan areas (Wolfe 1987:17).

Effects of the Proposal

If this proposal is adopted, Federally qualified subsistence users will have more opportunity to harvest mountain goats. Those who have harvested mountain goats in the past, but do not now because of age or health reasons, may be allowed more opportunity to use the resource. Harvest levels may increase, however no adverse impacts to mountain goat populations are anticipated because the current Federal and State harvest quotas in Unit 6 will remain in effect.

Table 4. The reported mountain goat harvest in Unit 6, by subunit and permit type, 1986-2004 (ADF&G 2007b).

		Federal Registration Permits		State Registration Permits		State Drawing Permits	
Year	Total Killed	Number of Permits Issued	Number of Goats Killed	Number of Permits Issued	Number of Goats Killed	Number of Permits Issued	Number of Goats Killed
Unit 6A							
1986	20			41	20		
1987	17			32	17	1	
1988	20			40	18	3	2
1989	16			15	15	3	1
1990	22			27	19	3	3
1991	13			19	13		
1992	12			28	12		
1993	9			13	9		
1994	7			12	7		
1995	8			17	8		
1996	7			16	7		
1997	11			18	11		
1998	10			23	10		
1999	6			9	6		
2000	9			19	9		
2001	7			11	7		
2002	10			16	10		
2003	11			15	11		
2004	11			16	11		
Unit 6B							
1986							
1987	1					4	1
1988	2					5	2
1989	4			2	2	3	2
1990	3			3	1	5	2
1991	5			8	5		
1992	6			8	6		
1993	5			6	5		
1994	6			11	6		
1995	7			11	7		
1996	4			6	4		
1997	4			5	4		
1998	3			5	3		
1999	6			7	6		
2000	4			6	4		
2001	2			6	2		
2002	2			3	2		
2003	7			7	7		
2004	3			5	3		

(continued)

Table 4. (Continued)

Year	Total Killed	Federal Registration Permits: Number of Permits Issued	Federal Registration Permits: Number of Goats Killed	State Registration Permits: Number of Permits Issued	State Registration Permits: Number of Goats Killed	State Drawing Permits: Number of Permits Issued	State Drawing Permits: Number of Goats Killed
Unit 6C							
1986	13			23	13		
1987	1			11	1		
1988	2			4	2		
1989							
1990							
1991							
1992							
1993							
1994							
1995							
1996							
1997	14			16	14		
1998	11			19	11		
1999	8			15	8		
2000	8			17	8		
2001	6			15	6		
2002	14			25	14		
2003	20			38	20		
2004	9			27	9		
Unit 6D							
1986	84			236	84		
1987	51			203	51		
1988	61			182	61		
1989	21			62	21		
1990	42	3	1	93	41		
1991	32			82	32		
1992	33	8	1	84	32		
1993	41	8	3	107	38		
1994	43	4	3	94	40		
1995	28	5		48	28		
1996	28	7	4	68	24		
1997	43	9	5	73	38		
1998	53	7	2	92	51		
1999	43	3	3	76	40		
2000	51	5	2	103	49		
2001	41	4	1	76	40		
2002	47	2	2	96	45		
2003	47	3		89	47		
2004	53	4		94	53		

(continued)

Table 4. (Continued)

Year	Total Killed	Federal Registration Permits: Number of Permits Issued	Federal Registration Permits: Number of Goats Killed	State Registration Permits: Number of Permits Issued	State Registration Permits: Number of Goats Killed	State Drawing Permits: Number of Permits Issued	State Drawing Permits: Number of Goats Killed
Unit 6 Total							
1986	117			300	117		
1987	70			246	69	5	1
1988	85			226	81	8	4
1989	41			79	38	6	3
1990	67	3	1	123	61	8	5
1991	50			109	50		
1992	51	8	1	120	50		
1993	55	8	3	126	52		
1994	56	4	3	117	53		
1995	43	5		76	43		
1996	39	7	4	90	35		
1997	72	9	5	112	67		
1998	77	7	2	139	75		
1999	63	3	3	107	60		
2000	72	5	2	145	70		
2001	56	4	1	108	55		
2002	73	2	2	140	71		
2003	85			149	85		
2004	76			142	76		

Blank cell=no permits issued or no permits returned.

If this proposal is rejected, there will continue to be more Federally qualified residents who desire to use mountain goats than are physically capable of harvesting mountain goats.

OSM CONCLUSION

Support Proposal WP08-10 **with modification** to include Unit 6D only.

The modified regulation should read:

> **Unit 6—Special Provisions**
>
> *(D) A Federally qualified subsistence user (recipient) who is either blind, 65 years of age or older, at least 70 percent disabled, or temporarily disabled may designate another Federally qualified subsistence user to take any moose, deer, black bear, and beaver on his or her behalf in Unit 6,* ***and mountain goat in Unit 6D****, unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients, but may have no more than one harvest limit in his or her possession at any one time;*

Justification

The modified proposal is consistent with the Southcentral Subsistence Regional Advisory Council's recommendation. The Council concluded that the intent of the proponent of this proposal was to add mountain goat to the designated hunter system in Unit 6D where the Federal quota system exists, and not other areas of Unit 6 where the Federal quota system does not extend. Designated hunter provisions recognize the customary and traditional practices of sharing and redistribution of harvests. More mountain goats in Unit 6D are available under the current Federal quota system. Allowing designated hunters with the specialized skills necessary to harvest mountain goats is not anticipated to affect mountain goat populations because Federal quotas will still be in effect.

The Federal designated hunter system allows for the adoption of unit-specific regulations that expand the system to other resources in addition to deer, caribou, and moose, already allowed.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-10

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Council to be consistent with ANILCA Section 805(c).

Comments WP08-10
April 2, 2008, Page 1 of 2

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP08-10: Authorize designated hunting of mountain goat in Game Management Unit 6. The Southcentral Regional Advisory Council amended the proposal to limit its scope to Unit 6D.

Introduction: The Chenega IRA Council requests this change to allow younger persons to harvest mountain goats for elder residents unable to hunt for themselves.

Impact on Subsistence Users: Federally-qualified subsistence users presently harvest very few goats in Unit 6. The potential impacts of designated hunting are difficult to predict, but some additional goat harvest might occur.

Opportunity Provided by State: State of Alaska regulations do not allow proxy hunting of mountain goats.

Conservation Issues: This proposal is not expected to create conservation concerns in Unit 6D, as the goat harvest quota for this subunit is set in regulation. Goat hunting under federal regulations in Units 6A and 6B is administered by state registration permit, and participation by federally-qualified subsistence users is very limited.

Enforcement Issues: This proposal would allow persons to be a designated hunter under federal regulations for a species not allowed by proxy hunting under state regulations. If this proposal is adopted, it is the responsibility of federal agencies to inform designated hunters that they can only hunt on federal public lands and to enforce this provision.

Other Comments: The State authorizes proxy hunting only for moose, deer, and caribou. Other differences between state proxy hunting and federal designated hunter regulations are described in the Office of Subsistence Management's analysis. Whether or not designated hunting should be authorized for species other than moose, deer, and caribou merits additional discussion. The federal designated hunting regulations for Unit 6 differ from those in effect elsewhere, as participation is limited to federally-qualified subsistence users who are either blind, 65 years of age or older, at least 70 percent disabled, or temporarily disabled. The Southcentral Regional Council recommended that these limitations also apply to designated hunting of goats if this proposal is adopted.

Recommendation: Adopt the proposal as modified in the Office of Subsistence Management's Conclusion to limit designated goat hunting to Unit 6D, subject to the same limitations that govern designated hunting of other wildlife in Unit 6. However, the Alaska Department of Fish and Game is concerned about expansion of federal designated hunting to species other than moose, deer, and caribou, for several reasons. First, it adds to the growing divergence between federal and state regulations. Second, we question the need to authorize designated hunting of mountain goats. Third, Unit 6 designated hunting regulations limit hunters to having one harvest limit in their possession at any one time. Given the time and effort required to hunt mountain goats, we doubt that many hunters are likely to harvest a goat for another individual and then

return to the field to harvest a second goat. If this proposal is adopted, accurate and effective monitoring of mountain goats taken by designated hunters will be essential for measuring the effects of the regulation.

WRITTEN PUBLIC COMMENTS

Support. The committee passed this proposal allowing for mountain goats to be added to the list of subsistence species provisioned for designated hunters. *Submitted by Copper River/PWS Fish and Game Advisory Committee.*

WP08-12 Executive Summary	
General Description	Proposal WP08-12 requests that Unit 11 be added to the list of units within which the skin, hide, pelt, or fur, including claws, of brown bears harvested under Federal subsistence regulations can be used to make handicrafts for sale. *Submitted by Robert E. Cyr*
Proposed Regulation	**Proposed Federal Regulation: Bear Handicrafts** *§___.25(j)(7) If you are a federally qualified subsistence user, you may sell handicraft articles made from the fur of a brown bear taken from Units 1–5, 9A–C, 9E,* ***11****, 12, 17, 20, or 25.*
Southcentral Regional Council Recommendation	**Oppose**
Eastern Interior Regional Council Recommendation	**Oppose**
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Oppose**
Written Public Comments	**3 Oppose** **1 Support**

REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposal WP08-12. The Council opposed the proposal after hearing written public comments. There is not a large subsistence harvest of brown bear in Unit 11. Opposition to the proposal is not expected to have a substantial impact on local residents. The Council stated they prefer to defer to local organizations as to whether to support or oppose the proposal. The Wrangell St. Elias Subsistence Resource Commission has not yet met (WSE SRC meeting dates are March 24-25) so their views on this proposal were not available for Council consideration.

Some Council members stated that the harvest of brown bear is not an issue as long as the rest of the bear is used for subsistence purposes.

EASTERN INTERIOR ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposal WP08-12. The Council opposed the proposal based on the opposition to the proposal in the written comments from local organizations and from the Southcentral Regional Council, the home regional council.

DRAFT STAFF ANALYSIS
WP08-12

ISSUES

Proposal WP08-12, submitted by Robert E. Cyr, requests that Unit 11 be added to the list of units within which the skin, hide, pelt, or fur, including claws, of brown bears harvested under Federal subsistence regulations can be used to make handicrafts for sale.

DISCUSSION

The proponent notes that Unit 11 is directly adjacent to Unit 12, where it is legal under Federal subsistence regulations to use the above-listed brown bear parts for handicrafts. The proponent states that many hunters use both units and that aligning Federal subsistence regulations regarding brown bear handicrafts in both units would be economically and logistically beneficial for rural residents who hunt in both areas.

Existing Federal Regulation: Bear Handicrafts

> *§___.25(j)(7) If you are a federally qualified subsistence user, you may sell handicraft articles made from the fur of a brown bear taken from Units 1–5, 9A–C, 9E, 12, 17, 20, or 25.*

Proposed Federal Regulation: Bear Handicrafts

> *§___.25(j)(7) If you are a federally qualified subsistence user, you may sell handicraft articles made from the fur of a brown bear taken from Units 1–5, 9A–C, 9E,* ***11****, 12, 17, 20, or 25.*

ANILCA 803

As used in ANILCA, the term "subsistence uses" means,

> *the customary and traditional uses by rural Alaska residents of wild renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of non-edible byproducts of fish and wildlife resources taken for personal and family consumption; for barter, or sharing for personal or family consumption; and for customary trade.*

Extent of Federal Public Lands

Federal public lands comprise approximately 81% of Unit 11 and consist of 79% NPS lands (73% Wrangell St. Elias National Park and 27% Wrangell St. Elias National Preserve), and 2% Chugach National Forest lands (See **Unit 11 map).**

Customary and Traditional Use Determinations

Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Units 11 and 12 have a positive customary and traditional use determination for brown bear in Unit 11 north of the Sanford River. Residents of Chistochina, Chitina,

Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Unit 11 have a positive customary and traditional use determination for brown bear in Unit 11 remainder.

Regulatory History

The Federal Subsistence Board (Board) has considered numerous proposals regarding the sale of handicrafts made from the non-edible byproducts of black and brown bears harvested under Federal subsistence regulations. In response to varying cultural beliefs and differences surrounding bears across the state, the Board has made an effort to adopt bear handicraft regulations only for units where there is support for such regulations. While the Board has supported regulations allowing the use of brown bear parts in handicrafts for sale in some parts of the state, it has not done so for the Southcentral Region. This is largely in response to the Southcentral Alaska Subsistence Regional Advisory Council's (Southcentral Council) consistent opposition to regulations for the sale of brown bear handicrafts in the Southcentral Region which includes Unit 11.

In May 2002, the Federal Subsistence Board considered a proposal (WP02-01) to classify black and brown bears as furbearers for the purpose of allowing the sale of bear hides and parts as handicrafts (FWS 2002: 1–24). While the Board denied this request citing conservation concerns, it did adopt a regulation allowing the use of black bear fur for handicrafts, seeking to align with the regulation adopted by the State of Alaska in 1998. The Southcentral Council's discussion and opinion about the use of bear parts to make handicrafts included black and brown bear; in general most members agreed that non-edible parts of a bear harvested for meat should be used for handicrafts (SCRAC 2002: 61). The Southcentral Council opted to address black bear only, with the intention of making the sale of handicrafts made with bear parts a step by step process (SCRAC 2002: 50). The Southcentral Council supported the notion of full utilization of animals harvested under subsistence regulations and their recommendation was to include the use of black bear fur, teeth, claws and skulls for handicrafts (SCRAC 2002: 61). They did not, however, support the reclassification of bears as furbearers. The Southcentral Council recommendation below reveals their rationale:

> *The Council recommends an amendment to allow, under the current classification, the take, use and sale of black bear hides, skulls, teeth and claws. The Council strongly opposes the reclassification of bears out of respect for them; bears do not belong in the same category as rabbits and squirrels. However the Council supports allowing subsistence hunters who have killed a bear for meat to make full use of the bear (FWS 2002: 23).*

In 2004, statewide proposal WP04-01, to allow the sale of handicraft items made from the fur of brown bear was considered by the Federal Subsistence Board. This same proposal was submitted to and adopted by the Alaska Board of Game in spring 2004. After extensive discussion, the Board adopted Federal regulations that allow for handicrafts made from brown bear fur including claws. Regional Advisory Councils held different views of the proposal. The Board adopted the proposal, but only for the three regions whose Regional Advisory Councils considered it appropriate, including Eastern Interior, Bristol Bay and Southeast regions (Units 1–5, 9A–C, 9E, 12, 17, 20 and 25). The Southcentral Council voted to oppose the proposal. According to the Southcentral Council Chair, "…. the vote to oppose was a tie vote. The tie vote represents the fact that this is a controversial issue. We felt as a Council that this would probably better be served if it was dealt with on a region-by-region basis because…some people do find this culturally objectionable…" (FSB 2004: 213).

In 2005, proposal WP05-01, which asked to clarify the definition of handicrafts and to prevent commercialization of handicrafts was submitted by the USFWS. The proposal addressed regulations for

the sale of handicrafts made from both black and brown bear parts. The Board adopted the proposal with modifications. However, the Southcentral Council supported the proposal with modification to recognize the sale of handicrafts made only from the nonedible parts of black bears (FSB 2005: 197). This was largely due to public testimony provided by Ahtna tribal leader, Wilson Justin. Mr. Justin was emphatic that brown bear claws had never been used as handicrafts by the Ahtna. He noted that they were retained as "symbols" but "…not as a handicraft. It is a subtle but, in my mind, a very useful distinction" (SCRAC 2005: 31–33).

The Board and the Regional Advisory Councils have repeatedly stated that regions that prefer not to have Federal subsistence regulations allowing the sale of black and brown bear handicrafts in their areas should not have them (FSB 2004: 209–274). The Southcentral Council has consistently opposed regulations allowing the sale of brown bear handicrafts in its region because of cultural and enforcement concerns.

Effects of the Proposal

The Federal subsistence harvest limit for brown bear in Unit 11 is one bear per year between August 10 and June 15. This proposal does not change the harvest limit, therefore, if adopted, it should have little or no effect on other users.

OSM CONCLUSION

Oppose Proposal WP08-12.

Justification

The Board has supported these regulations in other areas of the state as they are allowable under ANILCA. However, the Board has consistently emphasized that regulations for brown bear handicrafts are not appropriate as statewide regulations and should only be adopted for those regions that consider them appropriate. The Southcentral Alaska Regional Subsistence Advisory Council has not supported these regulations for its region in the past, and it reiterated its opposition to the sale of brown bear handicrafts for its area at the winter 2008 Southcentral Council meeting by voting to oppose WP08-12.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-12

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Councils to be consistent with ANILCA Section 805(c).

Comments on WP08-12
April 2, 2008, Page 1 of 2

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposals WP08-12: WP08-12 proposes to authorize sale of handicrafts made from fur, including claws, of brown bear harvested in Game Management Unit 11.

Introduction: Federal regulations authorizing sale of handicrafts made from the skin, hide, fur, or pelt, including claws, of brown bears do not apply to brown bears taken in Unit 11. This proposal would allow such sales from brown bear taken in Unit 11. Where such sales are allowed under federal law, they are limited only by virtually unenforceable regulation prohibiting sales constituting a "significant commercial enterprise," which is undefined. Under state law, sales and purchases of handicrafts made with brown bear claws are prohibited. Sales of bear fur handicrafts would be allowed under different circumstances without adoption of this proposal if the Federal Subsistence Board adopts proposal WP08-05.

Impact on Subsistence Users: This proposal would not further subsistence use of brown bear because sales of brown bear handicrafts are not customary and traditional. The Southcentral Regional Advisory Council in 2005 only supported recognizing the sale of handicrafts made from nonedible parts of black bears and no sales of parts of brown bears based largely on testimony from an Ahtna tribal representative who stated that brown bear claws had never been used for making handicrafts by the Ahtna.

The Federal Subsistence Board's current allowance of such sales in other units was not based upon a determination that such sales are customary and traditional but upon the Board's contention that the Federal Board can authorize any use if the take is customary and traditional.[1] Federal regulations already allow rural residents to barter brown bear handicrafts with anyone; therefore, this proposal is not needed to allow rural residents or urban Natives to obtain such handicrafts for ceremonial, religious, and cultural purposes. Adoption of this proposal will increase the likelihood that federally-qualified subsistence users will face state prosecution for engaging in sales that are prohibited under state law when they occur on state or private lands.

Opportunity Provided by State: State regulations allow the purchase, sale, and barter of handicrafts made from the fur of a bear, but the state's definition of fur does not include the claws. Under 5 AAC 92.900, handicrafts made with bear fur may be sold to anyone. However, sales of handicrafts made with claws are prohibited.

Conservation Issues: Regulations allowing the sales of high value bear claws create a legal market for bear claws that easily mask illegal sales, thereby compounding problems with the international trade of endangered species and contributing to the illegal harvest, overharvest, and waste of bears in other states and countries as well as Alaska. Brown bears develop slowly and have low reproductive rates, making small populations extremely susceptible to overharvest. Allowing widespread sale of high value bear parts without any kind of tracking mechanism is an invitation to illegal harvest. Existing unit-specific federal regulations are unenforceable and inconsistent with sound management principles. Adoption of this proposal will incrementally increase these problems.

[1] See example Chairman Demientieff letter to ADF&G on January 17, 2006

Enforcement Issues: This proposal will increase enforcement problems in several ways. First, by expanding the pool of eligible sellers and potential numbers of legal sales of high value bear parts, it will contribute to increased masking of illegal sales and bolster the economic incentives for illegal harvests in other states and countries as well as Alaska. Second, it will add another unenforceable unit-specific sales authorization with-no tracking mechanism for tying handicrafts to the location where a bear is harvested. Third, it will increase the likelihood that federally-qualified subsistence users will face prosecution for attempting to engage in sales on state or private land that are prohibited under state law.

Jurisdiction Issues: The State of Alaska continues to maintain that the federal government lacks jurisdiction to allow sales of any wildlife handicrafts where such sales are not customary and traditional. In the past, the Federal Subsistence Board has rejected this argument, asserting that if any use is customary and traditional, the Board can authorize any other use. The Board's argument is inconsistent with its stance in the Chistochina Unit 12 moose litigation, where it argued that customary and traditional use is related to how a resource is used after it is taken and not to or a prerequisite condition for the taking itself.[2]

Recommendation: Oppose proposal WP08-12 and support WP08-05 instead. The Southcentral Regional Advisory Council has consistently opposed regulations allowing the sale of brown bear handicrafts in its region because of cultural and enforcement concerns. No evidence is presented in either the proposal or federal staff analysis demonstrating that the production and sale of brown bear handicrafts is a customary and traditional activity in Unit 11. Furthermore, such sales will create enforcement problems for subsistence users and are contrary to accepted principles of wildlife management in light of endangered species and sustainability issues.

[2] *State v. Fleagle,* (Case 3:06-cv-00107-HRH) Doc. 32 at 22

WRITTEN PUBLIC COMMENTS

Oppose. Allowing the sale of handicrafts made from the skin, hide, pelt or fur including claws of a brown bear goes against our customary and traditional way of living. *Submitted by Copper River Native Association.*

Oppose. We do not support WP08-12 to allow the sale of handicrafts made from the skin, hide, pelt or fur including claws of a Unit 11 brown bear. It goes against our customary and traditional ways of living. *Submitted by AHTNA Inc.*

Oppose. Wrangell-St. Elias National Park Subsistence Resource Commission opposes the proposal as written. The vote on this proposal was three in favor, four opposed. The making and selling of handicrafts from brown bear parts is not customary and traditional in this region. In addition, several commission members expressed concerns about enforcement and the potential for waste and abuse. *Submitted by Wrangell-St. Elias National Park Subsistence Resource Commission*

Support. We feel that this brings in the whole Wrangell ST. Elias Park/Preserve together with the allowance that already occurs in GMU 12 nearby bringing the regulations the same. We feel being able to utilize the whole animal both for food and handicraft only makes sense. The additional cash gives the user the opportunity to defray cost of the hunt. *Submitted by Upper Tanana 40-Mile Fish & Game Advisory Committee*

WP08-13 Executive Summary	
General Description	Proposal WP08-13, submitted by Robert Cyr, requests a change in salvage requirements for brown bear harvested under Federal subsistence regulations in Unit 11. Proposal WP08-13 requests that for the period from August 10 to December 31, only the skull and hide of a brown bear must be salvaged. *Submitted by Robert Cyr*
Proposed Regulation	*§__.25(j)(2) If you take wildlife for subsistence, you must salvage the following parts for human use:* *(i) the hide of a wolf, wolverine, coyote, fox, lynx, marten, mink, weasel, or otter;* *(ii) The hide and edible meat of a brown bear, except that the hide of brown bears taken in Units 5, 9B, 17, 18, portions of 19A and 19B, 21D, 22, 23, 24, and 26A need not be salvaged.* ***In Unit 11 the hide and edible meat must be salvaged from all harvested bears taken between January 1–June 15, only the skull and hide must be salvaged between August 10 and December 31.***
Southcentral Regional Council Recommendation	**No action taken** due to action taken on WP08-14.
Eastern Interior Regional Council Recommendation	**No action taken**
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Oppose**
Written Public Comments	**3 Oppose**

STAFF ANALYSIS
WP08-13

ISSUES

Proposal WP08-13, submitted by Robert Cyr, requests a change in salvage requirements for brown bear harvested under Federal subsistence regulations in Unit 11. The proponent requests that for the period from August 10 to December 31, only the skull and hide of a brown bear must be salvaged.

DISCUSSION

The current Federal season for brown bear in Unit 11 runs from August 10 to June 15, with a harvest limit of one bear. In requesting the change to existing salvage regulations, the proponent of WP08-13 states that brown bear meat harvested in fall is not fit for human consumption and that people do not harvest brown bear under Federal regulations in Unit 11 because of the salvage requirements. The Alaska National Interest Lands Conservation Act (ANILCA) provides for customary and traditional uses of resources that are taken for subsistence. In the case of Unit 11, it does not appear to be, nor have been, customary and traditional to harvest brown bears solely for their hides and skulls at any time of the year.

The proponent of WP08-13 also states that adoption of this proposal would "help raise some numbers of ungulates" which suggests that part of the intent of this proposal may be predator control. If predator control is the intent of the proposal, it falls outside of the purview of the Board, but within the purview of Federal land management agencies, as described in the Predator Management Policy adopted by the Federal Subsistence Board in 2004 (FSB 2004).

Existing Federal Regulation

General Provisions

§__.25(j)(2) If you take wildlife for subsistence, you must salvage the following parts for human use:

(i) the hide of a wolf, wolverine, coyote, fox, lynx, marten, mink, weasel, or otter;

(ii) The hide and edible meat of a brown bear, except that the hide of brown bears taken in Units 5, 9B, 17, 18, portions of 19A and 19B, 21D, 22, 23, 24, and 26A need not be salvaged;

Proposed Federal Regulation

§__.25(j)(2) If you take wildlife for subsistence, you must salvage the following parts for human use:

(i) the hide of a wolf, wolverine, coyote, fox, lynx, marten, mink, weasel, or otter;

(ii) The hide and edible meat of a brown bear, except that the hide of brown bears taken in Units 5, 9B, 17, 18, portions of 19A and 19B, 21D, 22, 23, 24, and 26A need not be salvaged. ***In Unit 11 the hide and edible meat must be salvaged from all harvested bears***

taken between January 1–June 15, only the skull and hide must be salvaged between August 10 and December 31.

State Regulations

State of Alaska brown bear hunting regulations in Unit 11 are more liberal than in many other areas of the state. In Unit 11, the brown bear hunting season is August 10 to June 15 for both residents and nonresidents, with a harvest limit of one brown bear every regulatory year. Brown bear hunters are not required to salvage the meat of bears taken in Unit 11, although the skull and hide must be sealed within 30 days of the kill. Brown bear sealing regulations require that a hunter keep the skin and the skull of the bear (with evidence of sex attached), and, within 30 days, have a state official stamp a seal on these parts. At sealing, the official obtains a tooth from the skull and the hunter signs the sealing certificate [5 AAC 92.165].

Extent of Federal Public Lands

Federal public lands comprise approximately 81% of Unit 11 and consist of 79% NPS lands (73% Wrangell St. Elias National Park and 27% Wrangell St. Elias National Preserve), and 2% Chugach National Forest lands (See **Unit 11 map).**

Customary and Traditional Use Determinations

Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Units 11 and 12 have a positive customary and traditional use determination for brown bear in Unit 11 north of the Sanford River. Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Unit 11 have a positive customary and traditional use determination for brown bear in Unit 11 remainder.

Cultural Issues

Please note, this section will be incorporated by reference in the analysis of WP08-14.

The ethnographic literature and public testimony regarding brown bear in Unit 11 point to a variety of uses and beliefs about brown bear among Ahtna Athabascans, the indigenous inhabitants of the area. Likewise, practices and beliefs guiding the consumption of brown bear meat are also varied. None of the ethnographic information reviewed indicated that harvesting brown bear only for its skull and or hide was practiced historically. In fact, in some areas of southcentral Alaska, there were strong prohibitions against contact with the heads and hide of bears (De Laguna, ed. 1995: 295). The ethnographic literature and Southcentral Alaska Subsistence Regional Advisory Council (Southcentral Council) transcripts indicate that it is customary and traditional for some residents of Unit 11 to harvest brown bear meat for food.

At the Southcentral Council meeting in 2002, Proposal WP02-01 was discussed extensively by the Council and members of the public. The intent of this proposal was the reclassification of black and brown bears as furbearers. The proponent wanted to legally use black and brown bear fur to make handicrafts for sale.

At this meeting, Council member Fred John described local classifications of wildlife that precluded the inclusion of bear, black and brown, as furbearers or with other species:

> …throughout the Athabascan nation there is different cultural and respect for bear in different ways…Another thing is [if] we put bear in a category with rabbits and squirrels and everything, I think that is a disrespect for the bear myself. I think that's a real disrespect. I think bear has a classification of its own…I don't want to classify bear as a rabbit, you know. Bear don't stay up all year round. They sleep probably nine months out of the year in winter time (SCRAC 2002: 51).

Mr. John described other local practices and beliefs concerning brown bear:

> We eat bear. Those that eat bear probably just eat it in the springtime. They don't eat it in the fall time because when they're out fishing and everything they're smelly…The present law, to me, is good because if we do go out and kill bear its either self defense or, if we need it…there's so many different belief in Alaska among the native people… Even in my village [Mentasta] on my father's side they eat bear. On my mom's side, they don't. Not that my dad disrespect bear but he grew up in a different clan, so he eats bear (SCRAC 2002: 51–52, 54).

At that meeting, Mr. John also noted that:

> ….In my culture back there, we used to use bearskin for dances when we'd go to another village, and then we had what we called just regular bear fighters, and they respect bear. They use a spear about five feet long and they're a special group of elite fighters that all they do is take on bear. It's a pretty elite group (SCRAC 2002: 51–52).

Another account of local practices was presented at a 2004 Council meeting, when Wilson Justin, an Ahtna Tribal leader, described clan and family distinctions as to who did and did not harvest and eat brown bear (SCARAC 2004: 33).

Ethnographic sources indicate that brown bears were and are a traditional food item, both for their meat and fat. In a compilation of narratives of the Upper Ahtna (Kari 1986: 129), Fred John notes that his mother utilized the fat of bear "She would render grease — salmon grease, trout grease, bear grease — whenever one was killed." As noted by anthropologists DeLaguna and McClellan (1981: 648), "The Ahtna traditionally ate moose, caribou, goat, sheep, black and grizzly bear, lynx, beaver, porcupine, rabbit, ground squirrels, muskrats, game birds, fish and some vegetable food." DeLaguna and McClellan (1981: 648) also note that while "bears were most prized in fall for their fat … some persons refused to eat grizzlies." Finally, DeLaguna and McClellan (1981: 648) also describe traditional bear hunting beliefs, stating that "… all bears were believed to possess great physical and spiritual powers; they were especially taboo to babies and were surrounded by ritual precautions."

In summary, it appears that it is a customary and traditional practice in Southcentral Alaska to harvest brown bears throughout the year and that they were/are harvested for their meat, fat and other parts but not solely for hides or skulls. More contemporary information suggests that brown bear meat and fat are eaten by some people, although that practice is limited. It is likely that in fall, bear meat may not be considered palatable by some people although brown bear fat is preferable in fall.

Regulatory History

Please note, this section will be incorporated by reference in the analysis of WP08-14

As noted, in 2002, proposal WP02-01 requested the reclassification of black and brown bears as furbearers. The proponent wanted to legally use black and brown bear fur to make handicrafts for sale (FWS 2002: 6).

The Southcentral Council supported the notion of full utilization of animals harvested under subsistence regulations, including for use as handicrafts. However, the Council did not support the reclassification of bears as furbearers. The Council recommendation below reveals its rationale:

> The Council recommends an amendment to allow, under the current classification, the take, use and sale of black bear hides, skulls, teeth and claws. The Council strongly opposes the reclassification of bears out of respect for them; bears do not belong in the same category as rabbits and squirrels. However the Council supports allowing subsistence hunters who have killed a bear for meat to make full use of the bear (FWS 2002: 23).

In summary, based on a review of ethnographic sources, Council discussion and votes on similar issues, there is no indication that it was nor is customary and traditional to harvest brown bears only for their skulls and hides at any time of the year.

Effects of the Proposal

It is difficult to anticipate the effects of the adoption of this proposal, although given that State regulations currently do not require the salvage of brown bear meat, if adopted, this proposal is not likely to increase harvests. However, it does not appear that this proposal reflects customary and traditional uses of brown bears in Unit 11 or the Southcentral region.

OSM CONCLUSION

Oppose Proposal WP08-13.

Justification

In reviewing the ethnographic literature and Southcentral Regional Advisory Council discussions on proposals WP02-01 and WP08-13/14, no evidence was found to suggest that it was nor is customary and traditional to harvest brown bears only for their skulls and hides in Unit 11.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-13

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Councils to be consistent with ANILCA Section 805(c).

Comments on WP08-13 and 14
April 3, 2008, Page 1 of 1

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP08-13: liberalizes the brown bear salvage requirements in Game Management Unit 11.

Introduction: Federal subsistence regulations require that the edible meat of harvested brown bears must be salvaged for human use. This proposal would remove this requirement in Unit 11 for part of the season, August 10 – December 31. The proponent states that brown bears traditionally were not harvested for their meat in this area and that the meat of brown bears is inedible during the fall when brown bear diet consists primarily of salmon.

Impact on Subsistence Users: Both federally-qualified and state subsistence users may harvest brown bears on state land and on federal land outside of Wrangell-St. Elias National Park in Unit 11 under state regulations from August 10 to June 15 and are not required to salvage the meat. Very few brown bears are harvested in Unit 11 under either federal or state regulations, so an exception to the statewide requirement in the federal regulations that the edible meat of brown bears be salvaged is unnecessary.

Opportunity Provided by State: State regulations do not require the salvage of meat from brown bears harvested in Unit 11, but the hide and skull must be sealed. The 10-month season and one brown bear per year harvest limit apply to all federal lands in Unit 11 except for the Wrangell-St. Elias National Park.

Recommendation: Oppose. The federal subsistence regulations require that the edible meat of brown bears be salvaged in all areas of the state. If federally-qualified subsistence users want to harvest brown bears and not salvage the edible meat, state regulations provide that opportunity during a long season (August 10 – June 15) and with a one brown bear per year bag limit. The small number of brown bears harvested in Unit 11 under the federal regulations does not warrant making an exception to a statewide requirement.

WRITTEN PUBLIC COMMENTS

WP08-13

Oppose. We do not support WP08-13 to require in Unit 11 the hide and edible meat to be salvaged from all harvested bears taken from January 1–June 15, and only the skull and hide to be salvaged between August 10 and December 31. *Submitted by AHTNA Inc.*

Oppose. The Copper River Native Association opposes WP08-13 to require in Unit 11 the hide and edible meat to be salvaged from all bears harvested from January 1–June 15, and only the skull and hide to be salvaged between August 10 and December 31. *Submitted by Copper River Native Association.*

Oppose. Wrangell-St. Elias National Park Subsistence Resource Commission opposes the proposal as written (one abstention). See below for action on Proposal 14. *Submitted by Wrangell-St. Elias National Park Subsistence Resource Commission*

WP08-15 Executive Summary	
General Description	Proposal WP08-15 requests an expansion of the beaver trapping season for Unit 11 from Nov. 10–April 30 to Sept. 25–May 31 and change the harvest limit to "no limit." *Submitted by Dean Wilson Jr.*
Proposed Regulation	**Unit 11 — Beaver (trapping)** ~~*30 beaver per day*~~ ***No limit*** ~~*Nov. 10 –April 30*~~ ***Sept. 25–May 31***
Southcentral Regional Council Recommendation	**Support**
Eastern Interior Regional Council Recommendation	**Support**
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Support**
Written Public Comments	**3 Support**

REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-15. No biological concern exists for the beaver population in Unit 11. The proposal will align the beaver season with existing State regulations, thereby reducing confusion.

EASTERN INTERIOR ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-15. There is no conservation concern with the passage of this proposal based on the information provided and it would provide additional opportunity to meet subsistence needs for beaver.

STAFF ANALYSIS
WP08-15

ISSUES

Proposal WP08-15, submitted by Dean Wilson Jr., requests an expansion of the beaver trapping season for Unit 11 from Nov. 10–April 30 to Sept. 25–May 31 and change the harvest limit to "no limit."

DISCUSSION

The proponent's intent is to provide an additional 77 days of opportunity for Federally qualified users to trap beaver for human consumption of the meat and also for the pelts under Federal trapping regulations in Unit 11. The proposed regulatory change would provide Federally qualified users opportunity to trap beaver on Federally managed lands and waters before and after freeze up occur.

Existing Federal Regulation

Unit 11 — Beaver (trapping)

30 beaver per day	*Nov. 10–April 30*

Proposed Federal Regulation

Unit 11 — Beaver (trapping)

~~*30 beaver per day*~~ ***No limit***	~~*Nov. 10 –April 30*~~ ***Sept. 25–May 31***

Existing State Regulation

Unit 11 — Beaver

No limit (trapping)	*Sept. 25–May 31*

Note: Beaver taken in Unit 11 must be sealed.

Extent of Federal Public Lands

Federal public lands comprise approximately 81% of Unit 11 (79% NPS and 2% USFS). The affected Federal public lands are the Wrangell-St. Elias National Park and Preserve and a small portion of the Chugach National Forest of the Cordova District (**Unit 11 map**).

Customary and Traditional Use Determinations

All rural Alaska residents are eligible to harvest beaver under Federal subsistence regulations in Unit 11. However, NPS regulations restrict who is eligible to engage in subsistence activities on lands in Wrangell-

St. Elias National Park to individuals living in resident zone communities or areas, or have a 13.440 subsistence permit issued by the Park Superintendent.

Regulatory History

Beaver trapping regulations for Unit 11 were originally established by the Federal Subsistence Board (Board) in July 1990, when it adopted the State season and harvest limit for the unit. Federal trapping regulations for Unit 11 beaver have remained unchanged since that time. In response to a request for opportunity to harvest beaver on NPS lands with a firearm, the Board established the Unit 11 June 1–Oct. 10 hunting season with a "1 beaver/day, 1 in possession" harvest limit in May 2000. Similar hunting regulations for beaver have been established by the Board for Units 11, 12, 20E, and 25. The State beaver trapping regulations for Unit 11 have also remained unchanged since the 1990/91 regulatory year. There are no existing State beaver hunting regulations for Unit 11. The State beaver trapping season does not allow for the taking of beaver by firearm; however, the existing season is more liberal than current Federal regulations as it provides the same season and harvest limit proposed in WP08-15.

Current Events Involving the Species

Note: Subsequent to the publication of this proposal in the 2008–2010 Federal Subsistence Wildlife Proposals booklet (FWS 2007), the proponent provided additional comments on WP08-15 and WP08-02 on December 10, 2007. The proponent stated that an expansion of the June 1–Oct. 10 beaver hunting season in Unit 11, instead of an expansion of the existing trapping season, would better address the intent of WP08-15. The proponent stated that because NPS regulations (36 CFR 1.4) do not allow for the harvest of furbearers with a firearm on NPS lands during the trapping season, he felt it necessary to provide additional information to better address the intent.

State Management Objective

- Develop measurable objectives for management of furbearer populations in Unit 11.
- Provide information to the Alaska Board of Game to further the maintenance of viewable and harvestable populations of furbearers.
- Seal harvested beaver pelts.
- Contact reliable observers for general information about the status and trends of furbearer populations, including the use of an annual trapper survey.

NPS Management Objectives

- To manage beaver and its habitat for natural and healthy populations.

Biological Background

Although beaver cache surveys are not conducted by the ADF&G in Unit 11, frequent field observations of beaver impoundments and food caches made during aerial big game surveys suggest that beaver numbers are high (ADF&G 2004). Generally beaver are estimated as common and are easily accessible in wetland areas along the road system (Tobey 2008, pers. comm.). Trappers responding to the 2004/05 ADF&G Trapper Questionnaire also considered beaver to be abundant on their traplines and considered population levels to be similar to those reported in previous surveys (ADF&G 2006). A review of the 2004/05 ADF&G Trapper Questionnaire revealed an estimated Species Relative Abundance Index for beaver as "common" in Unit 11 (ADF&G 2006). The index ranks relative abundance as "not present,

scarce, common, or abundant." There is no information available from resource managers or the users of Unit 11 beaver that would indicate that this population cannot support additional harvest.

Harvest History

Estimates of trapping pressure made by the ADF&G for Unit 11 are produced from the ADF&G Trapper Questionnaire, sealing data, and staff contacts with trappers (ADF&G 2006). Results from the 2001/02 through 2004/05 ADF&G Trapper Questionnaires revealed that trapping pressure was variable from year to year and was based on winter conditions (ADF&G 2006). Results also suggested fewer individuals are trapping in Units 11 and 13 and those that are, as a group, are getting older, with a substantial number of years of trapping experience (ADF&G 2006). Total effort made by these individuals declined in the early 1990s but stabilized over the last few years, as reflected by the number of sets made, length of traplines, and total weeks trapped. Although results from trapper questionnaire responses suggest that the price paid for fur really was not a factor for those "still" trapping; lower fur prices in recent years were a major underlying contributing factor to the decline in the overall number of trappers (ADF&G 2006).

Beaver harvests can fluctuate dramatically from year to year in Alaska, because of the efforts of an aging group of relatively few trappers and significant changes in pelt prices. The current high cost of fuel in the rural communities could have negative impacts on annual harvest rates of beaver. Successful Unit 11 trappers and hunters are required to have beaver pelts sealed by the State area wildlife biologist in Glennallen. The greatest number of beaver pelts sealed during one year over the last six years was 15 pelts during the 2004/05 regulatory year, with a total of only 46 pelts sealed by unit trappers for the 2001/02–2006/07 period (**Table 1**) (ADF&G 2007). Additional information on beaver harvest will be available upon publication of the 2005/06 ADF&G Statewide Trapper Questionnaire Report.

Table 1. ADF&G Sealing Records for Unit 11 Beaver, 2001–2006. (ADF&G 2007).

2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	**Total sealed**
6	10	7	15	1	7	**46**

Analysis of the State's 2001 through 2005 Fur Acquisition and Export Reports indicated that trapper effort and success fluctuated statewide during the four regulatory years (**Table 2**). Beaver export numbers spiked for the 2003/04 and 2004/05 regulatory years (**Table 2**) probably in anticipation of and response to the higher beaver prices paid during the two years compared to $28.25 paid in 2002/03 (**Table 3**) (ADF&G 2006).

Table 2. Fur Acquisition and Export Report for Beaver Harvested in Alaska, 2001–2005 (ADF&G 2006).

2001/02		2002/03		2003/04		2004/05	
Export	Acquisition	Export	Acquisition	Export	Acquisition	Export	Acquisition
586	597	617	607	830	350	891	323

Note: A Fur Acquisition and Export Report is used to document the number of pelts of a particular species that are sold (acquisitioned) by a trapper or hunter to a fur buyer, and is used to document the number of pelts that are sent out (exported) of Alaska.

Further analysis of the State Trapper Questionnaire also revealed that the average price paid in Alaska for a beaver pelt during 2001/02 – 2004/05 was $41.00, with the high of $55.00 and a low of $28.25 reported for the period (**Table 3**) (ADF&G 2006).

Table 3. Average Prices Paid for Raw Beaver Pelts by Fur Buyers in Alaska. (ADF&G 2006).

2001/02	2002/03	2003/04	2004/05	Average
$45.00	$28.25	$55.00	$35.00	$41.00

Unit 11 trappers who participated in the 2004/05 Trapper Questionnaire reported that beaver ranked 3rd in order of furbearer importance to trappers, out of the 13 furbearer species that are harvested in the unit, while wolf ranked second and marten ranked first in order of importance to unit trappers (ADF&G 2006).

Effects of the Proposal

The intent of Proposal WP08-15 (trapping) would not accomplish the proponent's objective since NPS regulations do not allow for the harvest of furbearers by firearm under a trapping license on NPS managed lands and waters. In December 2007, the proponent commented that extending the current June 1–Oct. 10 beaver hunting season, would provide for year-round opportunity for Federally qualified users to shoot beaver on Federally managed lands and waters in Unit 11 and may better address the intent of his proposal (see current events involving the species section).

If the Board established a beaver hunting season from Sept. 25–May 31, with a no harvest limit, as suggested in December 2007 by the proponent, it would essentially provide a year-round hunting season with a no limit harvest from Sept. 25–May 31 and a "one beaver per day, one in possession" limit for June 1–Sept. 24. The establishment of a Sept. 25–May 31 hunting season would also provide the option to harvest beaver by firearm during the period from spring thaw (the onset of melt water to bare ground) and breakup through May 31, and through and contiguous with the existing June 1–Oct. 10 beaver hunting season in Unit 11. Federally qualified subsistence users would need to adhere to the harvest limit during June 1–Sept. 24.

The expansion of the current beaver hunting season with a no limit harvest could jeopardize beaver that occupy road-accessible impoundments in the affected portion of Unit 11. Because these habitats are very accessible by licensed highway vehicles, adoption of a no harvest limit could lead to over harvest and wounding-loss. Because there is easy access to Unit 11 beaver along the road system within the affected area, a year-round hunting season and no harvest limit during Sept. 25–May 31 could have adverse impacts on users who trap beaver under State regulations in Unit 11.

Adoption of the original proposed regulatory change affecting beaver trapping regulations would align Federal and State trapping regulations for beaver in Unit 11 and should pose no conservation concerns to the beaver population in the unit.

OSM CONCLUSION

Support Proposal WP08-15.

Justification

Adopting an expanded trapping season and harvest limit would provide an additional 77 days of opportunity with a no limit harvest during the Federal beaver trapping season and would align with current State trapping regulations for Unit 11 beaver. The primary intent of the proponent's suggested expansion of the existing hunting season, is to allow for the taking of beaver with a firearm for food, secondary to pelt value, prior to and after freeze up. The existing Federal hunting regulation for Unit 11 beaver provides for the opportunity to harvest beaver with a firearm on NPS managed lands and waters from June 1–Oct. 10. The establishment of a Sept. 25–May 31 beaver hunting season in Unit 11, could jeopardize the beaver population by causing over harvest and wounding-loss from hunters. A population decline caused by an adoption of a year-round hunting season with a no harvest limit from Sept. 25–May 1, would fail to comply with management objectives for the beaver population in Unit 11.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-15

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Councils to be consistent with ANILCA Section 805(c).

Comments WP08-15
April 2, 2008, Page 1 of 1

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP08-15: Liberalize the beaver trapping regulations in Game Management Unit 11.

Introduction: This proposal would align the federal beaver trapping season and harvest limit in Unit 11 with existing state regulations.

Impact on Subsistence Users: The proponent suggests a longer season and unlimited harvest limit would provide more opportunity before and after freeze-up for trappers and consumers of beaver meat. If the intent is to promote more harvest of beaver with firearms under the trapping regulations, however, this proposal would apply only to federal public lands in Unit 11 outside of Wrangell-St. Elias National Park and Preserve. National Park Service regulations do not allow the harvest of furbearers with firearms under a trapping license on NPS lands.

Opportunity Provided by State: State regulations authorize beaver trapping in Unit 11 from September 25 to May 31, with no limit on the number of beavers that can be taken. Firearms may not be used to take beavers in Unit 11.

Other Comments: Adoption of this proposal would align the state and federal beaver trapping regulations in Unit 11 but would not provide additional opportunity on federal lands outside of Wrangell-St. Elias National Park because that opportunity is already available in state regulations.

Recommendation: Adopt. As discussed above, however, this proposal would not provide additional opportunity on the small amount of federal public lands outside of Wrangell-St. Elias National Park and Preserve (already provided by state regulations) and is not necessary to provide continued opportunity for subsistence use.

WRITTEN PUBLIC COMMENTS

Support. The Copper River Native Association supports proposal WP08-15 to allow Unit 11 beaver season commencing September 25–May 31 with no limit of taking beaver, since it is not a conservation concern. If the Federal management system determines that the population is at risk, they can modify the regulation. *Submitted by Copper River Native Association.*

Support. We support WP08-15 to allow Unit 11 beaver season of September 25–May 31 with no limit of take of beaver, because it is not a conservation concern. If the Federal management system determines that the population of beaver is at risk, they can change the regulation. *Submitted by AHTNA Inc.*

Support. Wrangell-St. Elias National Park Subsistence Resource Commission supports the proposal as written. Aligning state and federal seasons will simplify the regulations. In addition, the proposal is not expected to result in a conservation concern, and it will provide additional subsistence opportunity for those trapping under federal subsistence regulations. *Submitted by Wrangell-St. Elias National Park Subsistence Resource Commission*

WP08-23 Executive Summary	
General Description	Proposal WP08-23 requests that a Federal registration permit for the Preserve portion of Unit 16B remainder be re-established for the Sept.1–30 and Dec. 1–Feb. 28 moose seasons. Federal registration permits would be limited to one permit per household. *Submitted by the Denali National Park and Preserve*
Proposed Regulation	*Unit 16B remainder —* ***Denali National Preserve only —****1 bull* ***moose by Federal registration permit only. One Federal registration permit only for moose issued per household.*** *Sept. 1–Sept. 30 Dec. 1–Feb. 28* *Unit 16B remainder — 1 bull* *Sept. 1–Sept. 30 Dec. 1–Feb. 28*
Southcentral Regional Council Recommendation	**Support**
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Support.** *See comments following the analysis.*
Written Public Comments	**1 Oppose**

REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-23. The proposed regulation will allow resource managers to track moose harvests and population trends in the affected areas as a management tool. The registration hunt is a tool to encourage timely reporting of moose taken in portion of Unit 16B.

STAFF ANALYSIS
WP08-23

ISSUES

Proposal WP08-23, submitted by the Denali National Park and Preserve, requests that a Federal registration permit for the Preserve portion of Unit 16B remainder be re-established for the Sept.1–30 and Dec. 1–Feb. 28 moose seasons. Federal registration permits would be limited to one permit per household.

DISCUSSION

The proponent's intent is to implement a Federal registration permit to monitor hunter harvest to enhance management of the moose population and to protect harvest opportunities for rural residents of Unit 16B. The need to place restrictions on hunting opportunities within the subunit in recent years has created concerns that excessive hunting pressure may be concentrated on Preserve lands in the upper Yentna River drainage. Local residents who do not obtain a State Tier II permit have no option other than to access the Preserve in order to satisfy their subsistence needs for moose. The reimplementation of a Federal permit system will ensure there is not an over harvest of moose in the Preserve, as currently there is no monitoring system for the moose harvested in the Denali National Preserve portion of Unit 16B remainder.

Existing Federal Regulation

Unit 16B remainder — Moose

1 bull	*Sept. 1–Sept. 30* *Dec. 1–Feb. 28*

Proposed Federal Regulation

Unit 16B remainder — Moose

Denali National Preserve only —*1 bull* **moose by Federal registration permit only. One Federal registration permit only for moose issued per household.**	*Sept. 1–Sept. 30* *Dec. 1–Feb. 28*
Unit 16B remainder — 1 bull	*Sept. 1–Sept. 30* *Dec. 1–Feb. 28*

Existing State Regulations

Unit 16B remainder — Moose

One bull with spike-fork antlers or 50-inch antlers or antlers with 3 or more brow tines on at least one side by permit.....	*TM565/567/569*	*Sept. 1–Sept. 20*
OR One bul	*TM565/567/569*	*Nov. 15–Feb. 28*

Extent of Federal Public Lands

Federal Public lands comprise approximately 27.3 % of Unit 16. Denali National Park and Preserve and Lake Clark National Park and Preserve manage 22.6% of the lands in the unit and the BLM manages 4.7% of the lands in the unit (**Map 1**).

Customary and Traditional Use Determinations

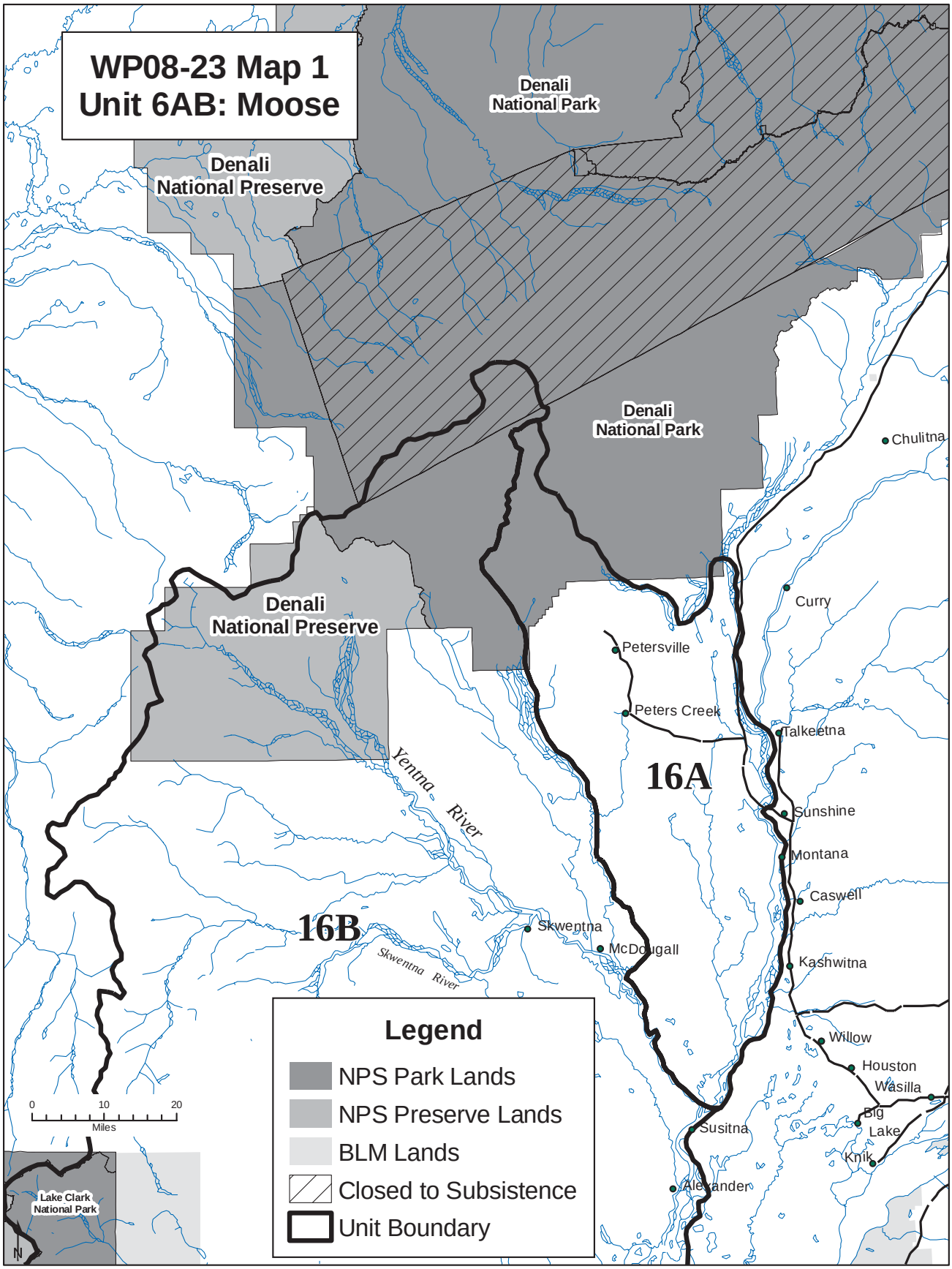
Rural residents of Unit 16B have a customary and traditional use determination for moose in Unit 16B.

Federal Regulatory History — Unit 16B remainder — Moose

1990/91–2003/04	*Remainder of Unit 16B — 1 moose; however, antlerless moose may be taken only from Sept. 25.–Sept. 30, and during the period Dec. 1–Feb. 28 by Federal registration permit only.*	*Sept. 1–Sept. 30* *Dec. 1–Feb. 28*
2004/05–2007/08	*Remainder of Unit 16B – 1 bull.*	*Sept. 1–Sept. 30* *Dec. 1–Feb. 28*

State Regulatory History – Unit 16B remainder — Moose

1990/91	*Remainder of Unit 16B*	*Sept. 1–Sept. 10*
	Residents: One bull; however during the period Dec. 1–Feb. 28, bulls may be taken by Tier II permit only in a two-week season to be announced by Emergency Order.	*Dec. 1–Feb. 28*
	Non-residents:	*No open season*
1991–92	*Remainder of Unit 16B*	*Sept. 1–Sept. 20*
	Residents: One bull; during the period Dec. 1–Feb. 28, up to 75 bulls may be taken by Tier II subsistence hunting permit only in a two-week season to be announced by Emergency Order.	*Dec. 1–Feb. 28*
	Nonresidents: One bull	*Sept. 1–Sept. 20*
1992–93	*Remainder of Unit 16B*	*Sept. 1–Sept. 20*
	Residents: One bull; during the period Dec. 1–Feb. 28, up to 75 bulls may be taken by Tier II subsistence hunting permit only in a two-week season to be announced by Emergency Order.	*Dec. 1–Feb. 28*
	Nonresidents: One bull	*Sept. 1–Sept. 20*
1993/94–1994/95	*Remainder of Unit 16B*	*Aug. 20–Sept. 20*
	Residents: One bull by Tier II permit only; up to 20 bulls may be taken; during the period Jan. 1–Feb. 28 a two-week season to be announced by Emergency Order.	*Jan. 1–Feb. 28*
	Nonresidents:	*No open season*
1995/96–1996/97	*Remainder of Unit 16B*	*Aug. 20–Sept. 30*


WP08-23 Map 1
Unit 6AB: Moose
Denali National Park
Denali National Preserve
Denali National Park
Denali National Preserve
Chulitna
Curry
Petersville
Peters Creek
Talkeetna
16A
Sunshine
Montana
Caswell
Yentna River
16B
Skwentna
McDougall
Skwentna River
Kashwitna
Willow
Houston
Wasilla
Big Lake
Knik
Susitna
Alexander
Legend
NPS Park Lands
NPS Preserve Lands
BLM Lands
Closed to Subsistence
Unit Boundary
0
10
20
Miles
Lake Clark National Park
N

	Residents: One bull by Tier II permit only.	*Dec. 1–Jan. 15*
	Nonresidents:	*No open season*
1997/98–2000/01	*Remainder of Unit 16B*	
	Residents: One bull with spike-fork antlers or 50-inch antlers or antlers with 3 or more brow tines on at least one side ..... Harvest	*Aug. 20–Sept. 30*
	OR one bull by permit.....Tier II	*Nov. 15–Feb. 28*
	Nonresidents: One bull with spike-fork antlers or 50-inch antlers or antlers with 3 or more brow tines on at least one side..... Harvest	*Aug. 20–Sept. 30*
2001/02–2002/03	*Remainder of Unit 16B*	
	Residents: One bull with spike-fork antlers or 50-inch antlers or antlers with 3 or more brow tines on at least one side by permit TM565/567/569	*Aug. 20–Sept. 30*
	OR one bull by permit..... TM565/567/569	*Nov. 15–Feb. 28*
	Nonresidents:	*No open season*
2003/04–2005/06	*Remainder of Unit 16B (Note: the "Beluga River" hunt area was combined with the "Remainder")*	
	Residents: One bull with spike-fork antlers or 50-inch antlers or antlers with 3 or more brow tines on at least one side ..... Harvest	*Sept. 1–Sept. 20*
	OR one bull by permit..... TM565/567/569	*Nov. 15–Feb. 28*
	Nonresidents:	*No open season*
2006/07–2007/08	*Remainder of Unit 16B*	
	Residents: One bull with spike-fork antlers or 50-inch antlers or antlers with 3 or more brow tines on at least one side by permit TM565/567/569	*Sept. 1–Sept. 20*
	OR one bull by permit..... TM565/567/569	*Nov. 15–Feb. 28*
	Nonresidents:	*No open season*

Biological Background

Results from population surveys conducted in the Yentna survey area during Nov. 29–Dec. 1, 2005, indicate an observed total of 41 moose and an estimate of 42 ± 4 moose within the affected area (Owen and Meier 2006). Results from the 2005 survey also produced an estimated density of 0.06 moose/mi^2 within the 740 mi^2 survey area. Moose density in the affected area has been declining since the 1980s and the estimated density for the 2005 survey is substantially lower than a 1996 estimate made for the Yentna surveys area (Owen and Meier 2006). Further analysis of the survey results showed composition ratios of 40 bulls:100 cows and 11 calves:100 cows, with a bull, cow, and calf moose component representation of 27%, 66%, and 7%, respectively. The NPS has a moose population survey of the affected area scheduled for November 2008 (Meier 2008, pers. comm.).

Harvest History

Reported harvest of moose taken in the Yentna River drainage in the Preserve portion of Unit 16B remainder (Uniform Coding Units 1101 and 1201), between 1983 through 2003 totaled 101 moose with

an average annual harvest for the 21-year period of 4.8 moose (**Figure 1**) (ADF&G 2008). Of the 101 moose reported harvested, 93 were bulls. Most of these (68 animals) were harvested between 1983 and 1992. Reported harvest of bull moose for the period between 1993–2003 was significantly lower, with a total of 25 bulls taken during the 11-year period and an average annual harvest of 2.3 bulls. Two cow moose were reported harvested in 1983 and 6 cow moose were reported harvested in 1984.

Effects of the Proposal

Adoption of the proposed regulatory change would re-establish a Federal registration permit for moose in the affected area. The change would only affect general or State Tier II hunting opportunities in the

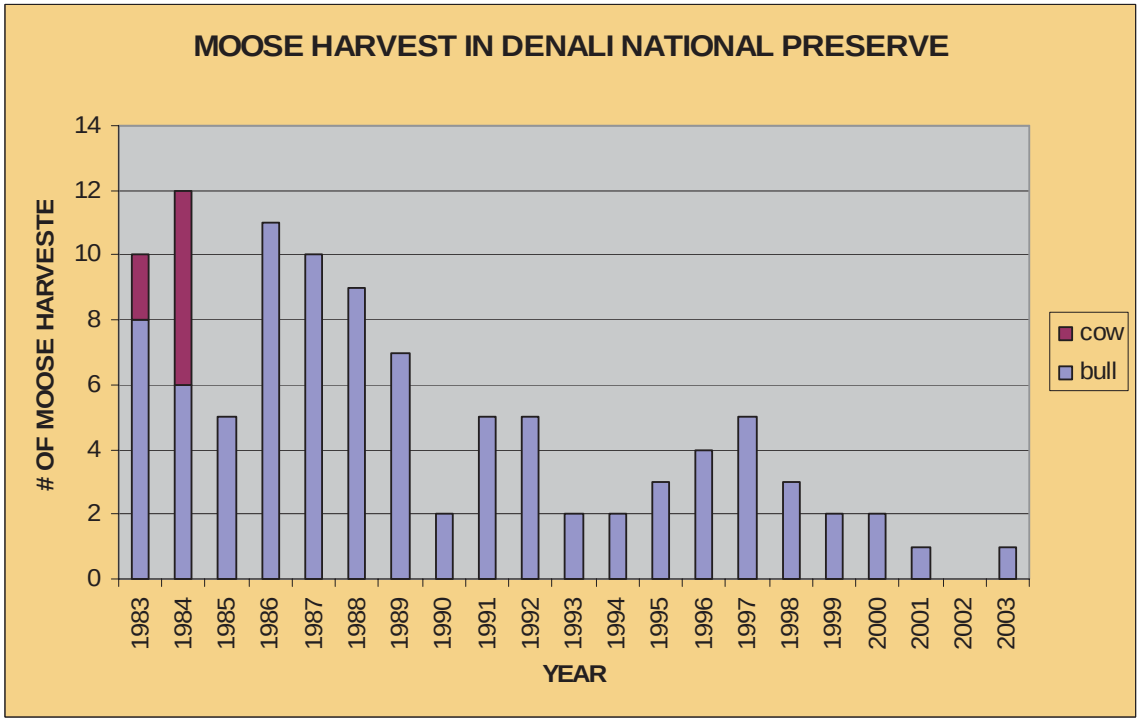


Figure 1. 1993-2003 Moose Harvest in the Denali National Preserve. (Meier 2008, pers. comm.).

future if the harvest of the affected moose population was determined to be unsustainable. In that case, the Board could restrict moose harvests in the Preserve to Federally qualified subsistence users only when a regulatory action is submitted for consideration. The Federal registration permit hunt should protect subsistence opportunities for local residents. Adoption of the proposal will allow resource managers to track moose harvest in the Preserve portion of Unit 16B remainder.

OSM CONCLUSION

Support Proposal WP08-23.

Justification

Re-establishment of the Federal registration permit for the affected area would allow resource managers to track moose harvests in the affected area. The need to place restrictions on hunting opportunities within the subunit in recent years has created concerns that excessive hunting pressure may be concentrated on Preserve lands in the upper Yentna River drainage. Local residents who do not obtain a State Tier II permit have no option other than to access the Preserve in order to fulfill their subsistence needs for moose. Implementation of a Federal permit system with harvest monitoring will help resource managers to prevent an over harvest of moose in the Preserve.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-23

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Council to be consistent with ANILCA Section 805(c).

Comments WP08-23
April 10, 2008, Page 1 of 1

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP08-23: Create a registration permit moose hunt in the Denali National Preserve portion of Game Management Unit 16B Remainder.

Introduction: Under existing regulations, federally-qualified subsistence hunters may hunt on federal lands in Unit 16B without a state Tier II permit. This proposal addresses a perception among Denali National Park and Preserve officials that the limited hunting opportunity provided by the state's Tier II hunt might result in concentrating hunting pressure on moose in the Upper Yentna River area of the Denali National Preserve. By instituting a federal registration permit hunt on Preserve lands in Unit 16B, National Park Service staff will be able to monitor hunting effort by federally-qualified subsistence users.

Impact on Subsistence Users: Adoption of this proposal to require a federal permit while hunting on Denali National Preserve in Unit 16B would provide better information about moose hunting in the Preserve by federally-qualified subsistence users without impacting their opportunity. Few moose inhabit this area of the Preserve, which is a long distance from human habitation, and few people hunt there.

Opportunity Provided by State: The State administers a Tier II permit for moose in the Remainder of Unit 16B, which includes the Denali National Preserve, during September 1-20 and November 15 – February 28 seasons. Hunters have to travel a long distance to access Denali National Preserve lands in Unit 16B, and, because moose numbers are very low there, the Alaska Department of Fish and Game has no evidence to indicate that Tier II permit holders are hunting in the Preserve.

Conservation Issues: Moose numbers are low in Unit 16B and particularly low in the Denali National Preserve area. This is attributable to a combination of high predator populations, hard winters, and low recruitment in recent years. The Alaska Board of Game instituted a Tier II moose hunt and liberalized bear and wolf hunting regulations in Unit 16B to address this conservation concern.

Recommendation: Adopt. However, moose harvested under terms of the proposed federal registration permit must be timely reported so the season can be closed if necessary for conservation purposes.

WRITTEN PUBLIC COMMENTS

Oppose. I oppose proposal WP08-23 regarding creating a Federal permit to participate in traditional moose hunting activities on Federal lands. Currently a State of Alaska harvest ticket (a green card) is all that is necessary for participation and recording of harvested animals. State of Alaska harvest tickets are readily available to area subsistence users. Requirements to obtain federal permits from various federal land managers would make participation more burdensome. In the past, when either sex moose hunting was allowed, a permit from the subsistence manager from Denali National Park was required. He required proof of a history of harvesting wildlife from the upper Yentna area to qualify for a permit. Very few residents of GMU 16B met his requirements and few permits were issued. I was denied my first time I applied. Luckily, I trap in the area and I finally met his requirement after a few years. I believe I was the only qualified resident and recipient for many years until the elimination of the cow hunt. We on the local level believed that this permit was required for the subsistence hunting of bull moose. However, we may have been mislead.

Harvest numbers of moose on federal lands in GMU 16B are currently reported on green State of Alaska harvest tickets. All moose harvested under Tier I1 hunting under State regulations are reported on a tan harvest ticket. It would seem fairly easy to determine the federal harvest using color. Harvests recorded from Denali National Preserve in the past were in the neighborhood of zero to two moose per year. The moose that reside in the upper Yentna on Federal land are a small portion of the overall moose population of the area and are in no way different or separated from the moose on the surrounding State land.

The Mt. Yenlo Advisory Committee supported eliminating the cow harvest under federal subsistence thus addressing any minor negative impact the harvesting of one or two cow moose per decade would have had on the GMU 16B moose population. While the moose population in GMU 16B is probably at historical lows, especially in Federal managed areas like the upper Yentna (Denali National Preserve), hunting of Bull Moose has had no impact. Moose surveys conducted by the State of Alaska and Denali National Park have always shown more than adequate numbers of bulls necessary for breeding purposes. Even if every bull (eleven by NPS census) in Denali National Preserve were harvested sufficient bulls on surrounding State land would most likely get the breeding job done. State bull moose are not picky about whether their girlfriends are federal moose.

Summary of Bull per 100 cow ratios for the National Preserve and the northern third of GMU16B on State of Alaska land:

Denali National Preserve		State of Alaska	
Year	Ratio	Year	Ratio
1984	37	1990	32
1996	42.1	1993	50
2005	40.7	1994	45
		1996	38
		2000	39.5
		2001	39.7
		2003	35

20–25 bull moose per 100 cows is generally desired by game managers to ensure adequate breeding success. Finally, enclosed is a copy of the most recent information I have received from Denali National

Park in my duties as research chairman for the Mt Yenlo A.C. It is a summary of moose census data. I corrected some of the information and returned it. They appear to have more important issues than requiring Federal subsistence permits like organizing and understanding their own biological information.
Submitted by David McHoes of Skwentna

WP08-24 Executive Summary	
General Description	Proposal WP08-24 requests that Kachemak-Selo, Razdolna, and Voznesenka be added to the customary and traditional use determination for moose in Units 15B and 15C. This proposal was deferred by the Federal Subsistence Board in May 2007. *Submitted by Dennis Reutov and Fred Martushev*
Proposed Regulation	**Unit 15—Moose** — **Customary and Traditional Use Determination** *Unit 15A* — *Rural residents of Ninilchik, Nanwalek, Port Graham, and Seldovia.* *Units 15B and 15C** — *Rural residents of Ninilchik, Nanwalek, Port Graham, ~~and~~ Seldovia**, Kachemak-Selo, Razdolna, and Voznesenka**.* **NOTE**: The proposal book erroneously said that the proposal was for all of Unit 15, but the proponents only requested a customary and traditional use determination for Units 15B and 15C.
Southcentral Regional Council Recommendation	**Oppose**
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**No recommendation.** *See comments following the analysis.*
Written Public Comments	**2 Oppose**

REGIONAL ADVISORY COUNCIL RECOMMENDATION

SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposal WP08-24. The Council opposed the proposal reaffirming its previous recommendation on the similar proposal, WP07-21. There is insufficient evidence to support a positive customary and traditional use determination. No new information is available to make a recommendation for the three communities. The communities had several years to present testimony to the Council in support of a positive finding, but none was provided. OSM staff invited the proponents and community members to present additional information to the Council, but no one responded.

STAFF ANALYSIS
WP08-24

ISSUES

Proposal WP08-24, submitted by Dennis Reutov and Fred Martushev, requests that Kachemak-Selo, Razdolna, and Voznesenka be added to the customary and traditional use determination for moose in Units 15B and 15C. This proposal was deferred by the Federal Subsistence Board (Board) in May 2007.

DISCUSSION

Existing Federal Regulation

Unit 15—Moose	**Customary and Traditional Use Determination**
Unit 15	*Rural residents of Ninilchik, Nanwalek, Port Graham, and Seldovia.*

Proposed Federal Regulation

Unit 15—Moose	**Customary and Traditional Use Determination**
Unit 15A	*Rural residents of Ninilchik, Nanwalek, Port Graham, and Seldovia.*
*Units 15B and 15C**	*Rural residents of Ninilchik, Nanwalek, Port Graham, ~~and~~ Seldovia**, Kachemak-Selo, Razdolna, and Voznesenka**.*

NOTE: The proposal book erroneously said that the proposal was for all of Unit 15, but the proponents only requested a customary and traditional use determination for Units 15B and 15C.

Extent of Federal Public Lands

Federal public lands comprise approximately 53% of the lands in Unit 15, consisting of 52% managed by the Kenai National Wildlife Refuge (NWR) and less than 1% Kenai Fjords National Park lands, which are not open to subsistence uses. Specifically, Unit 15A consists of approximately 67% Federal public lands, all of which of Kenai NWR; Unit 15B consists of approximately 88% FWS lands, and Unit 15C consists of 29% FWS lands, with less than 1% in Units 15B and 15C Kenai Fjords National Park lands (see **Unit 15** map).

Regulatory History

When the Federal Subsistence Management Program was established in 1990, the State's customary and traditional use determinations were adopted. For Unit 15, there was a customary and traditional use determination for moose for Port Graham and Nanwalek in the southwest portion of Unit 15C, but as this was an area where there are no Federal public lands, there was no subsistence hunting season in State or Federal regulations in any portion of Unit 15. Units 15A and 15B had "no subsistence" determinations. On April 12, 1994, the Board addressed customary and traditional use determinations for all large mammals on the Kenai Peninsula, but they deferred these proposals until a process and schedule for making customary and traditional use determinations statewide could be established (FSB 1994). In July 1995, the Board recognized a positive customary and traditional use determination for moose for Unit 15

for residents of Port Graham, Nanwalek, Seldovia, and Ninilchik. The Board again addressed proposals for customary and traditional use determinations for moose in Unit 15 at their May 3, 1996 meeting, but they maintained the existing determinations. The Board had adopted the Southcentral Subsistence Regional Advisory Council's (Council) recommendations, which did not recommend including any of the communities in the "Homer Rural Area" (which includes the communities in this proposal) with positive customary and traditional use determinations for any resources because there was not enough evidence of a long-term, consistent pattern of use (FSB 1996).

In May 2007, the Board addressed Proposal WP07-21, which requested that Kachemak-Selo, Razdolna, and Voznesenka be added to the customary and traditional use determination for moose in Units 15B and 15C. The Council recommended opposing the proposal because of the lack of evidence. The proponents had been invited to testify at the Council meeting via teleconference, but no one from the communities called in to participate. The Board deferred the proposal as a way to gather more information. A letter was written to the proponents inviting them to provide additional information either by mail, email, phone or in person or via teleconference at the Southcentral Council meeting March 12 through 14, 2008, but no one responded to the invitation.

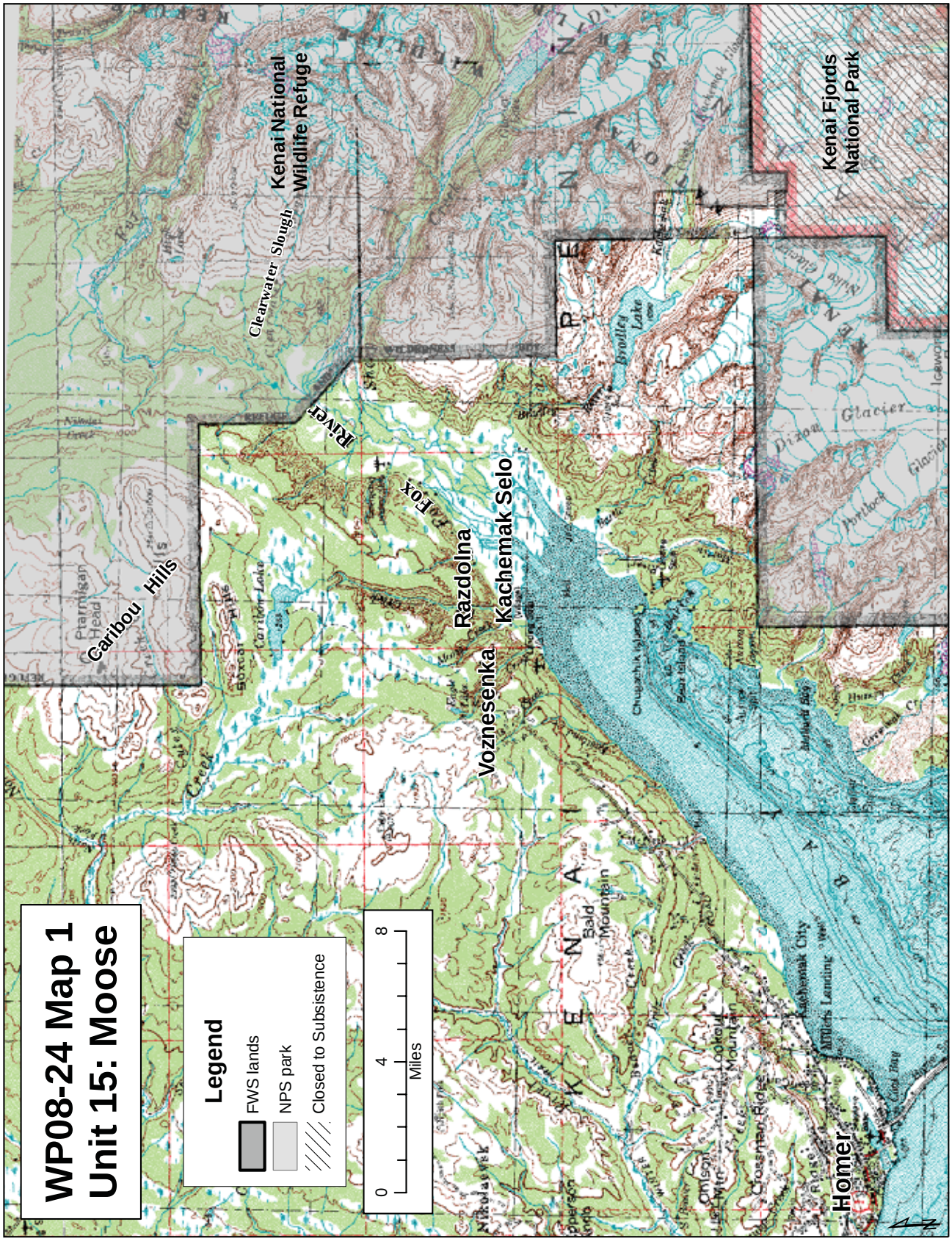
Community Characteristics

The three communities under consideration in this proposal are the rural communities of Kachemak-Selo, Razdolna, and Voznesenka. These three communities were founded by households from the community of Nikolaevsk, founded by five families in 1967 approximately 10 miles east of Anchor Point. These families, from the religious group known as the "Old Believers[1]," established Nikolaevsk as a refuge from a long history of religious persecution and migration.

In the 1980s, several families from Nikolaevsk formed separate Old Believer communities in the Homer area, including Razdolna, Voznesenka, and Kachemak-Selo at the head of Kachemak Bay (Fall et al. 2000:30; USFWS 1993, Section VI: 3 – 4) (see **Map 1**). Voznesenka was the first community to separate from Nikolaevsk (ADCA 2006). Voznesenka is 23 miles east of Homer. The village has a church and a school, started in 1986, with about 130 students. Razdolna is just two miles farther from Homer and overlooks the Fox River mud flats. Razdolna, too, has its own school which has about 32 children. Kachemak-Selo is located near the head of Kachemak Bay and has about 98 students in their school. Many of the families participate in commercial fishing both as fishermen and as boat builders (Homer News 2006; Fall et al. 2000). All of these communities are unincorporated. They select their own mayor for one year and internal governance occurs within their religious institutions. They have a council of elders, selected by adult men, which attends to all spiritual and secular matters. The communities try to be as self-sufficient as possible. Residents are avid gardeners, fishermen, and hunters (Fall et al. 2000). None of these three communities has their own post office; they all use the post office at the General Store in Fritz Creek.

The population size of each community is not available from the U.S. Census for Voznesenka, Razdolna, or Kachemak-Selo; these three communities are all within the Fox River census designated place (CDP). In 2000, the population of the Fox River CDP was 616. Of these, 429 of the 616 spoke a language other than English in their home (US Census 2000), thus, it might be assumed that the majority of the people living in the Fox River CDP are Old Believers that make up these three communities in this proposal.

1 The Old Believers were founded nearly 315 years ago, in a dispute between the Greek and Russian leaders of the Orthodox Church.


WP08-24 Map 1
Unit 15: Moose
Legend
FWS lands
NPS park
Closed to Subsistence
0
4
8
Miles
Kenai National Wildlife Refuge
Kenai Fjords National Park
Caribou Hills
Razdolna
Kachemak Selo
Voznesenka
Homer

Eight Factors for Determining Customary and Traditional Uses

A community or area's customary and traditional use is generally exemplified through the 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 Federal Subsistence 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)).

One household use study was conducted in Voznesenka in 1998 by the ADF&G, Division of Subsistence (Fall et al. 2000). No other information on the subsistence uses of Voznesenka, Razdolna, or Kachemak-Selo is available. It could be assumed that the uses by Razdolna and Kachemak-Selo residents would be similar to the uses of Voznesenka residents because of their proximity and close inter-relationships.

Voznesenka, Razdolna, and Kachemak-Selo were established in the 1980s. In the single year of harvest information, 1998, Voznesenka households harvested 14 moose, which accounted for a total of 7,440 pounds, 120 pounds per household and 22.7 pounds per capita. Moose made up 13.6% of the total subsistence harvest (ADF&G 2001; Fall et al. 2000:105). A search of the ADF&G harvest ticket database does not reveal harvests by the three communities, most likely because they do not have their own village addresses, but have Fritz Creek addresses. Thus it is impossible to determine if Voznesenka, Razdolna, and Kachemak-Selo moose harvests have occurred under State regulations, how many moose have been harvested, and where the harvests may have occurred.

In the 1998 ADF&G study, all of the Voznesenka moose harvest was in Unit 15C; none of the moose harvest was on Federal public lands (Fall et al. 2000:128). The proponents state in their proposal that they harvest moose in Unit 15C in Fox River Valley, Clearwater Slough, Caribou Hills, and Tustumena Lake. Most of Fox River valley is within State lands; Clearwater Slough, Caribou Hills, and Tustumena Lake are within the Kenai National Wildlife Refuge. This information is inconsistent with the information in the ADF&G study. The proponent was invited to participate by teleconference at the Southcentral Council meeting in March of 2007 to provide additional information, but he was unable to participate. Information from the Council at the Southcentral Council meeting indicated that no one was aware of residents of Razdolna, Kachemak-Selo, and Voznesenka hunting on the Refuge, but had seen these residents hunting in the Caribou Hills on State land. The only way to access Refuge land in the Caribou Hills area is by horse (SCRAC 2007).

Moose were harvested by 11% of the households; 33% of the households attempted harvesting moose; and 44% used moose; 17% of the households gave away moose meat and 33% received moose meat (ADF&G 2001).

Voznesenka had a dependency on a diversity of resources, harvesting an average of 8.6 different kinds of resources, similar to other road-connected communities on the Kenai Peninsula (9.4 different kinds in Fritz Creek; 9.1 in Nikolaevsk, and 8.5 in Ninilchik).

Effects of the Proposal

It is difficult to determine the effects of the proposal without additional information. Whether the proposal is adopted or rejected, based on the limited information available, it is not expected that there would be any effect on Voznesenka, Razdolna, and Kachemak-Selo's use of moose because the one year of data indicated that their moose harvests do not occur on Federal public lands.

OSM CONCLUSION

Oppose Proposal WP08-24.

Justification

There is no information available regarding the communities of Razdolna and Kachemak-Selo. The one year of data available for Voznesenka does not provide sufficient information on the uses of moose to apply the eight factors for making a customary and traditional use determination for Voznesenka, Razdolna, and Kachemak-Selo. The proponent was invited to testify via teleconference at the March 2007 Southcentral Council meeting, but no one testified. Information from the Council members at the Southcentral Council meeting indicated that no one was aware of residents of Razdolna, Kachemak-Selo, or Voznesenka hunting on the Refuge, but had seen these residents hunting in the Caribou Hills on State land and the only way to access Refuge land in the Caribou Hills area is by horse. A letter was written to the proponents inviting them to provide additional information either by mail, email, phone or in person or via teleconference at the Southcentral Council meeting March 12 through 14, 2008, but no one responded to the invitation.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-24

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Council to be consistent with ANILCA Section 805(c).

Comments WP08-24
April 2, 2008, Page 1 of 1

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP08-24: Establish a customary and traditional use determination for moose in Game Management Unit 15 for residents of Katchemak-Selo, Razdolna, and Voznesenka.

Introduction: In 1996, the Federal Subsistence Board declined to grant a positive customary and traditional use determination to these three communities for any wildlife resource because there was insufficient evidence demonstrating that these relatively new communities had a long-term, recurring, consistent pattern of use of wildlife in Unit 15. In supporting rejection of Wildlife Proposal WP07-21, the Southcentral Regional Council and federal staff at the May 2007 Council meeting cited a lack of evidence that these communities harvested moose from federal public lands in Unit 15 or that their use of moose constituted customary and traditional uses. The federal Interagency Staff Committee reached a similar conclusion, noting the absence of evidence "that these communities have had a long-term consistent, recurring pattern of use of moose on Federal public lands in Unit 15." The Federal Subsistence Board deferred this proposal to 2008 and directed federal staff to obtain additional information on the eight factors.

Impact on Subsistence Users: Documented moose harvest by residents of these three communities occurs on state lands under state regulations. If the Federal Subsistence Board finds that these three communities have customary and traditional use of moose in Unit 15, the Alaska Department of Fish and Game anticipates a substantial increase in the number of federal registration permits being issued for moose hunts in Unit 15. This additional hunting pressure and a probable increase in harvest of large bulls in the late fall federal hunts in Units 15B and 15C will create conservation concerns and have detrimental effects on subsistence uses. The Department's proposal regarding the late fall federal hunts in Units 15B and 15C (WP08-17) describes conservation concerns with these hunts, which will be compounded if three more communities become eligible to participate.

Conservation Issues: If this proposal is adopted, the number of federally-qualified subsistence users eligible for the late season moose hunt in Units 15B and 15C would increase markedly and exacerbate the Department's conservation concerns with that hunt. Even without additional hunting pressure due to increasing the number of federally-qualified users, the Department contends that disturbing and displacing large bulls during the post-rut period can have long-term negative effects on the sustainability of these populations.

Recommendation: None. The available evidence provided in Office of Subsistence Management's analysis for the three communities addressed in this proposal does not appear to support a positive customary and traditional use determination for moose in Unit 15. However, the available evidence is at least as strong as the evidence used by the Federal Subsistence Board to make positive determinations for Ninilchik for black and brown bear. Further, Office of Subsistence Management has not done surveys to determine household use of fish and wildlife or conducted other research as the Board directed when deferred this proposal. The Department consents to this proposal remaining on the consensus agenda as "oppose" due to lack of evidence to support a positive finding at this time, but the Department continues to object to the Federal Board's lack of clear, objective standards for making customary and traditional determinations.

WRITTEN PUBLIC COMMENTS

Oppose. I have been a resident of the Homer area all my life, which is approaching fifty seven years now and I strongly disagree with adding Kachemak Silo, Razdolna, and Voznesenka to the Customary and Traditional use areas. They should have no rights greater than the rest of the residents of the Homer Area. I have been hunting this area since before Statehood and have seen all of these named locations come and be built. I know many of the residents from these locations and they should not expect to receive hunting rights because they built their homes in locations near the Homer where the land was less expensive and more abundant. Their life style is not much different from many of the Homer area residents and they should not be given a special status. If you want to create a special class of citizen then lets open it up for all residents that were using the resources before Statehood, and we were still a territory. Just because more people moved next to us does not mean that our life style have changed. Many of the residents of the three named communities work in the City of Homer just like a lot of other citizens do that live outside of the City limits of Homer and are not part of the three name Villages. This is wrong and it needs to come to a stop. *Submitted by Bruce Turkington, Homer, Alaska*

Oppose. In regard to WP08-24, the Homer Board of Game Advisory Committee finds it impossible for recently built "villages" to have a genuine history of customary and traditional subsistence use. These "villages" are occupied by successful commercial fishermen with strong ties to Homer. *Submitted by the Homer Board of Game Advisory Committee.*

WP08-25 Executive Summary	
General Description	Proposal WP08-25 requests that the harvest limit for caribou on Unimak Island (Unit 10) be reduced from four to two caribou. *Submitted by the Kodiak/Aleutians Subsistence Regional Advisory Council*
Proposed Regulation	*Unit 10—Unimak Island only—~~4~~ **2** caribou by Federal registration permit only* *Aug. 1–Sept. 30* *Nov. 15–Mar. 31*
Kodiak/Aleutians Regional Council Recommendation	**Support**
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Support**
Written Public Comments	**None**

REGIONAL ADVISORY COUNCIL RECOMMENDATION

KODIAK/ALEUTIANS SUBSISTENCE REGIONAL COUNCIL

Support Proposal WP08-25. The Council supports the reduced harvest limit to help slow the population decline.

STAFF ANALYSIS
WP08-25

ISSUES

Proposal WP08-25, submitted by the Kodiak/Aleutians Subsistence Regional Advisory Council (Council) requests that the harvest limit for caribou on Unimak Island (Unit 10) be reduced from four to two caribou.

DISCUSSION

There has been an increase in requests for Federal registration permits for Unimak Island due to the closure of Federal and State seasons in regulatory year 2007/08 for caribou in Unit 9D. There are concerns that the existing four caribou harvest limit could have adverse impacts on the Unimak Caribou Herd (UCH). Surveys indicate a declining trend for the caribou population on Unimak Island with a low calf:cow ratio. A four caribou harvest limit may be too high, especially if mostly cows are harvested.

Existing Federal Regulation

Unit 10—Caribou

Unit 10—Unimak Island only—4 caribou by Federal registration permit only	*Aug. 1–Sept. 30* *Nov. 15–Mar. 31*

Proposed Federal Regulation

Unit 10–Caribou

*Unit 10—Unimak Island only—~~4~~ **2** caribou by Federal registration permit only*	*Aug. 1–Sept. 30* *Nov. 15–Mar. 31*

Existing State Regulation

Unit 10—Caribou

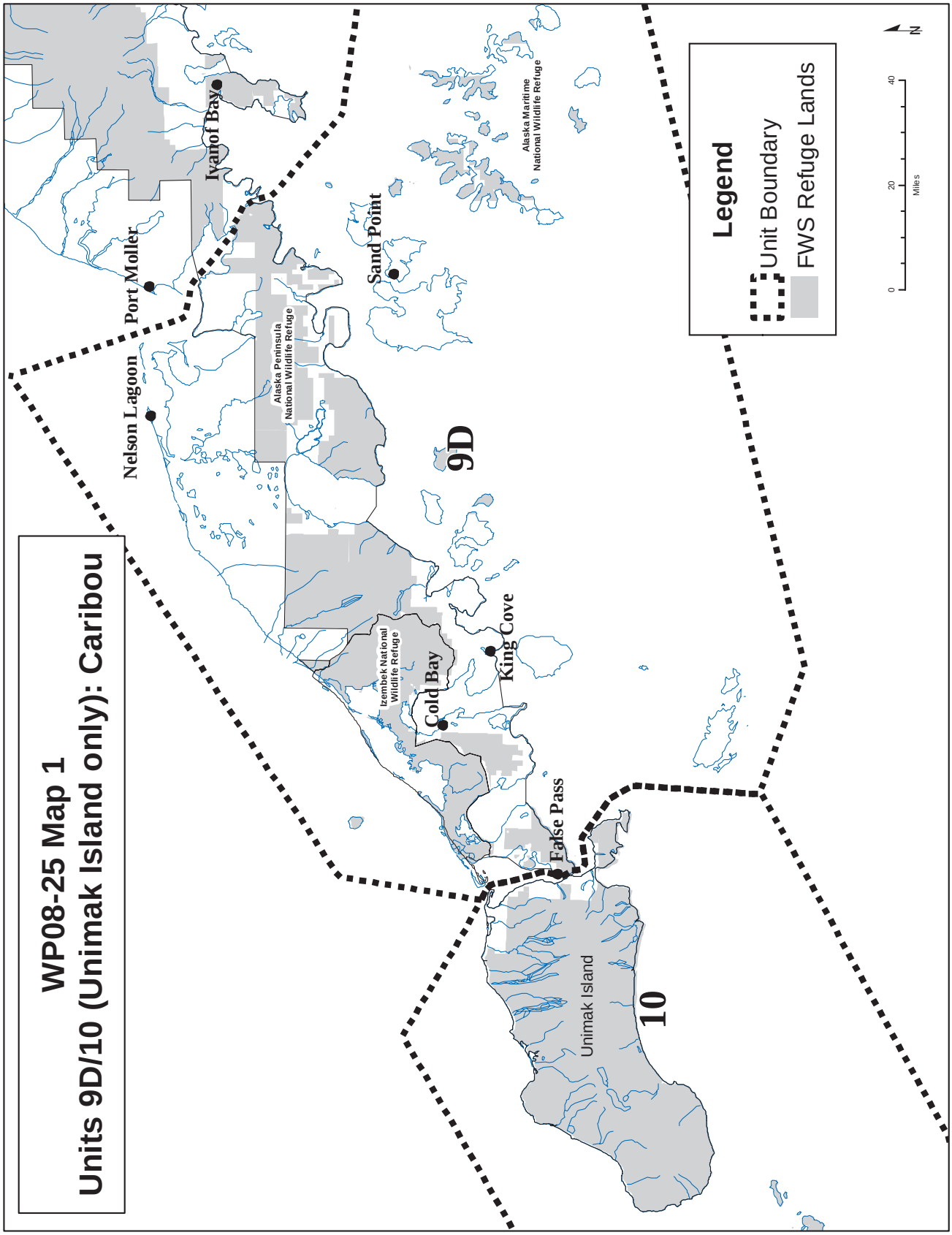
Residents Only: 1 caribou	*Aug. 10–Sept. 30*
Or 1 caribou	*Nov. 15–Mar. 31*
Nonresidents: 1 caribou	*Sept. 1–Sept. 30*

Extent of Federal Public Lands

Federal public lands comprise approximately 90% of Unit 10 (Unimak Island) and are managed by the Izembek National Wildlife Refuge (U.S. Fish and Wildlife Service) (**Map 1**).

Customary and Traditional Use Determinations

Residents of False Pass, King Cove, Akutan, and Sand Point have a positive customary and traditional use determination for caribou in Unit 10 (Unimak Island).


WP08-25 Map 1
Units 9D/10 (Unimak Island only): Caribou
Nelson Lagoon
Port Moller
Ivanof Bay
Sand Point
Alaska Peninsula National Wildlife Refuge
Alaska Maritime National Wildlife Refuge
9D
Izembek National Wildlife Refuge
Cold Bay
King Cove
False Pass
Unimak Island
10
Legend
Unit Boundary
FWS Refuge Lands
0
20
40
Miles
N

Regulatory History

Due to declining caribou numbers on Unimak Island, Federal public lands were closed to caribou harvest by non-Federally qualified subsistence users in 1991. The ADF&G closed State harvest by emergency order in 1993. Also in 1993, the Federal Subsistence Board (Board) closed Federal public lands in Unit 9D and Unit 10 (Unimak Island) to all caribou harvest by Special Action S93-01.

Caribou surveys conducted in 1997 indicated that there was a sufficient surplus of bulls to allow a subsistence harvest on Federal public lands in Unit 9D and Unit 10 (Unimak Island). The Board approved Special Action SA97-01 to resume caribou harvests in these units. Federal subsistence harvest seasons for the 1998/99 and 1999/00 seasons were authorized by Special Actions SA98-05 and SA99-04. In 2000, the Board adopted with modification Proposal WP00-29, submitted by the Council, which established a Federal season for Unit 9D and Unit 10 (Unimak Island). The State general season reopened in 2001 (Butler 2005*a*).

In 2002, the Board adopted Proposal WP02-21, submitted by the Council, which extended the fall season for Unit 9D and Unit 10 (Unimak Island) from September 25 to September 30.

Special Action WSA03-08, submitted by the Council and authorized by the Board on July 3, 2003, increased the caribou harvest limit from one to two for Unit 9D and from two to four for Unit 10 (Unimak Island) during the fall season of Aug. 1–Sept. 30, 2003.

Temporary Special Action (WSA03-10), also authorized by the Board, requested that the increased harvest limit for caribou in Unit 9D and Unit 10 (Unimak Island) be extended for the Nov. 15, 2003–Mar. 31, 2004 caribou season.

In 2004, Proposal WP04-40 was adopted into regulation to increase the harvest limit to two caribou in Unit 9D and to four caribou in Unit 10 (Unimak Island) for the dates designated in the 2003 Special Actions (FWS 2004). This change allowed Federally qualified subsistence users the opportunity to harvest additional caribou during both the fall and winter seasons.

Biological Background

The ADF&G now recognizes the Southern Alaska Peninsula Caribou Herd (SAPCH) on the Alaska Peninsula and the Unimak Caribou Herd (UCH) on Unimak Island as two separate caribou herds (Butler 2005*a*, 2005*b;* Sellers 2003*a*, 2003*b*). Because caribou moved between Unimak Island and the mainland, caribou on Unimak Island were originally considered a segment of the SAPCH, and were managed as one herd (ADF&G and FWS 1994). Recent evidence from genetic sampling shows that there is enough distinction between caribou on the island and mainland to designate these as two different herds (Butler 2005*a*).

No management objectives are in place for caribou on Unimak Island (Butler 2005*a*). Since the island is difficult to access, keeping hunter effort very low, and there is relatively limited habitat, the management intent is for a herd ranging from 1000 to 1500 animals (Butler 2005*a*).

The most recent herd composition surveys observed by state biologists were conducted on October 23, 2007 (Butler 2007) (**Table 1**). The bull:cow ratio of the UCH was 31 bulls:100 cows, but the ratio has declined since 2005. The herd appears to be experiencing low calf recruitment as the calf:cow ratio is 6 calves:100 cows, similar to the ratio observed in 2005.

Table 1. Unimak Caribou Herd Composition Surveys and Population Estimates, 2000-2007 (Butler 2007).

Regulatory Year	Bulls: 100 Cows	Calves: 100 Cows	% Calves	Cows (%)	Small Bulls (% Bulls)	Medium Bulls (% Bulls)	Large Bulls (% Bulls)	Sample Size	Population Counts
2000	40	21	13	62	34	32	33	406	983[a]
2002	54	31	17	54	50	22	29	392	1,262[b]
2004									1,006[b]
2005	45	7	5	66	24	37	39	730	1,009[b]
2006									806[b]
2007	31	6	4	73	28	34	38	433	

[a] Count by Rod Schuh, registered guide, in May
[b] Winter count by Izembek National Wildlife Refuge staff

The current population count conducted in April 2007 for the UCH is 806 caribou, a decline since the 2005 population count of 1009 (Sowl 2007). In a 1997 winter count, the FWS counted 603 caribou on Unimak Island, which was the only comprehensive survey of Unimak Island in over two decades (Sellers 2003*b*).

Harvest History

Beginning in 1986 restrictive regulations reduced harvests as the herd continued to decline. By 1993, hunting was closed when caribou inhabiting both Unit 9D and Unimak Island were below 2,500; the threshold level when harvest should cease according to the management plan in place at the time.

Federal registration permits for the Unimak Island seasons are issued by the Izembek National Wildlife Refuge (Refuge) office. During 2003–2006, there were no permits requested from the Refuge, and therefore no Federal harvest reports (FWS 2007). In 2007, the Refuge issued 12 permits. Three individuals applied for four permits each. Two persons were King Cove residents and one was a resident of False Pass on Unimak Island (Siekaniec 2007, pers. comm.).

Total annual reported harvest for those hunting under State regulations is typically 12–14 bulls. Nonresident hunters have accounted for 73% of the reported harvest (Butler 2005*a*). Federal and State biologists recognize that participation in caribou harvest by local residents in both Federal and State seasons is undoubtedly underreported because of noncompliance with state harvest tickets and use of Federal registration permits (Butler 2005*a*).

Effects of the Proposal

If adopted, the harvest limit for the UCH would be reduced from four to two caribou. A reduced harvest limit will lessen the hunting pressure on this caribou herd and help slow the population decline, particularly if there is an increase in the numbers of hunters on Unimak Island. Federally qualified subsistence users would still have the opportunity to harvest caribou on Unimak Island, but their harvest limit would be reduced.

OSM CONCLUSION

Support WP08-25.

Justification

Population trend data and composition surveys indicate that the UCH is declining. Also, the UCH appears to be experiencing chronically low calf recruitment. Federal and State seasons for caribou in nearby Unit 9D have been closed beginning in regulatory year 2007/08. As a result, there has been an increase in requests for Federal registration permits for Unimak Island. Given the UCH population status, a harvest limit of four caribou could potentially be a conservation concern, especially if mostly cows were harvested. If there is an increase in the numbers of hunters on Unimak Island, a reduced harvest limit will lessen the hunting pressure on this caribou herd and help slow the population decline.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-25

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Council to be consistent with ANILCA Section 805(c).

Comments WP08-25
April 1, 2008, Page 1 of 1

Alaska Department of Fish and Game
Comments to the Federal Subsistence Office

Wildlife Proposal WP08-25: Reduce the harvest limit for caribou in Game Management Unit 10 (Unimak Island).

Introduction: This proposal would reduce the harvest limit for caribou on Unimak Island in Unit 10 from 4 to 2 caribou in order to reduce hunting pressure and slow population decline.

Impact on Subsistence Users: Reducing harvests is necessary for conserving this caribou herd and avoiding implementation of more restrictive management measures in the future. No information is presented in the proposal or in the Office of Subsistence Management Subsistence Permit System Database to indicate that the proposed harvest limit reduction will negatively impact subsistence users.

Opportunity Provided by State: State regulations authorize residents to harvest one caribou in Unit 10 (Unimak Island) during August 10 – September 30 or November 15 – March 31 seasons. Nonresident harvest is limited to September 1-30.

Conservation Issues: Population surveys indicate that the Unimak Caribou Herd is declining. Reducing the harvest limit is prudent, given the rapid decline occurring in caribou herds in adjoining areas. The current population size and bull:cow ratios are within management objectives.

Recommendation: Adopt. Reducing the harvest limit as proposed is a conservation measure. Continuing to allow a federal harvest limit of 4 caribou on Unimak Island in Game Management Unit 10 violates recognized principles of wildlife conservation and will be detrimental to the satisfaction of subsistence needs.

WP08-26 Executive Summary	
General Description	Proposal WP08-26 requests that the Federal season for caribou in Unit 9D be closed due to the decreased population and low productivity of the local caribou herd. *Submitted by the Izembek National Wildlife Refuge Manager*
Proposed Regulation	**Unit 9D—Caribou** ~~*2 bulls by Federal registration permit*~~ ~~*Aug. 1–Sept. 30*~~ ~~*Nov. 15–Mar. 3*~~ ***Federal public lands are closed to the taking of caribou***. ***No Federal Open Season***
Kodiak/Aleutians Regional Council Recommendation	**Support**
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Support**
Written Public Comments	**None**

REGIONAL ADVISORY COUNCIL RECOMMENDATION

KODIAK/ALEUTIANS SUBSISTENCE REGIONAL COUNCIL

Support Proposal WP08-26. The Council supported the closure to aid in the recovery of the Unit 9D caribou population.

STAFF ANALYSIS
WP08-26

ISSUES

Proposal WP08-26, submitted by the Izembek National Wildlife Refuge Manager, requests that the Federal season for caribou in Unit 9D be closed due to the decreased population and low productivity of the local caribou herd.

DISCUSSION

Current surveys of the Southern Alaska Peninsula Caribou Herd (SAPCH) in Unit 9D have shown a marked decrease in the population, calf recruitment, and survival. The intent of the proposed closure is to reduce the removal of additional caribou from the rapidly decreasing population and to reduce stress caused by hunting activities. The closure is requested due to conservation concerns and to provide for future long term subsistence use of this resource.

This proposal requests that the actions taken in Special Actions WSA07-03 and WSA07-04 be adopted into Federal regulation. On July 30, 2007, the Office of Subsistence Management, via delegated authority, approved Special Action WSA07-03 to close the fall season from Aug. 1–Sept. 30 to the taking of caribou in Unit 9D. On November 14, 2007, the Federal Subsistence Board approved Special Action WSA07-04 to close the winter season from Nov. 15–Mar. 31.

Existing Federal Regulation

Unit 9D—Caribou

2 bulls by Federal registration permit	*Aug. 1–Sept. 30* *Nov. 15–Mar. 31*

Proposed Federal Regulation

Unit 9D—Caribou

~~*2 bulls by Federal registration permit*~~	~~*Aug. 1–Sept. 30*~~ ~~*Nov. 15–Mar. 3*~~
Federal public lands are closed to the taking of caribou.	***No Federal Open Season***

Existing State Regulation

Unit 9D—Caribou

~~*1 bull by registration permit, residents only.*~~ *(Closed by Emergency Order No. 02-02-07, July 17, 2007)*	~~*Aug. 10–Sept. 30*~~ ~~*Nov. 15–Mar. 31*~~

Extent of Federal Public Lands

Federal public lands comprise approximately 40% of Unit 9D, all of which are part of Izembek or Alaska Peninsula National Wildlife Refuges (**Map 1**).

Customary and Traditional Use Determinations

All residents of Unit 9D, False Pass, and Akutan have a positive customary and traditional use determination for caribou in Unit 9D.

Regulatory History

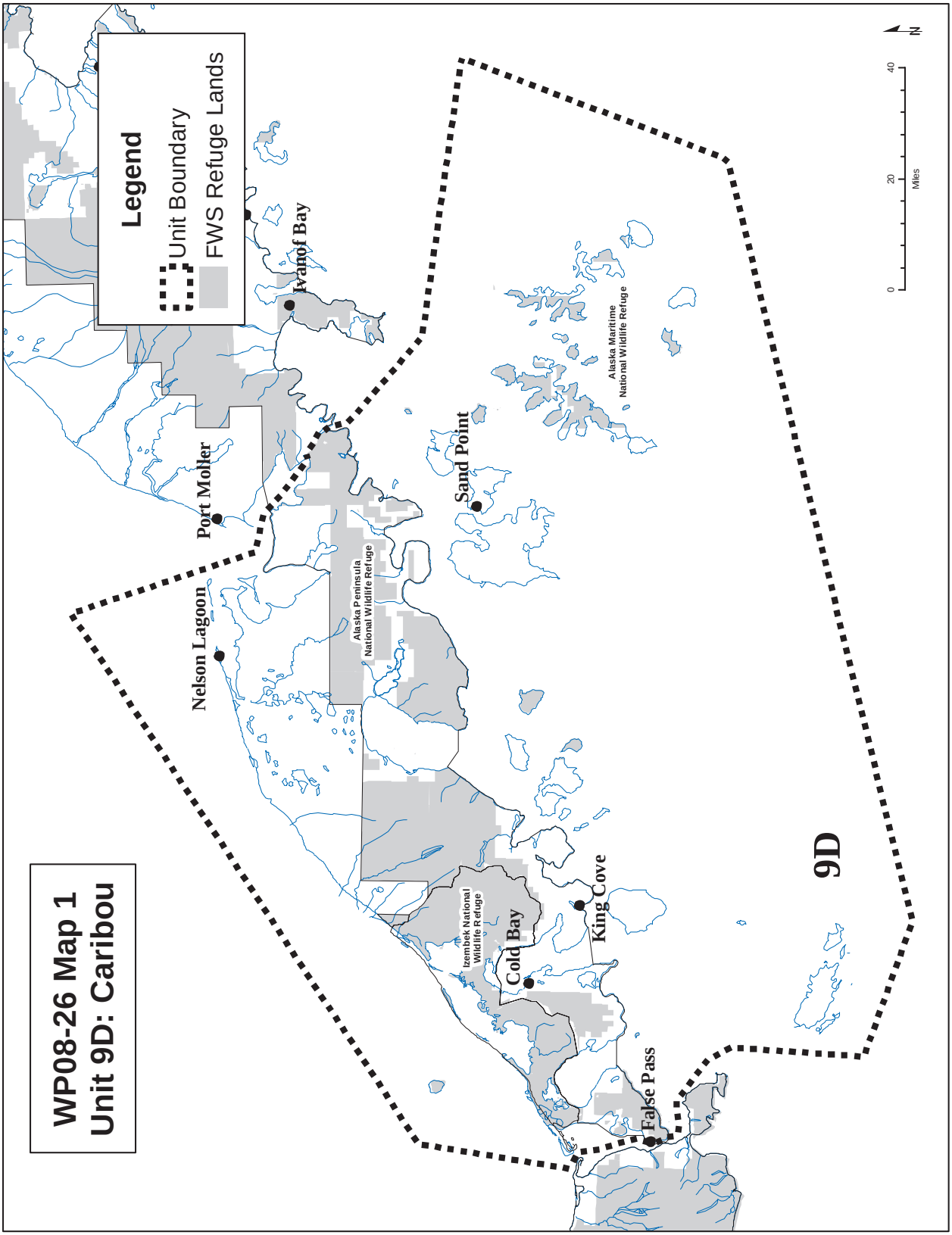
The SAPCH population began its decline during the early 1980s. In 1990, as the population decline continued, State and Federal resource managers agreed that all caribou harvest should cease when the population fell below 2,500 animals. The threshold level of 2,500 animals included caribou inhabiting both Unit 9D and Unit 10 (Unimak Island). ADF&G now recognizes the SAPCH on the Alaska Peninsula and the Unimak Caribou Herd (UCH) on Unimak Island as two separate herds (Butler 2005*a*, 2005*b*; Sellers 2003*a*, 2003*b*).

To stem the population decline in Unit 9D, Federal public lands were closed to caribou hunting by non-Federally qualified subsistence users in 1991. The Alaska Board of Game closed the State hunt by emergency order in 1993. The Federal Subsistence Board closed Federal public lands in Unit 9D and Unit 10 (Unimak Island) to all caribou hunting in 1993 by Special Action S93-01, and subsequently adopted Proposal 28 in 1994 into published regulations authorizing no Federal open season.

In 1996, Proposal 28 considered opening a Unit 9D caribou season for King Cove residents only, but the Federal Subsistence Board deferred it until the next year. Special Action SA96-03, submitted by the Aleutians East Borough, requested opening a caribou season in Units 9D and 10. In their request, local residents noted the disruption of traditional hunting patterns by closures since 1993, and requested limited harvest opportunities. Ultimately, the Federal Subsistence Board rejected the request on September 27, 1996, due to concerns that any harvest of the herd at that time would exacerbate the conditions of low population levels, productivity, and recruitment of the SAPCH, and would not be consistent with sound management principles, nor with the recovery of the herd to a healthy condition.

Based on caribou surveys conducted in 1997, it was determined that there were enough bulls in the herd to allow a subsistence harvest to resume on Federal public lands in Unit 9D and Unit 10 (Unimak Island). The harvest was opened through Special Action SA97-01. This decision provided an Aug. 10–Mar. 31 hunt for Unit 10 (Unimak Island) and a Nov. 10 – Mar. 31 hunt for Unit 9D. Approval of Special Action SA97-13 extended the 1997 season through April 30 in Unit 9D. Special Action SA98-05 authorized a Federal subsistence hunt in Unit 9D and Unit 10 from Aug. 1–Mar. 31 during the 1998/99 regulatory year.

The Alaska Board of Game reopened the Unit 9D State season in 1999; it allowed hunting by Alaska residents and nonresidents. Area residents were concerned about the influx of nonlocal hunters in the vicinity of the Cold Bay area road system, especially during the waterfowl season. Noting these concerns, Special Action SA99-02, submitted by the False Pass Tribal Council, requested that Federal public lands be closed in Unit 9D and Unit 10 to the taking of caribou by non-Federally qualified subsistence users. The Federal Subsistence Board rejected this request, pointing out that this was a user conflict issue, and not a conservation issue, since the biological data indicated the caribou herd could support the harvest at that time.


WP08-26 Map 1
Unit 9D: Caribou
Legend
Unit Boundary
FWS Refuge Lands
Ivanof Bay
Port Moller
Nelson Lagoon
Alaska Peninsula National Wildlife Refuge
Sand Point
Alaska Maritime National Wildlife Refuge
Izembek National Wildlife Refuge
Cold Bay
King Cove
False Pass
9D
0
20
40
Miles
N

In 2000, Proposal WP00-29, submitted by the Kodiak/Aleutians Subsistence Regional Advisory Council (Council), reestablished the Unit 9D and Unit 10 (Unimak Island) hunt in the annual regulations. That proposal was modified and adopted by the Federal Subsistence Board to provide a split season (Aug. 1 – Sept. 25 and Nov. 15 – Mar. 31). From regulatory year 2000/01 to the present, Federal public lands in Unit 9D have been open to Federally and non-Federally qualified subsistence users for caribou hunting.

In 2002, Proposal WP02-21, submitted by the Council and adopted by the Federal Subsistence Board, extended the fall season by five days for Unit 9D and Unit 10 (Unimak Island) from September 25 to September 30.

Special Action WSA03-08, submitted by the Council and approved by the Office of Subsistence Management via delegated authority, increased the harvest limit from one to two caribou for Unit 9D during the fall season of Aug. 1–Sept. 30, 2003. Special Action WSA03-10, approved by the Federal Subsistence Board, requested that the increased harvest limit of two caribou in Unit 9D also be allowed during the Nov. 15, 2003–Mar. 31, 2004 season. The justification noted the increased caribou population allowed for these increased harvest limits for subsistence users.

In 2004, Proposal WP04-40 was adopted into regulation, increasing the harvest limit to two caribou in Unit 9D for the dates designated in the 2003 Special Actions (FWS 2004). This change allowed Federally qualified subsistence users the opportunity to harvest two caribou throughout the fall and winter seasons.

In 2006, Proposal WP06-20 adopted into regulation a two bull harvest limit (instead of two caribou) under Federal subsistence management regulations (FWS 2006). The change allowed the continued harvest of the SAPCH and eliminated the cow hunt, at a time when the population was continuing to decline, yet the bull:cow ratio was still within State management objectives.

Prior to July 1, 2007, the State regulation for caribou in Unit 9D specified one bull during the Aug. 10–Sept. 30 season, or one antlerless caribou from Nov. 15–Mar. 31. Because male caribou are the first to shed their antlers, the late season was aimed at taking males that had dropped their antlers. It was an option for residents who were unable to harvest a caribou during the first hunting period. Nonresidents could harvest one bull from Sept. 1– Oct. 10.

At the September 2005 meeting of the Kodiak/Aleutians Subsistence Regional Advisory Council, members expressed concerns about the SAPCH population decline and harvests by nonresident hunters (KARAC 2005). Council members requested the State to initiate restrictions for nonresident seasons as they felt the subsistence hunts were in jeopardy. In addition, Council members wanted guides to be limited to a certain number of hunters. Discussions focused on the preference of nonlocal hunters for bulls, whereas subsistence users stated a preference for cows and young bulls.

Recognizing the continued decline of the SAPCH, the Alaska Board of Game restricted the harvest to bulls only and closed the nonresident season during their March 2007 meeting (ADF&G 2007*a*). The Board of Game also converted the general season resident hunt to a registration hunt, with a one bull harvest limit. This State regulation for Unit 9D caribou became effective July 1, 2007. Based on July 2007 caribou counts as well as past population declines, poor recruitment, and low bull:cow ratios, ADF&G issued Emergency Order No. 02-02-07 on July 17, 2007 to close resident hunting in Unit 9D for caribou (Butler 2007*a*). No State registration permits were issued for the 2007/08 regulatory year.

On July 30, 2007, the Office of Subsistence Management, via delegated authority, approved Special Action request WSA07-03 to close the fall season from Aug. 1–Sept. 30 to the taking of caribou in Unit 9D. The intent of this Special Action request was to eliminate additional mortality of this caribou herd

caused by human harvest. On November 14, 2007, the Federal Subsistence Board approved Special Action WSA07-04 to close the winter season from Nov. 15–Mar. 31. Both Federal and State regulatory managers concur that the SAPCH population decline poses a potentially significant conservation concern that warranted these actions.

Biological Background

The SAPCH population in Unit 9D began to decline during the early 1980s, declining from approximately 10,000 animals in 1983 to around 4,000 animals in 1989. The population continued to fall until it reached an estimated 1,400 animals in 1996. Poor nutrition appeared to be the primary factor causing the decline (Sellers 2003*a*), although human harvest, and predation by wolves and brown bears, also factor into the decline. As noted by one researcher: "The range of the SAPCH probably has never been exceptionally good, and the period of record high numbers of caribou during the late 1970s and early 1980s undoubtedly depleted the preferred forage species" (Butler 2005*b*: 52). Another researcher speculated that the Alaska Peninsula was marginal habitat for sustaining large caribou populations because of severe icing conditions and ash from frequent volcanic activity which has a negative effect on food supply and availability (Butler 2005*b*).

The population in Unit 9D rebounded by 2002, to approximately 4,100 caribou. However, the herd declined again in 2004 with the population declining to approximately 1,900 caribou (**Table 1**). In February 2005, an aerial survey of the SAPCH resulted in a count of 1,840 caribou, reflecting similar results to the previous year (Siekaniec 2005, pers. comm.). A January 2006 aerial survey resulted in a count of 1,651 caribou (Sowl 2007).

Caribou herd composition surveys were conducted on October 26, 2005 by State and Refuge biologists (**Table 1**). The 2005 bull:cow ratio observed (30 bulls:100 cows) was within the State management objective of 20 to 40 bulls:100 cows, but was lower than the bull:cow ratio observed in the previous two years (Butler 2005*a*). During the fall of 2005, the calf:cow ratio (6 calves:100 cows) was the lowest it had been over the previous four years. Calf recruitment was not sufficient to offset adult mortality. Under normal circumstances in a caribou population, approximately 25 calves per 100 cows are necessary to offset adult mortality.

Surveys conducted by State and Refuge biologists in recent years showed a marked decrease in both total population numbers and calf recruitment (**Table 1**). Refuge biologists observed 770 caribou in Unit 9D in November 2006 (Sowl 2006, pers. comm.). Specific reasons for the decline are not known; but poor calf survival is the likely cause of the decline (ADF&G and FWS 2008). No recent work has been done to assess the habitat, however, Butler (2007*c*, pers. comm.) reported that habitat issues are not considered a factor in the SAPCH population decline, but it is regarded as a factor for the Northern Alaska Peninsula Caribou Herd decline. These views regarding the influence of habitat on the recovery of the population appear to be inconsistent, further illustrating the need for additional studies to identify specific reasons for the decline.

Composition counts completed by ADF&G in October 2006 (Butler 2006) showed a calf:cow ratio of 1 calf:100 cows, which is the lowest recorded to date. This series of low calf:cow ratios observed over the last five years indicates that the population decline is still occurring, resulting in an age structure that is skewed towards older age classes. In addition, the bull:cow ratio in the fall 2006 counts dropped to 16 bulls:100 cows; 47% lower than the ratio observed in 2005 (**Table 1**).

During July 2007, a post-calving count of the SAPCH was conducted by ADF&G (Butler 2007*a)*. The post-calving population count resulted in a minimum population estimate of 600 caribou. Only four

Table 1. Unit 9D Southern Alaska Peninsula Caribou Herd (SAPCH) Composition Counts and Population Estimates, 1986-2007 (Butler 2007*d*).

Regulatory Year	Bulls:100 Cows	% Calves		Calves: 100 Cows	Cows (%)	Small Bulls (% Bulls)	Medium Bulls (% Bulls)	Large Bulls (% Bulls)	Sample Size	Postcalving Survey Results	Inwr[a] Counts
		Summer	Fall								
1986	32	17	13	20	66	59	28	13	2,307		4,543
1987	36	12	16	26	62	54	25	21	1,769	4,067	6,401
1988	41	16	12	19	59	61	37	4	886	3,407	
1990	19	14	9	12	76				1,051	3,375	
1991	28	18	13	19	68	53	33	14	883	2,287	2,830
1992	22	15	15	22	70	46	32	21	746	2,380	
1993	30	16	16	24	65	59	24	17	745	1,495	1,929
1994	29	21	18	28	64	46	27	27	531	2,137	1,806
1996		10									1,403
1997	42	15	12	19	62	36	36	27	546	1,844	3,243
1998	32		21	35	60	42	23	36	987		3,127
1999	51	26	15	25	57	48	30	22	1,049	3,612	
2000	42	24	21	37	56	50	24	26	982		
2001	57		19	38	51	57	26	17	1,313		
2002	38		10	16	65	44	34	23	932		4,100
2003	40		5	8	68	40	26	33	1,257		
2004	36		5	7	70	24	38	38	966		1,872
2005	30		5	6	73	27	46	28	1,040		1,651
2006	16		1	1	86	26	24	50	713		770
2007	15	1	1	1	87	20	47	33	431	600	

[a] Counts by Izembek National Wildlife Refuge staff

calves were observed during the population survey (0.8% calves). Calf survival to four weeks of age was estimated to be <1%. These observations indicate that early calf survival is limiting recruitment.

Again, in October 2007, ADF&G conducted a composition count of the SAPCH (Butler 2007*d*). The calf: cow ratio of 0.5 calf:100 cows is the lowest recorded to date. Based on 2006 and 2007 counts, there were no calves recruited into the population to offset adult mortality during those years. The 15 bulls:100 cows observed in 2007 continues to confirm a decreasing sex ratio that stays below management objectives. Current population demographics are not sufficient to maintain the health and productivity of the caribou herd.

Management Direction

A new cooperative management plan, the Southern Alaska Peninsula Caribou Herd Operational Plan, for the SAPCH is now effective (ADF&G and FWS 2008). The previous plan, adopted in April 1994, needed revision to reflect the separation of the SAPCH and the Unimak Caribou Herd (ADF&G and FWS 1994). The current plan identifies threshold levels for carrying out management objectives, and assists local wildlife managers in making timely recommendations for seasons and harvest limits.

The following are the primary population and management objectives outlined in the 2008 Southern Alaska Peninsula Caribou Herd Operational Plan:

- Sustain a total population with a minimum of 3,000 caribou and a maximum of 4,000.
- Maintain a minimum fall bull:cow ratio of 35:100.
- Hunting restrictions will be implemented during periods of population decline based on established thresholds.

The management plan stipulates that no harvest will occur when the population has been in a period of decline for three years. This is the current situation.

Harvest History

Harvest of the SAPCH was fairly high from 1980–1986. For example, in 1983, the reported harvest in Unit 9D was 262 caribou (ADF&G 2007*b*). Beginning in 1986, restrictive regulations reduced harvests as the population declined. By 1993, the SAPCH and UCH dropped below 2,500 and hunting was closed.

Based on surveys conducted in 1997, a surplus of bulls allowed a subsistence caribou harvest on Federal public lands in Unit 9D by special action.

Harvest regulations were reestablished for Unit 9D in 2000. **Table 2** lists the total reported caribou harvest (1999–2006) for Federal Subsistence and State hunters in Unit 9D.

Historically, caribou are the most important land mammal used for subsistence in the lower Alaska Peninsula communities. Most of the reported subsistence harvest in Unit 9D occurs along the Cold Bay road system during November and December when the herd is in the vicinity of Cold Bay.

Current Events Involving Species

The ADF&G received $25,000, through a 2006 ANILCA 809 Agreement, to put radio collars on adult female caribou during the fall of 2006 (Butler 2007*b*). The telemetry study is designed to provide data on reproduction and survival. Blood and fecal samples were collected to monitor the presence of diseases

Table 2. Unit 9D Reported Caribou Harvest 1999-2006, Southern Alaska Peninsula Caribou Herd (ADF&G 2007b, FWS 2007).

	Federal Registration Permits			State Harvest Tickets			
Year	**Permits Issued**	**Bulls Harvested**	**Cows Harvested**	**Harvest Reports**	**Bulls Harvested**	**Cows Harvested**	**Total Reported Harvest**
1999	0	0	0	70	46	7, 1 unk	**54**
2000	21	14	0	67	49	2, 2 unk	**67**
2001	11	7	0	69	45	4	**56**
2002	14	10	1	85	52	5, 2 unk	**70**
2003	28	5	1	64	43	1, 1 unk	**51**
2004	30	5	2	92	63	6, 1 unk	**77**
2005	101	23	1	63	36	2	**62**
2006	113	29	0	65	27	2	**58**

and parasites. Monitoring efforts will contribute to understanding the herd's population dynamics and provide biologists with information needed to manage the SAPCH. An additional $17,000 was provided to continue the research during 2007.

Effects of the Proposal

If adopted, the Federal caribou hunting season within Unit 9D would be closed during the fall and winter seasons from Aug. 1–Sept. 30 and from Nov. 15–Mar. 31. Closure of the Unit 9D caribou seasons would reduce overall total harvest mortality providing the herd one less source of mortality. The low number of aging bulls in the population means that taking even a limited number of animals could have detrimental effects on the population.

Closure of the Unit 9D caribou season would eliminate the Federal subsistence harvest. There will be a loss of opportunity for Federally qualified subsistence users to harvest caribou, which will cause hardship for local communities. However, by conserving the SAPCH now, the herd's long-term viability and productivity should be maintained, as well as harvest opportunities in the future.

OSM CONCLUSION

Support Proposal WP08-26.

Justification

Population trend and composition counts for the SAPCH indicate that this caribou herd has been in a period of decline for the past several years. Based on a carefully monitored population, using radio telemetry data, the changing age structure of the SAPCH population supports the conclusion that herd productivity is continuing to decline. The July 2007 recruitment survey, which indicated that no calves are expected to survive, is cause for heightened concern. In addition, because the number of bulls in the population is decreasing, closure of the bull harvest is also a wise management strategy to aid the recovery of this caribou population.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-26

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Council to be consistent with ANILCA Section 805(c).

Comments WP08-26
April 1, 2008, Page 1 of 1

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP08-26: Close the caribou season in Game Management Unit 9D.

Introduction: In October 2007, the Federal Subsistence Board approved Special Action request WSA07-04, submitted by Izembek National Wildlife Refuge to close the federal caribou season in Unit 9D from November 15 to March 31. The August 1 – September 30 fall season had been closed earlier through WSA07-03. This proposal requests that the caribou hunting season be closed in Unit 9D to match action taken by the Alaska Department of Fish and Game to close the state season until the caribou population recovers sufficiently to allow resumption of harvest. As is noted in the proposal, the recently revised management plan for the Southern Alaska Peninsula Caribou Herd states that the management goal is to maintain a population of 3,000 – 5,000 caribou with a fall bull:cow ratio of 20-40 bulls per 100 cows. The management plan directs that harvest will not be authorized when the population falls below 875 caribou and has been in decline for 3 years. July 2007 surveys counted only 600 – 770 caribou, down from a population of 4,200 counted in 2002. The current ratio of 16 bulls per 100 cows is below management objectives and is not expected to improve in the near future because almost no calves were observed in the most recent surveys and no calf recruitment is projected for 2007.

Impact on Subsistence Users: Eliminating hunting opportunity will impact subsistence users who hunt caribou in Unit 9D in the near term. However, allowing any harvest of caribou from this population would only exacerbate the population decline and would be detrimental to its reproductive potential and to the long term interests of subsistence users.

Opportunity Provided by State: In July 2007, the Alaska Department of Fish and Game closed the state's caribou season in Unit 9D by emergency order, due to a precipitous population decline attributable to poor calf recruitment for the previous 5 years.

Conservation Issues: Allowing no harvest of caribou in Unit 9D is necessary for conservation purposes.

Recommendation: Adopt. The proposed season closure is a necessary management action. Retaining an open season for caribou in Game Management Unit 9D violates recognized principles of wildlife conservation and would be detrimental to the satisfaction of subsistence needs.

WP08-27b Executive Summary	
General Description	Proposal WP08-27b requests that Federally qualified subsistence users have a brown bear season in Unit 9C from Oct. 1–May 31 with a limit of ten bears. The proposal also requests a positive customary and traditional use determination for residents of Igiugig, Kakhonak, and Levelock for brown bear in Unit 9C, which has been addressed in the analysis for Proposal WP08-27a. *Submitted by the Bristol Bay Subsistence Regional Advisory Council*
Proposed Regulation	**Unit 9C—Brown Bear** ***Oct. 1–May 31*** ***1 bear by Federal registration permit only.*** ***The season will be closed by the Katmai National Park and Preserve Superintendent when 10 bears have been harvested.***
Bristol Bay Regional Council Recommendation	**Support** WP08-27b **with modification** to specify a harvest quota and modify the Federal registration permit conditions.
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Support** WP08-27b **with modification** [if 27a is adopted]. *See WP08-27a for ADF&G comments.*
Written Public Comments	*See WP08-27a for written public comments.*

REGIONAL COUNCIL RECOMMENDATION

BRISTOL BAY SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-27b **with modification** to specify a harvest quota and modify the Federal registration permit conditions.

The modified regulation should read:

Unit 9C—Brown Bear

1 bear by Federal registration permit only.	~~*No Federal open season.*~~ ***Oct. 1–May 31*** ***The season will be closed by the Katmai National Park and Preserve Superintendent in consultation with BLM and FWS land managers and ADF&G, when six females or ten bear have been taken, whichever occurs first.***

Justification

Federal public lands in Unit 9C have a sufficient density of brown bears to open a Federal season for subsistence users. A maximum allowable harvest of ten bears per season with the condition that the season can be closed by the Katmai National Park and Preserve Superintendent, in consultation with BLM and FWS land managers and ADF&G, will ensure harvest is limited to sustainable levels.

The modified regulation would be similar to the regulatory language for the brown bear season in Unit 9B for Lake Clark National Park and Preserve. In Unit 9C, the permit would stipulate that the season will be closed when six females or ten bear have been taken, whichever occurs first. This condition in the modification will further protect the productivity of the bear population that occupies both subunits.

STAFF ANALYSIS
WP08-27b

ISSUES

Proposal WP08-27b, submitted by the Bristol Bay Subsistence Regional Advisory Council (Council), requests that a brown bear season be established in Unit 9C from Oct. 1–May 31 with a limit of ten bears. The proposal also requests a positive customary and traditional use determination for residents of Igiugig, Kakhonak, and Levelock for brown bear in Unit 9C, which has been addressed in the analysis for Proposal WP08-27a.

DISCUSSION

The proponent requests that Federally qualified subsistence users have an opportunity to hunt brown bear under Federal subsistence regulations in Unit 9C. The focus of the Council's discussion frequently referenced Katmai National Preserve (Preserve), however the Chair of the Council clarified when the initial motion was made and prior to the vote on the motion, that the proposal for the subsistence brown bear hunt was for all of Unit 9C, and not exclusively for the Preserve (BBSRAC 2007: 212 and 223).

Currently, there is no Federal open season in Unit 9C, and it has been closed since the inception of the Federal Subsistence Management Program. There are two State seasons in Unit 9C for hunting brown bears by both residents and nonresidents.

Existing Federal Regulation

Unit 9C—Brown Bear

No Federal open season

Proposed Federal Regulation

Unit 9C—Brown Bear

1 bear by Federal registration permit only.	***Oct. 1–May 31 The season will be closed by the Katmai National Park and Preserve Superintendent when 10 bears have been harvested.***

Existing State Regulation

Unit 9C—Brown Bear

Residents and Nonresidents

9C—Naknek River drainage

One bear every four regulatory years by permit available in person in King Salmon beginning Aug. 27	*Sept. 1–Oct. 31*
OR, One bear every four regulatory years by permit beginning Apr. 25	*May 1–June 30*
9C—remainder	
One bear every four regulatory years	*Oct. 1–Oct. 21*
OR, One bear every four regulatory years	*May 10–May 25*

Extent of Federal Public Lands

Federal public lands comprise approximately 84% of Unit 9C and consist of Katmai National Park (70%), Katmai National Preserve (8%), Becharof National Wildlife Refuge (3%), Bureau of Land Management (3%), and Alagnak Wild and Scenic River. Subsistence hunting is not authorized in Katmai National Park (**Map 1**).

Customary and Traditional Use Determinations

Residents of Unit 9C have a positive customary and traditional use determination for brown bear in Unit 9C. However, if adopted, proposal WP08-27a would expand the customary and traditional use determination for brown bear in Unit 9C to include Unit 9B residents in Igiugig, Kakhonak, and Levelock.

Regulatory History

There has been no Federal open season for brown bears in Unit 9C since the inception of the Federal Subsistence Management Program in 1990.

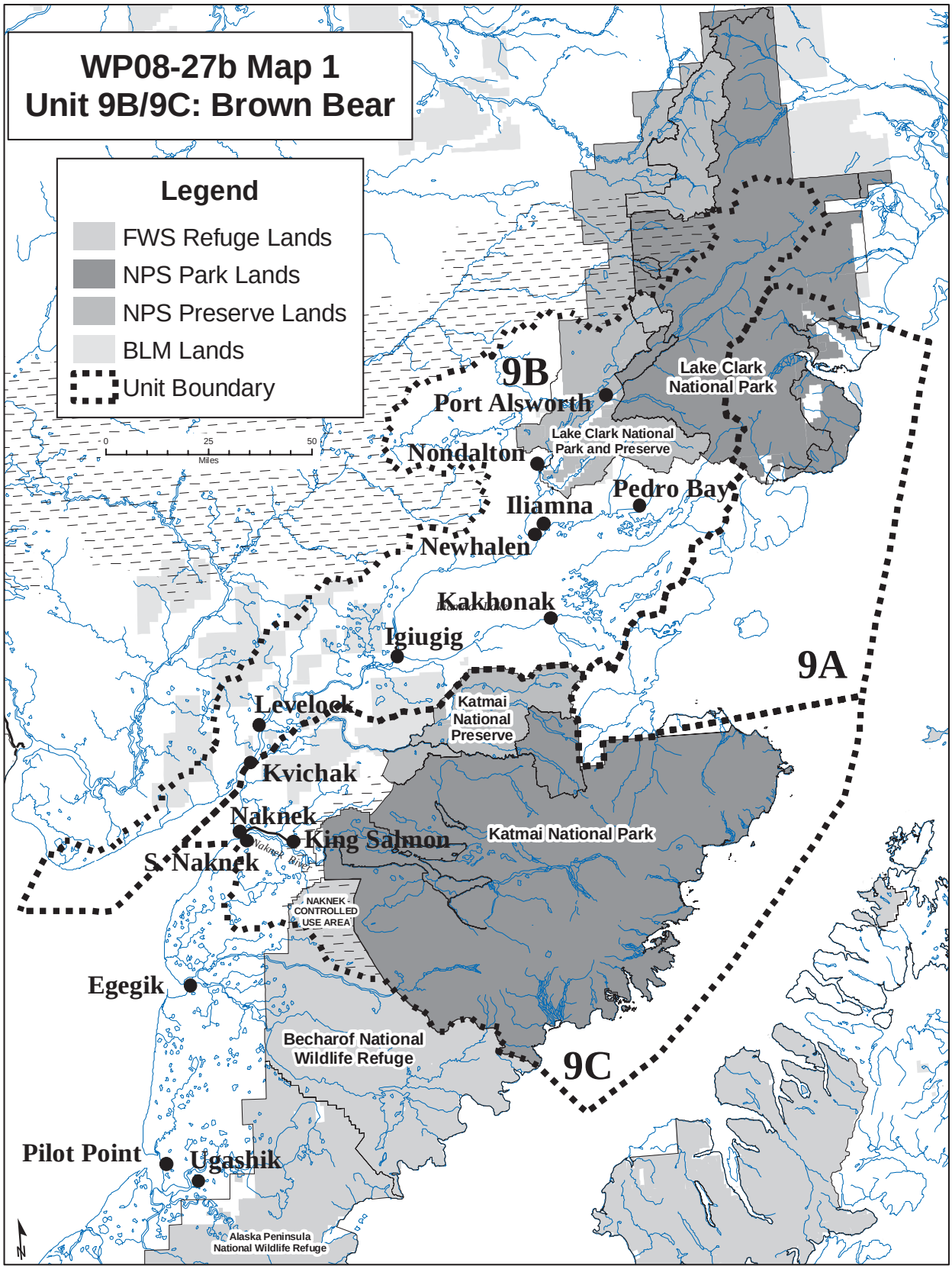
Under State regulations in Unit 9C, there are fall and spring seasons for brown bear which are open to residents and nonresidents. The Naknek River drainage area has a longer spring and fall season than Unit 9C remainder. Katmai National Preserve is within the area designated as Unit 9C remainder. Both areas have a harvest limit of one bear every four regulatory years for the fall and spring season.

In Unit 9B to the north, current Federal regulations address comparable resource conditions considered in this proposal by including similar permit conditions. In Unit 9B — Lake Clark National Park and Preserve, there is a harvest limit of 1 bear by Federal registration permit only. Also, the season will be closed by the Lake Clark National Park and Preserve Superintendent when four females or ten bear have been taken, whichever occurs first.

Biological Background

The Alaska Peninsula is known for its population of large brown bears, a key species in the ecosystem of Unit 9C and surrounding areas. Brown bears are a major attraction for wildlife viewers and hunters in this area.

The National Park Service (NPS) and the Alaska Department of Fish and Game (ADF&G) have conducted several aerial surveys of brown bears in the Katmai region over the past 27 years. Over time,


WP08-27b Map 1
Unit 9B/9C: Brown Bear
Legend
FWS Refuge Lands
NPS Park Lands
NPS Preserve Lands
BLM Lands
Unit Boundary
0
25
50
Miles
9B
9A
9C
Port Alsworth
Nondalton
Iliamna
Pedro Bay
Newhalen
Kakhonak
Igiugig
Levelock
Kvichak
Naknek
King Salmon
S. Naknek
Egegik
Pilot Point
Ugashik
Lake Clark National Park
Lake Clark National Park and Preserve
Katmai National Preserve
Katmai National Park
NAKNEK CONTROLLED USE AREA
Becharof National Wildlife Refuge
Alaska Peninsula National Wildlife Refuge

patterns have emerged indicating that the bear population is healthy and that there are high concentrations in Katmai National Park and Preserve (NPS 2007).

Because of the seasonal transience, solitary nature, and wide-ranging movements of brown bears, their populations are difficult to monitor to assess trends, density, and composition. Aerial surveys in Katmai National Preserve during August 2006 and 2007, along major salmon streams where bears congregate, resulted in counts of 331 and 581 bears, respectively (ADF&G 2007). This estimated range of between 331 and 581 brown bears in the Preserve, indicates an average density of about one bear per square mile within the Preserve (Butler 2005). ADF&G data do not indicate such precise estimates of the bear population in the Preserve before 2005. Several more years of data are required before trends in bear numbers can be assessed (Butler 2007). In addition, increased bear activity throughout the area has been reported anecdotally by area residents and visitors.

Spring surveys occur when bears are near den sites prior to foliage leafing out, making them more visible. In 1993, spring aerial surveys of Katmai National Preserve resulted in a population estimate of 131 to 184 bears (Sellers et al. 1999).

During 2004–05, survey work by NPS and ADF&G estimated 2,255 brown bears (± 306 bears) in a much larger portion of Unit 9C (Olson and Putera 2007).

Harvest History

Since there have been no Federal subsistence harvest regulations in Unit 9C, harvest information for brown bears is available solely from the State sealing data. Presently, ADF&G utilizes a system of alternating seasons in some units (open during the fall of odd-numbered years and the spring of even-numbered years) to maintain harvests within allowable harvest quotas. According to ADF&G information, the sustainable annual harvest rate for a given bear population is generally around 6% (ADF&G 2007).

Brown bear harvests in the Preserve averaged 7 bears per season from 1989–1996 (Stellers et al. 1999). Thirty-five bears were harvested in the Preserve during the two-year period 2006–2007 (NPS 2007). In a review of harvest records from the 1960s through 2002, Naknek and King Salmon residents have not harvested brown bear in the Katmai National Preserve portion of Unit 9C since 1991 (OSM 2008).

In 2004–05 in Units 9A, 9B, and 9C, a “huntable population” of 1,100–1,500 brown bears was estimated in those areas open to hunting under State regulations, including Katmai National Preserve as well as other areas outside of NPS jurisdiction (NPS 2007). This estimate did not include bears in Katmai or Lake Clark National Parks, nor did it account for bears on State lands that were closed to hunting. During the two years of the study, the average annual harvest was 63 bears, representing 4.2%–5.7% of the estimated population in the huntable area (NPS 2007). These data indicate that the brown bear harvest rates in the Preserve are similar to other nearby areas open to hunting under State regulations.

The bear harvest in Katmai National Preserve has increased, and currently averages 29 bears per year (**Table 1**). Comparing recent harvest data with the 25-year average shows similar patterns of percent resident and nonresident hunters, and percent males and females harvested; but the actual number of bears harvested and the number of hunters has increased (ADF&G 2007).

Most nonsubsistence hunters operating under State regulations prefer to harvest larger male bears since the hunt is almost exclusively a trophy hunt. Male bears make up more than 60% of the total harvest, which generally indicates a healthy population (NPS 2007). Data from Katmai National Preserve show the percentage of males in the harvest has remained essentially unchanged over time.

Table 1. Summary of ADF&G sealing data on bears harvested in Katmai National Preserve (ADF&G 2007).

Preserve Harvests — Unit 9C	25 Year Average	Average Since 2000	2005 Harvest
Preserve Harvest	15	29.3	35
Resident Hunters (%)	5 (32)	13 (43)	11 (31)
Nonresident Hunters (%)	10 (68)	17 (57)	24 (69)
Male Bears (%)	10 (67)	21 (73)	23 (66)
Female Bears (%)	5 (33)	8 (27)	12 (34)
Mean Age - Male	7.4	7.9	9.2

The registration permit hunt in the Naknek drainage portion of Unit 9C was designed to minimize the bear-human conflicts in the most heavily settled portion of Unit 9, including the communities of King Salmon and Naknek. Participation in fall hunts has been higher than in spring hunts because some moose and caribou hunters obtained a permit "just in case" they encountered a bear. Between 1995–1999, an average of 11 bears was harvested per regulatory year, however, since 2000, the average has increased to 14 bears per regulatory year (Butler 2005).

Effects of the Proposal

If adopted, WP08-27b would provide Federally qualified subsistence users the opportunity to hunt brown bear in Unit 9C from Oct. 1–May 31. The Federal subsistence and State general hunting seasons would coincide during October and May. Non-Federally qualified subsistence users would have the same opportunity to harvest brown bears under State regulations as before.

The harvest of brown bears in Unit 9C could increase by up to ten bears per regulatory year, as the season would be closed by the Katmai National Park and Preserve Superintendent when a ten bear quota had been reached. Given that the bear population in Unit 9C is considered healthy, and that harvest is expected to be low, the additional harvest is not considered a conservation concern. Nevertheless, if only females were harvested, resource managers expressed concerns about the effect on the population.

This proposal includes a request for a positive customary and traditional use determination for brown bear in Unit 9C for residents of three communities located in Unit 9B (Igiugig, Kakhonak and Levelock) which is addressed in the analysis for WP08-27a. If WP08-27a is adopted, the three communities under consideration are small and harvests are expected to be low. If WP08-27a is rejected, the regulatory language proposed in WP08-27b could still be implemented as there is an existing positive customary and traditional use determination for residents of Unit 9C to hunt brown bear in Unit 9C.

OSM CONCLUSION

Support Proposal WP08-27b **with modification** to specify a harvest quota and modify the Federal registration permit conditions.

The modified regulation should read:

Unit 9C—Brown Bear

1 bear by Federal registration permit only.	~~*No Federal open season.*~~ ***Oct. 1–May 31*** ***The season will be closed by the Katmai National Park and Preserve Superintendent in consultation with BLM and FWS land managers and ADF&G, when six females or ten bear have been taken, whichever occurs first.***

Justification

Federal public lands in Unit 9C have a sufficient density of brown bears to open a Federal season for subsistence users. A maximum allowable harvest of ten bears per season with the condition that the season can be closed by the Katmai National Park and Preserve Superintendent, in consultation with BLM and FWS land managers and ADF&G, will ensure harvest is limited to sustainable levels.

The modified regulation would be similar to the regulatory language for the brown bear season in Unit 9B for Lake Clark National Park and Preserve. In Unit 9C, the permit would stipulate that the season will be closed when six females or ten bear have been taken, whichever occurs first. This condition in the modification will further protect the productivity of the bear population that occupies both subunits.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-27b

The Interagency Staff Committee found the staff analysis to be a thorough and accurate evaluation of the proposal and provides sufficient factual basis for the Regional Council recommendations and Federal Subsistence Board actions on the proposal.

WP08-28 Executive Summary	
General Description	Proposal WP08-28 requests that residents of the Bristol Bay Region in Units 9A, 9B, 9C, 9E and 17 be included in the general provisions allowing designated hunter provisions statewide for deer, moose, and caribou. *Submitted by the Bristol Bay Subsistence Regional Advisory Council*
Proposed Regulation	**General Provisions — Designated Hunter** *(e) Hunting by designated harvest permit. In Units ~~1–8, 9D, 10–16, and 18–26~~, **1–26** if you are a Federally qualified subsistence user (recipient), you may designate another Federally qualified subsistence user to take deer, moose and caribou on your behalf unless you are a member of a community operating under a community harvest system or unless unit-specific regulations in Section ___.26 preclude or modify the use of the designated hunter system or allow the harvest of additional species by a designated hunter. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients, but may have no more than two harvest limits in his/her possession at any one time, unless otherwise specified in unit-specific regulations in §___.26.*
Bristol Bay Regional Council Recommendation	**Support**
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Neutral**
Written Public Comments	**2 Support**

REGIONAL COUNCIL RECOMMENDATION

BRISTOL BAY SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-28. Adopting this proposal would provide the same benefits to Federally qualified subsistence users in the Bristol Bay Region that others now receive statewide when harvesting moose and caribou and would provide uniform opportunity to all subsistence users. Designated hunter permits are already allowed through unit-specific regulations for harvesting caribou in Units 9C, 9D, 9E, and 17A and C. No significant effects on the resources are anticipated.

STAFF ANALYSIS
WP08-28

ISSUES

Proposal WP08-28, submitted by the Bristol Bay Subsistence Regional Advisory Council, requests that residents of the Bristol Bay Region in Units 9A, 9B, 9C, 9E and 17 be included in the general provisions allowing designated hunter provisions statewide for deer, moose, and caribou.

DISCUSSION

The Bristol Bay Subsistence Regional Advisory Council (Council) would like eligible residents in the region to be able to hunt moose or caribou under the designated hunter provisions that are already established in all other units throughout the state. This would provide the same benefits to Federally qualified subsistence users in the Bristol Bay Region that others receive statewide when harvesting moose and caribou and would provide uniform opportunity to all subsistence users. While deer are included in the general provisions, they are not available in the Bristol Bay Region.

Designated hunting regulations allow any Federally qualified subsistence user to designate another Federally qualified subsistence user to hunt on his or her behalf (in those communities not operating under a community harvest system). The Federal Subsistence Board (Board) adopted designated hunter provisions for 21 unit-specific hunts throughout the state, prior to making uniform provisions for deer, moose, and caribou in all units statewide except those under consideration in this proposal. Designated hunter permits are currently allowed through unit-specific regulations for harvesting caribou in Units 9C, 9D, 9E, and 17A and C. There are no designated hunter permits currently allowed in Units 9A and B and 17B for harvesting moose.

Existing Federal Regulation

General Provisions

Designated Hunter

(e) Hunting by designated harvest permit. In Units 1–8, 9D, 10–16, and 18–26, if you are a Federally qualified subsistence user (recipient), you may designate another Federally qualified subsistence user to take deer, moose and caribou on your behalf unless you are a member of a community operating under a community harvest system or unless unit-specific regulations in Section ___.26 preclude or modify the use of the designated hunter system or allow the harvest of additional species by a designated hunter. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients, but may have no more than two harvest limits in his/her possession at any one time, unless otherwise specified in unit-specific regulations in §___.26.

Proposed Federal Regulation

General Provisions

Designated Hunter

*(e) Hunting by designated harvest permit. In Units ~~1–8, 9D, 10–16, and 18–26~~, **1–26** if you are a Federally qualified subsistence user (recipient), you may designate another Federally qualified subsistence user to take deer, moose and caribou on your behalf unless you are a member of a community operating under a community harvest system or unless unit-specific regulations in Section ___.26 preclude or modify the use of the designated hunter system or allow the harvest of additional species by a designated hunter. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients, but may have no more than two harvest limits in his/her possession at any one time, unless otherwise specified in unit-specific regulations in §___.26.*

Existing State Regulations

The State of Alaska provides for the transfer of harvest limits from one person to another through its proxy hunting program. State regulations prohibit using proxy permits in some areas for some hunts or have other season restrictions, including restrictions on proxy hunting for the Mulchatna herd hunts in Units 9A, 9B, and 9C within the Alagnak River drainage and 17B and 17C prior to November 1. There are other restrictions elsewhere in the State, but these don't apply to this proposal. The State's proxy program differs from the Federal designated hunter provisions in the following ways:

State of Alaska	Federal Subsistence Management Program
General provisions statewide.	General provisions only allowed in Units 1–8, 9D, 10–16, and 18–26, but can be requested statewide.
Applies only to caribou, deer, and moose.	General provisions only apply to caribou, deer, and moose, but can be requested for any resource.
Available only to residents who are blind, 70% physically disabled or 65 years of age or older	Available to anyone.
Either the recipient or the hunter may apply for the authorization.	Recipient may designate another Federally qualified subsistence user on his/her behalf.
No person may be a proxy for more than one recipient at a time.	Hunter may hunt for any number of recipients, but may have no more than two harvest limits in his/her possession at any one time, unless otherwise specified in unit-specific regulations
Antler destruction is required for all species.	No antler destruction is required.

Extent of Federal Public Lands

Federal public lands comprise approximately 32% of the lands in Unit 9A and consists of part of Lake Clark National Park (32 %). Unit 9B is 27% Federal public lands consisting of portions of Lake Clark National Park and Preserve (23 %) and isolated tracts of Bureau of Land Management lands (4 %).

In Unit 9C, Federal public lands comprise approximately 84% of the lands consisting of Becharof National Wildlife Refuge (3%), Katmai National Park (70%), Katmai National Preserve (8%), Alagnak

Wild River, and Bureau of Land Management (3%). Subsistence hunting is not authorized in Katmai National Park. Federal public lands in Unit 9E comprise approximately 50% and consists of the Becharof National Wildlife Refuge, the Ugashik and Chignik units of the Alaska Peninsula National Wildlife Refuge (45% for both refuges) and the Aniakchak National Monument and Preserve (5%).

Federal public lands in Unit 17 comprise 27% and include the Togiak National Wildlife Refuge located in Units 17A, 17B, and 17C, 84%, 1% and 15% respectively; Bureau of Land Management tracts in Unit 17B, 1% and 17C, 10%, and Lake Clark National Preserve in 17B, 6%.

Regulatory History

The proposal for the existing designated hunter regulation, WP03-02, included an extensive review of designated hunter provisions and was adopted by the Federal Subsistence Board in May 2003. All of the subsistence regional advisory councils except the Bristol Bay Subsistence Regional Advisory Council (Council) recommended adopting Proposal WP03-02. Based on the Council's recommendation in 2005, the Board chose to exclude Units 9A, 9B, 9C, 9E, and 17 from the existing regulation (FSB 2003:59–63). At that time, the Council opposed the regulation because it preferred specific designated hunter provisions to be put in place by unit (FSB 2003:60). The Bristol Bay Council now would like the same designated hunter provisions that are already established in all the other units for Federally qualified subsistence users throughout the State.

Customary and Traditional Uses

Designated hunter provisions accommodate customary and traditional practices throughout the State. Sharing and redistribution of the harvest occur through the designated hunter system. A statewide comparison of household harvests found that "it is not uncommon for about 30% of the households in a community to produce about 70% or more of the community's wild food harvest (Wolfe 1987: 16–17)." One of the factors offered as an explanation for the highly productive households is the developmental cycle in multi-household kinship groups, where the mature household (higher producers) is characterized by the largest pool of labor and equipment and the largest set of social obligations to produce food. A conclusion of this analysis was that individual bag or harvest limits do not allow for these practices and further that alternative management tools, "such as the transferable bag and the community bag, are identified and recommended as being more compatible with the customary harvest patterns of particular rural Alaskan areas" (Wolfe 1987:17). The designated hunter provision provides such an accommodation so that sharing and redistribution of the harvest can occur.

Effects of the Proposal

If the proposal is adopted, it would provide the same designated hunter provisions to Federally qualified subsistence hunters in the Bristol Bay Region for harvesting moose and caribou that are provided for in all other units statewide. It would also provide a uniform designated hunter provision to all subsistence hunters.

Extending designated hunter provisions to moose and caribou in Units 9 and 17 should not have a significant impact upon these resources. Designated hunter permits are currently allowed for harvesting caribou in much of Units 9 and 17. This action would provide a uniform opportunity to subsistence users to harvest or benefit from the harvest of deer, moose, and caribou in all areas of the state.

The designated hunter program places several requirements on the designated hunter. The hunting must occur on Federal public lands. The designated hunter applies for the designated hunting permit and while

hunting must have in his or her possession this permit, his or her own hunting license, and the hunting license and any permits or harvest tickets of the person he or she is hunting for. In joint State and Federal registration hunts, after the hunt has occurred, the recipient, who would have been issued the original registration permit, reports the harvest as required. The designated hunter also reports the harvest to the Office of Subsistence Management. The designated hunting program is not expected to cause any significant increase in participation or delay in reporting of harvests.

OSM CONCLUSION

Support Proposal WP08-28.

Justification

Adopting this proposal would provide the same benefits to Federally qualified subsistence users in the Bristol Bay Region that others now receive statewide when harvesting moose and caribou and would provide uniform opportunity to all subsistence users. Designated hunter permits are already allowed through unit-specific regulations for harvesting caribou in Units 9C, 9D, 9E, and 17A and C. No significant effects on the resources are anticipated.

LITERATURE CITED

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-28

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Council to be consistent with ANILCA Section 805(c).

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP08-28: Expand designated hunter provisions in Game Management Units 9 and 17.

Introduction: By extending the federal designated hunter provisions to portions of Game Management Units 9 and 17 where they are not presently in effect to include residents of Units 9A, 9B, 9C, 9E, and 17, the intent of this proposal is to authorize federally-qualified subsistence users from these Units to harvest moose and caribou for other federally-qualified subsistence users. The unit-specific federal regulations already authorize designated hunting of bull caribou in Units 9C and 9E and caribou hunts administered by federal registration permit in Unit 17A and in that portion of Unit 17C consisting of the Nushagak Peninsula south of the Igushik River, Tuklung River, Tuklung Hills, and west to Tvativak Bay.

Impact on Subsistence Users: Designated hunting, as proposed, would provide more opportunity for federally-qualified subsistence users than is available in the State of Alaska's proxy hunting provisions and in the current federal regulations. In both instances, the goal is to help ensure that wildlife resources are available to residents who are unable to hunt for themselves.

Opportunity Provided by State: State regulations allow an Alaska resident to hunt for another Alaska resident who is blind, 70% disabled, or 65 years of age or older. State proxy hunting is allowed for all deer hunts, most caribou hunts, and some moose hunts across the state. For the specific areas referenced in this proposal (Units 9A, 9B, 9C within the Alagnak River drainage, and 17B and 17C), proxy hunting is allowed for Mulchatna herd caribou only after November 1. Proxy hunting is also allowed for moose in these units and in Unit 9E where the legal animal is any bull moose or an antlerless moose.

Enforcement Issues: Differences in federal and state regulations resulting from adoption of this proposal will create enforcement problems in areas with mixed land ownership. Hunters, as well as state and federal administrators, may have difficulty distinguishing between state and federal lands in Units 9 and 17.

Other Comments: No evidence is presented indicating that the proposed change is needed to provide for continued subsistence use of deer, moose, and caribou on federal lands for federally-qualified subsistence users.

Recommendation: Neutral. If this proposal is adopted, federal staff who issue designated hunter permits must ensure that recipients are aware of differences in the federal designated hunter and State proxy hunting regulations in Units 9 and 17, and that the federal designated hunter regulations apply only on federal public lands.

WRITTEN PUBLIC COMMENTS

Support. The Lake Clark Subsistence Resource Commission supports measures that provide opportunities for all Federally qualified subsistence users. *Submitted by the Lake Clark Subsistence Resource Commission*

Support. Sharing is a key value embodied in the subsistence lifestyle. This proposal supports the spirit of subsistence by allowing subsistence users with the ability and means to harvest animals to provide meat for those who do not. *Submitted by Aniakchak National Monument Subsistence Resource Commission*

WP08-29 Executive Summary	
General Description	Proposal WP08-29 requests that the Federal Subsistence Board establish a regulation requiring all edible meat of moose and caribou harvested in Unit 9 prior to October 1, must remain on the bone until the meat is removed from the field or is processed for human consumption. *Submitted by the Bristol Bay Regional Council*
Proposed Regulation	**Unit 9—Caribou** *(h) Removing harvest from the field. You must leave all edible meat on the bones of the front quarters and hind quarters of caribou harvested in Units ~~9B~~, **9**, 17, 18, 19B, and 24 (including ribs) prior to October 1 until you remove the meat from the field or process it for human consumption…* **Unit 9—Moose** *(h) Removing harvest from the field. You must leave all edible meat on the bones of the front quarters and hind quarters of moose harvested in Units ~~9B~~, **9**, 17, 18, 19B, 21 (including ribs), and 24 (including ribs) prior to October 1 until you remove the meat from the field or process it for human consumption…*
Bristol Bay Regional Council Recommendation	**Support**
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Neutral**
Written Public Comments	**1 Support** **1 Oppose**

REGIONAL COUNCIL RECOMMENDATION

BRISTOL BAY SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-29. Adoption of the proposed regulation would promote a reduction in meat spoilage during transport from the harvest site during the July through September Federal seasons. A "meat-on-the-bone" requirement for caribou and moose in all of Unit 9 would also address local harvest and transport methods that refrain from de-boning harvested meat. Because of this, adoption of the proposed regulation would not adversely affect Federally qualified subsistence users. Adoption of the proposed Federal regulatory change also would not adversely impact users who harvest and transport caribou and moose under State regulations in Unit 9.

STAFF ANALYSIS
WP08-29

ISSUES

Proposal WP08-29, submitted by the Bristol Bay Regional Council (Council), requests that the Federal Subsistence Board (Board) establish a regulation requiring all edible meat of moose and caribou harvested in Unit 9 prior to October 1, must remain on the bone until the meat is removed from the field or is processed for human consumption.

DISCUSSION

Local concerns of waste from spoilage of meat that is improperly cared for in the field, prompted the Council to request a "meat-on-the-bone" requirement for caribou and moose taken on Federal public lands in all of Unit 9. Current Federal and State regulations require this practice for Unit 9B.

Existing Federal Regulations

Unit 9—Caribou

(h) Removing harvest from the field. You must leave all edible meat on the bones of the front quarters and hind quarters of caribou harvested in Units 9B, 17, 18, 19B and 24 (including ribs) prior to October 1 until you remove the meat from the field or process it for human consumption…

Unit 9—Moose

(h) Removing harvest from the field. You must leave all edible meat on the bones of the front quarters and hind quarters of moose harvested in Units 9B, 17, 18, 19B, 21(including ribs), and 24 (including ribs) prior to October 1 until you remove the meat from the field or process it for human consumption…

General Provisions

Subsistence Taking of Wildlife – Section __25(a). Definitions

Edible Meat means…and, those parts of…caribou….moose,…that are typically used for human consumption which are: the meat of the ribs, neck, brisket, front quarters as far as the distal joint (bottom) of the radius-ulna (knee), hindquarters as far as the distal joint (bottom) of the tibia-fibula (hock) and that portion of the animal between the front and hindquarters…edible meat of the species listed above does not include: meat of the head; meat that has been damaged and made inedible by the method of taking; bones; sinew; viscera; and incidental meat reasonably lost as a result of boning or close trimming of the bones…

Field means an area outside of established year-round dwellings, businesses, or other developments usually associated with a city, town, or village; "field" does not include permanent hotels or roadhouses on the State road system or at State or Federally maintained airports.

Salvage means to transport the edible meat, skull, or hide, as required by regulation, of a regulated fish, wildlife, or shellfish to the location where the edible meat will be consumed by humans or processed for human consumption in a manner which saves or prevents the edible meat from waste, and preserves the skull or hide for human use.

Proposed Federal Regulations

Unit 9—Caribou

*(h) Removing harvest from the field. You must leave all edible meat on the bones of the front quarters and hind quarters of caribou harvested in Units ~~9B~~, **9**, 17, 18, 19B, and 24 (including ribs) prior to October 1 until you remove the meat from the field or process it for human consumption…*

Unit 9—Moose

*(h) Removing harvest from the field. You must leave all edible meat on the bones of the front quarters and hind quarters of moose harvested in Units ~~9B~~, **9**, 17, 18, 19B, 21 (including ribs), and 24 (including ribs) prior to October 1 until you remove the meat from the field or process it for human consumption…*

Existing State Regulations

Unit 9 — Caribou and Moose

Possession and Transportation

Meat — *You must salvage all of the meat of caribou and moose…for which seasons and bag limits exist.*

Big Game *— meat you must salvage (excluding black bear) includes meat of the ribs, neck, brisket front quarters as far as the distal joint of the radius-ulna (knee), hindquarters as far as the distal joint of the tibia-fibula (hock), and meat along the back bone between the front and hind quarters (backstrap and tenderloins). It does not include meat of the head, guts, bones, sinew, and meat left on the bones after close trimming, or meat that has been damaged and made inedible by the bullet or arrow.*

Edible meat in all cases must be salvaged, however in some units meat must be left on the bone prior to October 1. Where meat of moose and/or caribou must be left on the bone, quarters may be cut into pieces provided the meat remains naturally attached to the bone.

Definitions

Edible Meat — Big Game *(except black bear): the meat of the ribs, neck, brisket, front quarters as far as the distal joint of the radius-ulna (knee), hindquarters as far as the distal joint of the tibia-fibula (hock), and the meat along the backbone between the front and hindquarters;*

Field *— means an area outside of established year-round dwellings, businesses, or other developments usually associated with a city, town, or village; "field" does not include permanent hotels or roadhouses on the State road system or State or Federal maintained airports.*

Meat-on-Bone *— meat remains naturally attached to the bone. Requirements vary by area or type of hunt. Check specific hunt requirements.*

Processed for human consumption *— prepared for immediate consumption or prepared in such a manner, and in an existing state of preservation, as to be fit for human consumption after a 15-day period.*

Salvage *— to transport the edible meat, heart, liver, kidneys, head, skull or hide, as required by statute or regulation, of a game animal or wildfowl to the location where the edible meat , heart, liver, or kidneys will be consumed by humans or processed for human consumption in a manner which saves or prevents the edible meat from waste, and preserves the skull or hide for human use.*

Units where meat must be left on bone when salvaged under State regulation		
Unit	**Caribou**	**Moose**
9B	FQ, HQ	FQ, HQ
13	FQ, HQ, R	FQ, HQ, R
17	FQ, HQ	FQ, HQ
18	FQ, HQ	FQ, HQ
19A, Holitna/Hoholitna Controlled Use Area	FQ, HQ	FQ, HQ
19B	FQ, HQ	FQ, HQ
21A	FQ, HQ	FQ, HQ, R
21B, C, D, E	None	FQ, HQ, R
23	FQ, HQ, R	FQ, HQ, R
24	FQ, HQ, R	FQ, HQ, R
FQ = front quarters, HQ = hind quarters, R = ribs		

Extent of Federal Public Lands

Federal public lands comprise approximately the following percentages of Unit 9 **(Unit 9 map)**.

Unit 9A — Federal public lands account for 48% of the subunit (48% NPS).

Unit 9B — Federal public lands account for 27% of the subunit (23% NPS and 4% BLM).

Unit 9C — Federal public lands account for 78% of the subunit (74% NPS, 2% FWS, and 2% BLM).

Unit 9D — Federal public lands account for 40% of the subunit (40% FWS).

Unit 9E — Federal public lands account for 50% of the subunit (45% FWS and 5% NPS).

Customary and Traditional Use Determinations

Unit 9 — Caribou

Residents of Units 9B, 9C, and 17 have a customary and traditional use determination for caribou in Units 9A and 9B.

Residents of Units 9B, 9C, 17, and Egegik have a customary and traditional use determination for caribou in Unit 9C.

Residents of Unit 9D, False Pass, and Akutan have a customary and traditional use determination for caribou in Unit 9D.

Residents of Units 9B, 9C, 9E, 17, Nelson Lagoon, and Sand Point have a customary and traditional use determination for caribou in Unit 9E.

Unit 9 — Moose

Residents of Units 9A, 9B, 9C, and 9E have a customary and traditional use determination for moose in Units 9A, 9B, 9C, and 9E.

Residents of Cold Bay, False Pass, King Cove, Nelson Lagoon, and Sand Point have a customary and traditional use determination for moose in Unit 9D.

Regulatory History

At its March 2007 meeting, the Alaska Board of Game adopted special salvage requirements for caribou and moose taken in Unit 13. Salvage of edible meat of caribou taken in Unit 13 must also include the head, hide, heart, liver, and kidneys. Salvage of edible meat of moose taken in Unit 13 must also include the heart and liver.

The Federal Board also adopted similar salvage requirements over the years for caribou and moose. Contrary to State requirements, Federal regulations do not include salvage requirements for Units 13 and 19A. At its May 2003 meeting, the Federal Board adopted the current definition of "field" to clarify the regulatory language "*(h)Removing harvest from the field.."* Prior to the May 2003 meeting, Federal regulations lacked a definition of the word, "*field*."

In units where meat of harvested moose must be left on the bone, State and Federal regulations provide for the option to cut the meat into pieces provided the meat remains naturally attached to the bone.

Current Events Involving the Species

At its October 2, 2007 meeting, the Council discussed the need to submit Proposal WP08-29 to address spoilage caused by meat that remains in the hunting camps for five or six days in the rain and bugs, until it is picked up by the air taxi operators and flown out of the field (BBRAC 2007). During this meeting the Council, after a discussion with the ADF&G Area Wildlife Biologist, also stated that it intends to draft a companion proposal to the Alaska Board of Game at its next meeting in early 2008 (BBRAC 2007).

Local public concerns of meat spoilage from caribou and moose harvested during July through September favor additional transport restrictions for Unit 9. For reasons of cutting weight and/or reducing bulk, hunters who access public lands in Unit 9 by boat or airplane sometimes find it necessary to "de-bone" the meat of a harvested caribou or moose. While this reduction in weight and bulk favors weight limitations and the return trip home via boat or airplane, meat that is not properly cared for naturally induces spoilage in unfavorable temperatures or when transported in non-breathable bags or containers.

Effects of the proposal

Adoption of the proposed regulation would promote a reduction in meat spoilage during transport from the harvest site. Local methods traditionally call for transporting meat on the bone from the harvest site and hanging the meat until processed for human consumption. A "meat-on-the-bone" requirement would align with local harvest and transport methods that refrain from de-boning harvested meat. Because of this, adoption of the proposed regulation would not adversely affect Federally qualified subsistence users. Adoption of the proposed language would also make Federal regulations more restrictive than State regulations, as current Federal and State regulations include the "meat-on-the-bone" requirement for Unit 9B only. Furthermore, adoption of the proposed Federal regulatory change also would not adversely impact users who harvest and transport caribou and moose under State regulations in Unit 9.

OSM CONCLUSION

Support Proposal WP08-29.

Justification

Adoption of the proposed regulation would promote a reduction in meat spoilage during transport from the harvest site during the July through September Federal seasons. A "meat-on-the-bone" requirement for caribou and moose in all of Unit 9, would also address local harvest and transport methods that refrain from de-boning harvested meat. Because of this, adoption of the proposed regulation would not adversely affect Federally qualified subsistence users. Adoption of the proposed Federal regulatory change also would not adversely impact users who harvest and transport caribou and moose under State regulations in Unit 9.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-29

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Council to be consistent with ANILCA Section 805(c).

Comments on WP08-29
April 1, 2008, Page 1 of 1

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP08-29: Add salvage requirement to caribou and moose harvested prior to October 1 in Unit 9A, 9C, 9D, and 9E (this requirement already applies in Game Management Unit 9B.

Introduction: The proponent believes that retaining all edible meat on the bones of the front quarters and hind quarters of caribou and moose harvested in Units 9A, 9C, 9D, and 9E prior to October 1, until the meat is either removed from the field or processed for human consumption, will help hunters avoid meat spoilage.

Impact on Subsistence Users: Divergent state and federal salvage requirements complicate the regulations for subsistence users in Unit 9, which consist of a mixture of state, federal, and private lands. The proposed salvage requirements may impact subsistence users who do not currently dress caribou and moose meat as would be required if this proposal is adopted. However, if meat spoilage has been identified as an issue among hunters in the affected subunits, then this proposal recommends a potential solution.

Opportunity Provided by State: State regulations for Unit 9B require that the meat of moose and caribou taken before October 1 remain on the bones of the front quarters and hindquarters until it is removed from the field or processed for human consumption.

Enforcement Issues: Enforcement of divergent federal and state meat salvage requirements may be problematic, particularly in areas where there is a mixture of federal and state lands and different federal and state regulations.

Other Comments: If this proposal is adopted, federally-qualified subsistence users will need to be informed of the differences in state and federal salvage requirements in Unit 9.

Recommendation: Neutral. Adoption of this proposal would require federally-qualified subsistence users hunting moose and caribou in Unit 9 prior to October 1 to be aware of differences in meat salvage requirements between state and federal regulations. However, adoption of this proposal may address a local concern regarding meat spoilage in the field.

WRITTEN PUBLIC COMMENTS

Support. Lake Clark Subsistence Resource Commission supports preventing waste by leaving the meat on the bone. *Submitted by the Lake Clark Subsistence Resource Commission*

Oppose. While the SRC understands the concerns regarding meat spoilage and waste, this proposal is not necessary for subsistence users. Most subsistence hunters salvage the bones of caribou and moose for human consumption and do not de-bone their meat in the field. *Submitted by Aniakchak National Monument Subsistence Resource Commission*

WP08-35 Executive Summary	
General Description	Proposal WP08-35 requests the establishment of a moose season in Unit 19A, that portion north of the Kuskokwim River, upstream from, but excluding, the George River drainage and south of the Kuskokwim River upstream from and including the Downey Creek drainage, not including the Lime Village Management Area and not including the Holitna River upstream and including Titnuk Creek and Hoholitna River upstream from Little Diamond Mountain. The proposed season is to be determined with a harvest limit of one bull with spike-fork or 50-inch antlers, or antlers with 4 or more brow tines on one side. *Submitted by Harry Jackson of Kwethluk*
Proposed Regulation	*Unit 19A — North of the Kuskokwim River, upstream from but excluding the George River drainage, and south of the Kuskokwim River upstream from and including the Downey Creek drainage, not including the Lime Village Management Area; ~~Federal public lands are closed to the taking of moose.~~* ***not including the Holitna River upstream and including Titnuk Creek and Hoholitna River upstream from Little Diamond Mountain — 1 bull with spike-fork or 50-inch antlers, or antlers with 4 or more brow tines on one side.*** ~~*No Federal open*~~ ***Season to be determined.***
Yukon-Kuskokwim Delta Regional Council Recommendation	**Oppose**
Western Interior Regional Council Recommendation	**Oppose**
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Oppose**
Written Public Comments	**None**

REGIONAL ADVISORY COUNCIL RECOMMENDATION

YUKON-KUSKOKWIM DELTA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposal WP08-35. Council concurred with the OSM staff analysis conclusion; additionally, there is limited Federal Public Land in Unit 19A.

WESTERN INTERIOR SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposal WP08-35. The local subsistence residents understand and support the moose hunting closure. The current moose population numbers are too low to sustain even a limited hunter harvest. Passage of this proposal would not favor the recovery of the moose population in the affected portion of Unit 19A.

STAFF ANALYSIS
WP08-35

ISSUES

Proposal WP08-35, submitted by Harry Jackson of Kwethluk, requests the establishment of a moose season in Unit 19A, that portion north of the Kuskokwim River, upstream from, but excluding, the George River drainage and south of the Kuskokwim River upstream from and including the Downey Creek drainage, not including the Lime Village Management Area and not including the Holitna River upstream and including Titnuk Creek and Hoholitna River upstream from Little Diamond Mountain. The proposed season is to be determined with a harvest limit of one bull with spike-fork or 50-inch antlers, or antlers with 4 or more brow tines on one side.

DISCUSSION

The affected area of Unit 19A was closed by the Federal Subsistence Board (Board) in May 2007 in response to the continued decline of the moose population that warranted the total closure to hunter harvest.

Existing Federal Regulations

Unit 19A—Moose

Unit 19A — North of the Kuskokwim River, upstream from but excluding the George River drainage, and south of the Kuskokwim River upstream from and including the Downey Creek drainage, not including the Lime Village Management Area; Federal public lands are closed to the taking of moose.	*No Federal open season.*

Proposed Federal Regulations

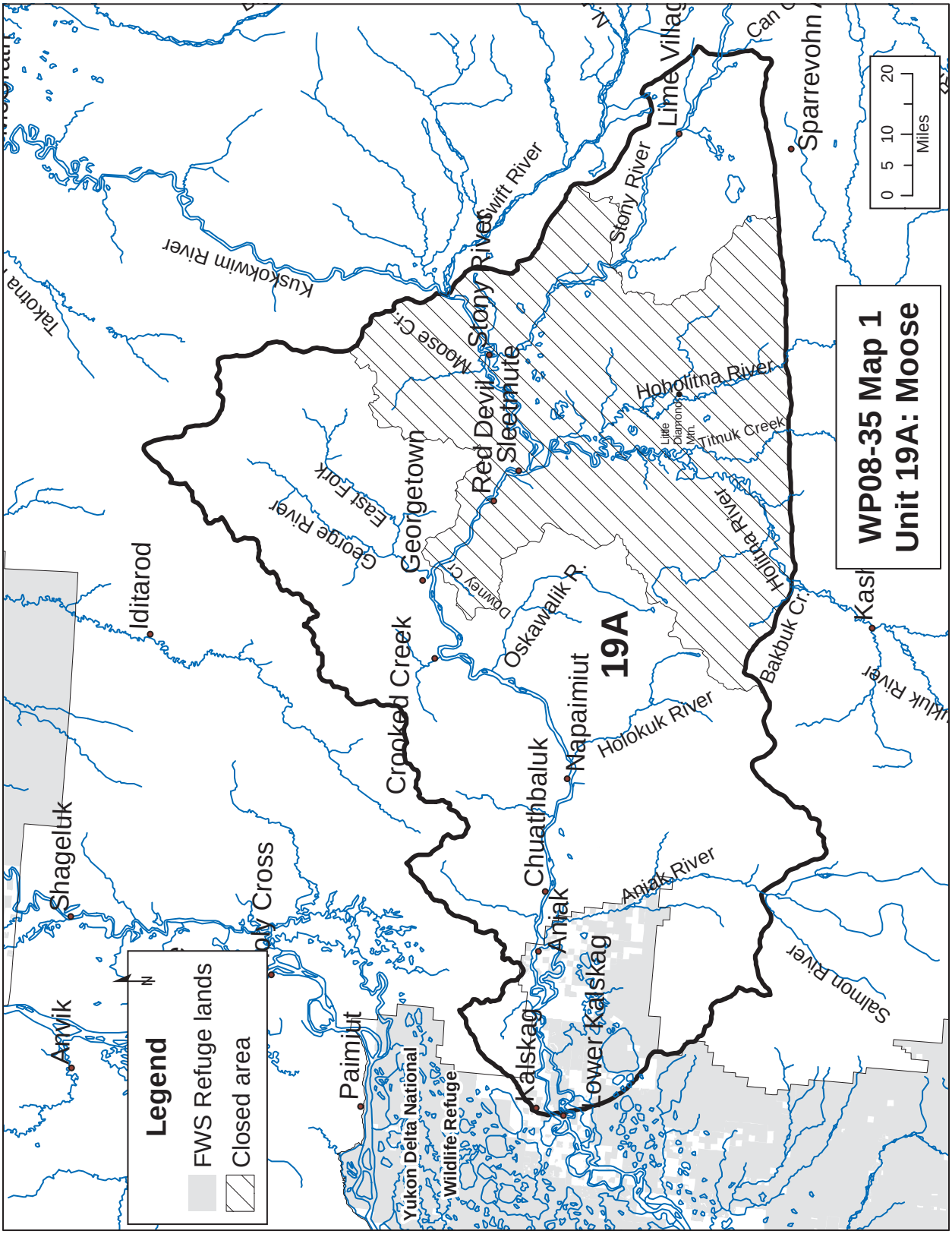
Unit 19A—Moose

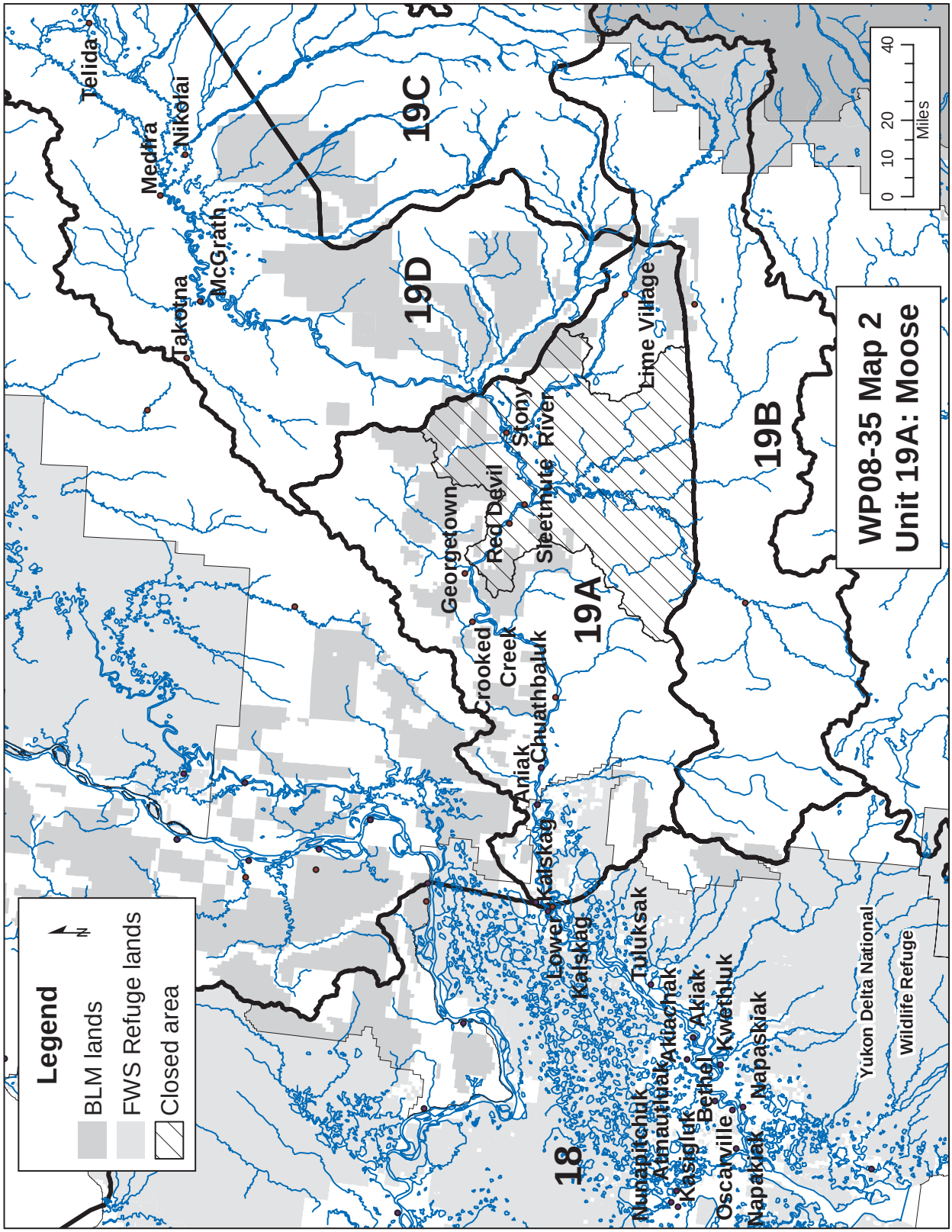
Unit 19A — North of the Kuskokwim River, upstream from but excluding the George River drainage, and south of the Kuskokwim River upstream from and including the Downey Creek drainage, not including the Lime Village Management Area; ~~Federal public lands are closed to the taking of moose.~~ ***not including the Holitna River upstream and including Titnuk Creek and Hoholitna River upstream from Little Diamond Mountain — 1 bull with spike-fork or 50-inch antlers, or antlers with 4 or more brow tines on one side.***	*~~No Federal open~~* ***Season to be determined.***

Existing State Regulations

Unit 19A—Moose

Unit 19A remainder	*Resident and Nonresident*	*No open season*


WP08-35 Map 1
Unit 19A: Moose
Legend
FWS Refuge lands
Closed area
N
0 5 10 20
Miles
19A
Kuskokwim River
Takotna
Iditarod
Shageluk
Anvik
Holy Cross
Paimiut
Yukon Delta National Wildlife Refuge
Kalskag
Lower Kalskag
Aniak
Chuathbaluk
Napaimiut
Crooked Creek
Georgetown
Red Devil
Sleetmute
Stony River
Moose Cr.
Swift River
Stony River
Lime Village
Sparrevohn
Can
Hoholitna River
Little Diamond Mtn.
Titnuk Creek
Bakbuk Cr.
Holokuk River
Oskawalik R.
Downey Cr.
George River
East Fork
Aniak River
Salmon River
Kasl
Kuskokwim River


WP08-35 Map 2
Unit 19A: Moose
Legend
BLM lands
FWS Refuge lands
Closed area
N
0 10 20 40
Miles
19C
19D
19B
19A
18
Telida
Nikolai
Medfra
McGrath
Takotna
Lime Village
Stony River
Sleetmute
Red Devil
Georgetown
Crooked Creek
Chuathbaluk
Aniak
Kalskag
Lower Kalskag
Tuluksak
Atmautluak
Akiachak
Akiak
Kwethluk
Bethel
Kasigluk
Nunapitchuk
Oscarville
Napakiak
Napaskiak
Yukon Delta National
Wildlife Refuge

Extent of Federal Public Lands

Federal public lands comprise 19.9% of Unit 19A (17.3% BLM and 2.6% FWS) (**see Maps 1 and 2**).

Customary and Traditional Use Determinations

Residents of Unit 18 (within the Kuskokwim River drainage upstream from, and including, the Johnson River) and Unit 19 have a positive customary and traditional use determination for moose in Units 19A.

Regulatory History

At its March 2006 meeting, the Alaska Board of Game adopted new regulations for moose hunting for Units 19A and 19B. These regulatory changes were based on recommendations made by local residents and consideration of recent moose population surveys and harvest data. The portion of Unit 19A upstream from but excluding the George River, and upstream from and including Downey Creek, excluding the Lime Village Management Area, was closed to all moose hunting. The season was closed at the request of residents of Sleetmute, Stony River, and Red Devil. The Alaska Board of Game established a Tier II subsistence-only hunt in Unit 19A remainder and eliminated the RM640 registration hunt for Units 19A and 19B. The registration hunt was eliminated because it is no longer possible to administer such a hunt in Unit 19A without exceeding the sustainable limit of the affected moose population. The Alaska Board of Game also modified the State harvest limit in Unit 19B to allow only the harvest of one bull with spike-fork or 50-inch antlers or antlers with 4 or more brow tines on at least one side and changed the requirement of a State registration permit to a State harvest ticket for the September 1–20 season.

Proposal WP07-35, submitted by the Western Interior Alaska Subsistence Regional Advisory Council (Council), requested the Board permanently adopt the temporary regulatory actions that were established through Special Action requests WSA06-01*a* and WSA06-01*b* for moose in Units 19A and 19B. WSA06-01*a* temporarily provided the six communities identified by a Section 804 analysis, with a drawing permit hunt on Federal public lands in the area west of the Downey and George Creeks in Unit 19A. WSA06-01*b* temporarily closed the affected area stated in WP08-35 and eliminated the State registration permit for moose in Unit 19B.

Adjacent to and west of Unit 19A remainder is the Unit 18 portion of the Kuskokwim River drainage where a five-year moratorium on moose hunting has been established in Federal and State regulations from 2004/05 through 2008/09. Residents of the Unit 18 communities of Nunapitchuk, Kasigluk, Atmautluak, Napakiak, Bethel, Napaskiak, Oscarville, Kwethluk, Akiachak, Akiak, Tuluksak, and Lower Kalskag have a positive customary and traditional use determination for moose in Unit 19A. Because a significant number of residents from these communities access Unit 19A for moose, the moratorium on moose hunting in Unit 18 may have increased the number of Unit 18 residents who look to Unit 19A for access to Federal public lands to hunt moose. Because of the moratorium in Unit 18, the Section 804 hunt in Unit 19A remainder, and the closure of all moose hunting in the affected portion of Unit 19A, Federally qualified subsistence users of 19 local communities are not allowed to hunt moose on Federal public lands in all of Unit 19A and the moratorium area in Unit 18. The 19 communities that have a positive determination for moose in Unit 19A, but lack eligibility for the Section 804 hunt, are: Nunapitchuk, Kasigluk, Atmautluak, Napakiak, Napaskiak, Oscarville, Bethel, Kwethluk, Akiachak, Akiak, Georgetown, Red Devil, Sleetmute, Stony River, Lime Village, Takotna, McGrath, Nikolai, and Telida.

The following tables show the 1995/96 – 2007/08 Federal regulations for Units 19A and 19B.

1995/96–2002/03	*Unit 19A, that portion north of the Kuskokwim River upstream from but not including the Kolmakof River drainage and south of the Kuskokwim River upstream from, but not including the Holokuk River drainage—1 moose; however, antlerless moose may be taken only during the Feb. 1–10 season.*	*Sept. 1–Sept. 20* *Nov. 20–Nov. 30* *Jan. 1–Jan. 10* *Feb. 1–Feb. 10*
	Remainder of Unit 19A—1 bull	*Sept. 1–Sept. 20* *Nov. 20–Nov. 30* *Jan. 1–Jan. 10* *Feb. 1–Feb. 10*
	Unit 19B—1 antlered bull	*Sept. 1–Sept. 30*
2003/04	*Unit 19A, that portion north of the Kuskokwim River upstream from but not including the Kolmakof River drainage and south of the Kuskokwim River upstream from, but not including the Holokuk River drainage—1 bull*	*Sept. 1–Sept. 20* *Nov. 20–Nov. 30* *Jan. 1–Jan. 10* *Feb. 1–Feb. 5*
	Remainder of Unit 19A—1 bull	*Sept. 1–Sept. 20* *Nov. 20–Nov. 30* *Jan. 1–Jan. 10* *Feb. 1–Feb. 10*
	Unit 19B—1 antlered bull	*Sept. 1–Sept. 30*
2004/05–2005/06	*Unit 19A—1 antlered bull by State registration permit*	*Sept. 1–Sept. 20*
	Unit 19B—1 bull with spike-fork or 50-inch antlers or antlers with 4 or more brow tines on one side by harvest ticket; or 1 antlered bull by State registration permit.	*Sept. 1–Sept. 20*
September 2006 — by Special Action WSA06-01b and 2007/08 by WP07-35	*Unit 19A — North of the Kuskokwim River, upstream from but excluding the George River drainage, and south of the Kuskokwim river upstream from and including the Downey Creek drainage, not including the Lime Village Management Area — Federal public lands are closed to the taking of moose.*	*No Federal open season*

September 2006 — by Special Action WSA06-01a and 2007/08 by WP07-35	*Unit 19A remainder—One antlered bull by Federal drawing permit or State Tier II permit. Federal public lands are closed to the taking of moose except by residents of Tuluksak, Lower Kalskag, Upper Kalskag, Aniak, Chuathbaluk and Crooked Creek hunting under these regulations. A total of 100 permits will be issued by the Refuge Manager of the Yukon Delta NWR in cooperation with the BLM — the total allowable harvest is 20 bulls (2006 only). The Yukon Delta NWR Manager, in cooperation with BLM, will annually establish the harvest quota and number of permits to be issued in coordination with the State Tier II hunt. If the allowable harvest level is reached before the regular season closing date, the refuge manager, in consultation with the BLM Field Office Manager, will announce an early closure of Federal public lands to all moose hunting (2007/08 only).* Special conditions of the drawing permit: Only one permit will be awarded per household — either a Federal drawing permit or State Tier II permit. Harvest must be reported within two days of harvest by calling the refuge manager at 543-3151. Residents from the communities that qualify under the Section 804 determination are required to purchase a State of Alaska hunting license prior to being issued a Federal drawing permit for Unit 19A moose.	*Sept. 1–Sept. 20*
September 2006 — by Special Action WSA06-01b and 2007/08 by WP07-35	*Unit 19B—1 bull with spike-fork or 50-inch antlers or antlers with 4 or more brow tines on one side by State harvest ticket.*	*Sept. 1–Sept. 20*

Central Kuskokwim Moose Management Plan

Because of the continued population declines observed in the Unit 19A moose population between 1995 and 2002, the Board eliminated the three winter seasons for the 2004/05 regulatory year. In response to continued moose population declines and the need for more conservative management, the Board adopted Resolution 04-1 on May 20, 2004 (FSB 2004) supporting the Central Kuskokwim Moose Management Plan (Management Plan) (ADF&G 2004). The resolution encouraged the involvement of the Federal Regional Advisory Councils to "carefully monitor implementation of the plan and the status of the Central Kuskokwim drainage moose populations to ensure the mission and goals expressed in the Management Plan are adhered to, and should the need arise, work cooperatively with the ADF&G and the Fish and Game Advisory Committees to develop proposals and recommendations for changes to the Management Plan and/or Federal and State regulations." Although originally drafted for Units 19A and 19B and endorsed by the Board, the Management Plan was later modified by the State to exclude Unit 19B.

The Management Plan prescribes the taking of regulatory actions necessary to conservatively reduce hunter harvest when and where necessary to facilitate population growth. The Management Plan includes the following measures.

Goal 1: Manage moose harvest through regulations designed to conserve and enhance the moose resource, provide reasonable opportunities for subsistence hunting, and provide opportunities for other users to harvest moose when the moose population is sufficient to provide them.

Strategy 1.1: Manage moose harvest conservatively to reduce human-caused mortality while the moose population is low and rebuilding. As the moose population and harvestable surplus increases, reduce restrictions on harvest to increase hunting opportunities.

Federal and State moose hunting regulations for Units 19A and 19B were changed in May 2004 and March 2004 (respectively) in compliance with the Management Plan in order to reduce harvest as follows.

1. The Alaska Board of Game closed Unit 19A to nonresident moose hunting.
2. All winter moose hunting seasons in Unit 19A were closed under both Federal and State regulations with the exception of the Tier II hunt in the Lime Village Management Area and the Federal season for residents of Lime Village (July 1– June 30).
3. The individual harvest limit for the State Tier II hunt in the Lime Village Management Area was changed from two moose to two antlered bulls with a maximum of 14 permits issued. The antlered bull requirement was adopted by the Alaska Board of Game because of conservation concerns for this area's declining moose population.
4. The village harvest quota under Federal regulations was changed from 40 moose to 28 bulls.
5. The RM640 State registration permits were implemented for the State September 1–20 resident season for Units 19A and 19B.
6. The State resident season in Unit 19B was reduced by five days to September 1–20 and the nonresident season in Unit 19B was reduced by 9 days to September 5–20.

As a result of the Board's Resolution 04-1 and the need for more conservative measures to address the low moose population, the Board took the following actions.

- Eliminated the Federal November, January, and February seasons for the 2004/05 regulatory year.
- The Unit 19A harvest limit was also changed from one bull to one antlered bull with the requirement of a State registration permit.
- Changed the Unit 19B harvest limit from one antlered bull to one bull with spike-fork or 50-inch antlers or antlers with 4 or more brow tines on one side with the requirement of a State harvest ticket or one antlered bull with the requirement of a State registration permit.
- Shortened the September season from September 1–30 to September 1–20 in Unit 19B.

The Federal regulations remained unchanged during the 2004/05 through 2005/06 regulatory years.

State Management Objectives

Management Objectives: Units 19A and 19B

The following moose population objectives, if achieved over time, should promote population growth.

- Manage to increase overtime the 2004 combined population estimate for Units 19A and 19B from 6,800–11,300 to 13,500–16,500 moose and to increase the combined harvest allocation from the 2004 allocation of 200–300 to 750–950 moose.
- Minimum fall-post hunt bull:cow ratio of 25–30 bulls:100 cow moose.
- Minimum fall-post hunt calf:cow ratio of 30–40 calves:100 cow moose.
- No less than 20% short yearlings (calves from the previous year) in late winter surveys.

Current Events Involving the Species

The affected area of Unit 19A and the lower Kuskokwim River drainage portion of Unit 18 are closed to all moose hunting under both Federal and State regulations. The State closure of the affected area in Unit 19A has the ongoing support of the Central Kuskokwim River Fish and Game Advisory Committee (Seavoy 2007, pers. comm.). The affected Federal public lands in Unit 19A were closed by the Board at the recommendation of the Council in March 2007. The lower Kuskokwim River drainage in Unit 18 remains closed to moose hunting through 2008/09 by the current Federal and State five-year moratorium on moose hunting. Federal and State regulations provide for a Section 804 drawing permit hunt and a Tier II hunt, respectively, for the portion of Unit 19A immediately west of the affected area. Federal and State regulations for Unit 19B provide for a September 1–20 moose season with an antler restriction of one bull with spike-fork or 50-inch antlers, or antlers with 4 or more brow tines on one side.

Biological Background

November 2007 moose surveys conducted by the ADF&G, showed that population densities north of the Kuskokwim River in Unit 19A continue to be low (Seavoy 2007, pers. comm.). The Donlin Creek survey, which is conducted on the north side of the Kuskokwim River, observed a total of just under 4 moose/hour based on estimates produced from 49.5 survey hours and 179 total observed moose. ADF&G staff observed only 3 yearling bulls during the survey, suggesting that the spike-fork segment of this population is low, but due to the low densities, the sample size is low as well (Seavoy 2007, pers. comm.). The Donlin Creek population surveys produced observed totals of 108 cows, 53 calves, 0 twin calves, 3 yearling bulls, 8 medium bulls, and 7 large bull moose. Considering the observed total of 15 adult bulls, the area should remain closed to hunting until the bull component increases to a minimum sex ratio of 25–30 bulls:100 cow moose in compliance with current management objectives (Denton 2007, pers. comm.).

ADF&G surveys conducted south of the Kuskokwim River during the spring of 2005 revealed a population density of less than 0.27 moose/mile^2 (Lenart 2006). The surveys also revealed that this population had less than 17% calves, further indicating that low calf production and survival are contributing to the ongoing decline of this population. ADF&G surveys conducted during the fall 2005, revealed a total of 307 moose observed in the Holitna-Hoholitna Rivers area. This survey also showed a low population density of 0.35 moose/mile^2 and an extremely low sex ratio of 8 bulls:100 cows, while the management objective for the subunit is 25–30 bulls:100 cow moose (Lenart 2006). A prolonged inadequate number of bull moose available for breeding will ultimately lead to further population declines. Analysis of results from this survey also revealed that 63% of the bull component within

this population were yearlings with a sex ratio of 5 yearling bulls:100 cows, suggesting a pattern of overharvest of medium and large bulls has occurred from prior years of high hunting pressure.

Predation

Of all the causes of natural mortality, predation has most likely had the greatest negative impact on the moose population of Unit 19A (ADF&G 2004). Following the State's Unit 19A Wolf Predation Control Implementation Plan (Implementation Plan), the Unit 19A wolf population was reduced to the prescribed minimum population objective of 40–53 wolves during the winter of 2006. The State cooperative wolf control program, in conjunction with hunting and trapping efforts, resulted in the estimated harvest of 62 wolves for Unit 19A. The Implementation Plan is a section of the Management Plan that was endorsed by the Federal Board in its May 2004 Resolution 04-1. The Board's Resolution supports the State's Management Plan and the continued management of predator populations in Units 19A and 19B. The Unit 19A wolf population objectives were established through the Management Plan and call for a cease of harvest when the minimum population objective has been achieved. Black and brown bear also play a significant role in the natural mortality rates of Unit 19A moose. Black and brown bear densities have not been estimated for Unit 19A, but based on observations by local residents, black and brown bear numbers in the subunit are thought to be moderate to high (ADF&G 2004).

Habitat

It is believed that the existing habitat quality in Unit 19A is not a contributor to population decline or a significant limiting factor of population growth for moose in Unit 19A (ADF&G 2004). Habitat in the affected area is capable of supporting population growth and sustaining higher population densities. Because nutrition is not thought to be the limiting factor of this population, it is estimated that any efforts made to increase the moose population through habitat manipulation (prescribed fire) would likely have little influence on population growth.

As natural fire and flooding serve as precursors for riparian moose habitat, a number of large wildfires, or "burns," have occurred during the past 15–20 years in areas of Unit 19A that are currently providing an abundance of high quality habitat over a very large area (Denton 2006, per. comm.). The Inowok Burn, for example, totaled over 600,000 acres, and there are a number of other large post-burn areas in Unit 19A that provide excellent moose habitat in forage production stages.

A browse survey was conducted in Unit 19A in April 2006 by the ADF&G (Paragi and Seaton 2006). Results from preliminary analysis of the data indicate that forage in riparian areas can support higher densities of moose. The highest quality moose habitat in the subunit is found in the lower Holitna River floodplain. High quality habitat is also present in riparian areas along the Kuskokwim and Aniak Rivers. Other portions of Unit 19A have lower quality moose habitat. As twinning (twin calves) rates are indicative of nutrition (browse quality and abundance), there is indication that the condition of cow moose is average to good. Five of 15 radio-collared cow moose in Unit 19A produced twin calves in 2005 (Paragi and Seaton 2006).

Harvest History

A total of 94 Federal drawing permits were issued in August 2007 to six villages identified by the Section 804 analysis. The following is the 2007 permit allocations for drawing hunt RM-019 for the six communities: Upper Kalskag — 13, Chuathbaluk — 7, Crooked Creek — 8, Lower Kalskag — 15, Aniak — 25, and Tuluksak — 26. Yukon Delta National Wildlife Refuge (Refuge) staff with the assistance of traditional Council leadership from each community held a permit drawing in each of the

six communities. Refuge staff also assisted permit recipients with purchasing State of Alaska Hunting Licenses and with completing the drawing permits prior to issuance. Total reported harvest for RM-019 was 16 bull moose out of the reported 62 hunters who participated in the fall 2007 Federal season. Hunter success for the Federal drawing hunt was 17.4%.

In 2007 the State increased the number of Tier II permits issued for the Unit 19A TM680 hunt from 200 to 240 permits (Twitchell 2008, pers. comm.). This increase in the number of State Tier II permits that were made available, plus the increased public knowledge of the State Tier II permit application process (second year for this Tier II permit hunt), resulted in 68 individuals from Aniak, 11 individuals from Chuathbaluk, 26 individuals from Kalskag, 27 individuals from Lower Kalskag, and 1 individual from Tuluksak receiving Tier II permits for hunting in the Tier II hunt portion of Unit 19A. This was a significant increase from the number of individuals from this region that received State Tier II permits in 2006, when the ADF&G received a total of 386 applications and 200 permits were awarded.

As a result of the 2007 increase in State Tier II permit recipients, only 25 eligible individuals received Federal drawing permits in Aniak, six permits below Aniak's allocation of 32 Federal drawing permits (Twitchell 2008, pers. comm.). Fifteen Federal drawing permits were issued in Lower Kalskag, one permit below the Lower Kalskag's Federal allocation of 16 drawing permits. The unused allocation of Federal drawing permits were then issued to eligible alternates, whose names were drawn and listed in order of drawing from the other eligible communities, after they had reached their identified allocation (Twitchell 2008, pers. comm.).

Analysis of reported harvest information by residents of Red Devil revealed that the average harvest for moose taken per year during 1983–2002 was 5.7 with an average hunter success of 60% (ADF&G 2002). Analysis of reported harvest by residents of Sleetmute revealed that the average annual harvest for moose during 1983–2002 was 8.0 moose with an average hunter success of 67.7%. Analysis of reported harvest by residents of Stony River revealed that the annual harvest of moose for the 12-year period, 1983–2002, was 1.8 moose with an average hunter success of 73%. Although average hunter success for the three communities is high for the 1983–2002 period, local residents have reported spending more days hunting during recent years in order to harvest the same amount of moose. This statement is best illustrated by the harvest information reported by residents of Red Devil, where the average days hunted during the period of 1983–1992 was 2.3 days per hunter; this increased to 7.6 days per hunter for the period of 1993–2002 (ADF&G 2002). Moose continue to be the most important and widely used large animal to the subsistence users of the Interior Region.

Effects of the proposal

Adoption of the proposed regulatory change would provide access to Federal public lands in the affected portion of Unit 19A for communities that have a positive customary and traditional use determination for moose. A positive Board action on the proposal would provide opportunity, for Federally qualified subsistence users who are not residents of the six communities eligible for the Section 804 permit drawings, in the affected portion of Unit 19A. Furthermore, residents from the remaining 19 communities included in the positive customary and traditional use determination for moose in Unit 19A, would not be permitted to harvest moose on Federal public lands in Unit 19A without adoption of this proposal.

Surveys conducted in Unit 19A, north of the Kuskokwim River in 2007 and south of the Kuskokwim River in 2005, indicated that the affected moose population remains in critical status and continued regulatory restrictions on user access to hunt moose is necessary. Adoption of the proposal would not comply with current management objectives that are prescribed in the Management Plan. Adoption of the proposal would create hunting pressure and would not favor moose population recovery. It is anticipated

that a continued closure of the hunting season, along with the recent reduction in wolves, will help to rebuild this population to a size that can support the needs of all qualified users.

OSM CONCLUSION

Oppose Proposal WP08-35.

Justification

Surveys conducted in Unit 19A, north of the Kuskokwim River in 2007 and south of the Kuskokwim River in 2005, indicated that the affected population remains in critical status and continued regulatory restrictions on user access to hunt moose is necessary. The affected area should remain closed to moose hunting until the population can sustain a limited hunter harvest. Adoption of the proposal would create hunting pressure that would not favor moose population recovery in the affected portion of Unit 19A.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-35

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Councils to be consistent with ANILCA Section 805(c).

Comments WP08-35
April 1, 2008, Page 1 of 1

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP08-35: Reopen the moose season in a portion of Game Management Unit 19A north of the Kuskokwim River.

Introduction: The proponent requests that the moose season be reopened in Unit 19A north of the Kuskokwim River to benefit federally-qualified subsistence users in local communities and to promote harvest of bears and wolves. The Federal Subsistence Board instituted a temporary closure of this area for the 2006-07 regulatory year in response to Special Action request WSA06-01 submitted by the Alaska Department of Fish and Game to modify moose regulations in Units 19A and 19B. The Western Interior Regional Advisory Council submitted proposal WP07-35 to make this closure permanent and take other actions to achieve consistency with regulations adopted by the Alaska Board of Game in March 2006. The Federal Subsistence Board adopted this proposal with modification in May 2007.

Impact on Subsistence Users: The closure of lands in Unit 19A north of the Kuskokwim River and other regulatory changes responded to goals of the Central Kuskokwim Moose Management Plan. Conservative management is required to facilitate a rebuilding of the low density moose population so that it can once again support harvest. Reopening the season at this time might temporarily provide some hunting opportunity but would exacerbate the population decline and conservation concerns that prompted the current closure. In the long term, this action would be detrimental to the satisfaction of subsistence needs because it would reduce the moose population and further eliminate opportunities for subsistence users and other hunters.

Opportunity Provided by State: The Remainder of Unit 19A in state regulations approximates the area covered by this proposal and is also closed to moose hunting.

Conservation Issues: Moose densities are low in Unit 19A north of the Kuskokwim River. A survey in the Donlin Creek mine area north of the Kuskokwim River in November 2007 counted only 179 moose during 49.5 hours of flying time (108 cows, 53 calves, 3 yearling bulls, 8 medium sized bulls, and 7 large bulls). Observing only 3 yearling bulls suggests that the spike-fork segment of this population is low. Because of the low densities, however, the sample size is low as well. Nevertheless, this proposal to reopen moose hunting in Unit 19A north of the Kuskokwim River at this time is not supported by substantial evidence and would be detrimental to subsistence uses.

Enforcement Issues: Reopening the federal season while the state season is closed in Unit 19A north of the Kuskokwim River would create enforcement problems, as it is difficult to identify federal lands in this area. Some local residents have complained about the complex regulations and difficulty of hunting legally in Unit 19A because it is difficult to distinguish land ownership. Another hunt in this area would only exacerbate this problem. Federal lands in Unit 19A north of the Kuskokwim River are difficult to access, especially by riverboat, which is the mode of transportation used by a majority of local rural residents for moose hunting.

Recommendation: Oppose. The season in Unit 19A north of the Kuskokwim River should remain closed until the moose population can support sustainable harvests. Adoption of this proposal is not supported by substantial evidence, would violate recognized principles of wildlife conservation, and would be detrimental to satisfaction of subsistence needs.

WP08-48/49 Executive Summary		
General Description	Proposals WP08-48 and 49 request customary and traditional use determinations for all residents of Unit 22 for ground squirrel and porcupine in Unit 22. These proposals were deferred (WP06-51 and 52) by the Federal Subsistence Board on May 18, 2006 and again on May 2, 2007 (WP07-46 and 47). *Submitted by Kawerak, Inc.*	
Proposed Regulation	**Unit 22** ***Ground squirrel and porcupine***	**Customary and Traditional Use Determination** ***All rural residents of Unit 22***
Yukon/Kuskokwim Delta Regional Council Recommendation	**Oppose**	
Western Interior Regional Council Recommendation	**Oppose**	
Seward Peninsula Regional Council Recommendation	**Oppose**	
Northwest Arctic Regional Council Recommendation	**Oppose**	
Interagency Staff Committee Comments	*See comments following the analysis.*	
ADF&G Comments	**Oppose**	
Written Public Comments	**None**	

REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

YUKON/KUSKOKWIM DELTA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposals WP08-48/49. There is lack of information to support Proposals 48/49.

WESTERN INTERIOR SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposals WP08-48/49. These are unnecessary proposals; there has not been shown a need for unit-specific customary and traditional use determinations for ptarmigan and spruce grouse. All the customary and traditional proposals before the Council for Unit 22 appear to be a desire to have recognition of customary uses and not a narrowing of eligibility. Passage of these proposals would have a negative impact on Federal qualified subsistence users outside Unit 22 who hunt within the Unit.

SEWARD PENINSULA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposals WP08-48/49**.** The Council did not see a need for such a finding for "unclassified wildlife." These species do not have methods and means and are unregulated.

NORTHWEST ARCTIC SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposals WP08-48/49. Ground squirrel and porcupine already have a year-round season and unlimited harvest because they are designated as "unclassified wildlife." The Board does not make customary and traditional use determinations for unclassified wildlife.

STAFF ANALYSIS
WP08-48/49

ISSUES

Proposals WP08-48 and 49, submitted by Kawerak, Inc. in Nome, request customary and traditional use determinations for all residents of Unit 22 for ground squirrel and porcupine in Unit 22. These proposals were deferred (WP06-51 and 52) by the Federal Subsistence Board on May 18, 2006 and again on May 2, 2007 (WP07-46 and 47).

DISCUSSION

The Federal Subsistence Board (Board) does not make customary and traditional use determinations for unclassified wildlife. Ground squirrel (WP08-48) and porcupine (WP08-49) are considered unclassified wildlife by the Board. As "unclassified wildlife," porcupine and ground squirrel have no harvest limits and no closed season unless unit-specific restrictions apply. There are no unit-specific restrictions for these species in Unit 22 (Federal Register 2006). As these resources are both "unclassified," the proposals have been combined into one analysis. All rural residents are eligible to harvest these species under Federal subsistence regulations.

Existing Federal Regulation

§___.26 Subsistence Taking of Wildlife

(n) Unit regulations. You may take for subsistence unclassified wildlife, all squirrel species, and marmots in all Units, without harvest limits, for the period of July 1–June 30. Unit-specific restrictions or allowances for subsistence taking of wildlife are identified at paragraphs (n)(1) through (26) of this section.

Unit 22	Customary and Traditional Use Determination
Ground squirrel and porcupine	*None*. (The Federal Subsistence Board does not make customary and traditional use determinations for unclassified wildlife and are not listed in Federal Subsistence Management regulations.)

Proposed Federal Regulation

Unit 22	Customary and Traditional Use Determination
Ground squirrel and porcupine	***All rural residents of Unit 22***

Extent of Federal Public Lands

Federal public lands comprise 32% of Unit 22 and consist of 18% Bureau of Land Management lands, 12% National Park Service (NPS) lands, and 2% U. S. Fish and Wildlife lands. The NPS managed lands are part of the Bering Land Bridge National Preserve. The FWS lands are managed as a small portion of the Yukon Delta National Wildlife Refuge in Unit 22A (**see Unit 22 Map**).

Regulatory History

Prior to 2006, the Board had never addressed customary and traditional use determinations for ground squirrel and porcupine in Unit 22. The Federal Subsistence Board determined in 1995 that certain wildlife, such as squirrels and porcupine, would be considered "unclassified wildlife" and would not require a customary and traditional use determination and would have year-round, unlimited harvests. The Board deferred Proposals WP06-51 and 52 at their May 2006 meeting in order to give the neighboring Regional Advisory Councils time for additional input into these determinations. The Board deferred these proposals again on May 2, 2007 (WP07-48 and 49), along with other proposals from Kawerak, Inc., because the proponent requested that they be deferred in order to give the Regional Advisory Councils and the proponent an opportunity to make a recommendation on the staff conclusion to oppose the proposals.

Proposals WP06-51 and 52 also included a request for seasons and harvest limits for ground squirrel and porcupine, but these proposals were rejected by the Board in May 2006 because as unclassified wildlife they already have a year-round, unlimited harvest.

Issues

Ground squirrels and porcupines are considered unclassified wildlife in Federal subsistence regulations and there are no seasons or harvest limits; customary and traditional use determinations are not made by the Board for unclassified wildlife.

Effects of the Proposal

Adopting these proposals is not possible because the Board does not make customary and traditional use determinations for unclassified wildlife.

Opposing these proposals would have no effect on subsistence users or nonsubsistence users in Unit 22 since these resources already have a year-round, unlimited harvest and are not generally sought after by nonsubsistence users. Shortages of ground squirrels and porcupines are not considered likely.

OSM CONCLUSION

Oppose Proposals WP08-48 and 49.

Justification

Ground squirrel and porcupine are included in the Federal subsistence regulations as unclassified wildlife. The Board does not make customary and traditional use determinations for unclassified wildlife. Ground squirrel and porcupine already have a year-round season and unlimited harvest because they are designated as "unclassified wildlife."

Literature Cited

Federal Register. 2006. 50 CFR Part 100 Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—2006–07 Subsistence Taking of Fish and Wildlife Regulations; Final Rule. Volume 71, No. 126, June 30, 2006. Washington, D. C. Page 37642.

INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-48/49

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Councils to be consistent with ANILCA Section 805(c).

Comments on WP08-48 and 49
April 2, 2008, Page 1 of 1

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposals WP08-48 and 49: Establish a customary and traditional use determination and open a season for ground squirrel and porcupine in Game Management Unit 22 and establish seasons and harvest limits.

Introduction: The Federal Subsistence Board determined in 1995 that ground squirrel and porcupine were among the species to be defined as" unclassified wildlife" in the federal subsistence regulations. Because the Federal Subsistence Board does not regulate the harvest of unclassified wildlife, federal customary and traditional use determinations and seasons are not needed.

Impact on Subsistence Users: Adoption of this proposal is unnecessary to accommodate federally-qualified subsistence users, because an unlimited opportunity to harvest ground squirrels and porcupine is provided in state regulations. Any new federal season or harvest limits could be detrimental to satisfaction of subsistence needs.

Opportunity Provided by State: Under state regulations, there are no closed seasons and no harvest limits for ground squirrel and porcupine.

Recommendation: Do not adopt. The Federal Subsistence Board does not regulate the harvest of unclassified wildlife.

WP08-01 Executive Summary	
General Description	Proposal WP08-01 requests that the closing dates of the wolf hunting and trapping seasons statewide be extended to May 31; that the harvest limit be increased to ten wolves per day for the dates of April 1– May 31; and that any restrictions to disturbing or destroying wolf dens be removed from regulations. *Submitted by the Orutsararmiut Native Council*
Proposed Regulation	*See the analysis for the proposed regulatory language.*
Southeast Regional Council Recommendation	**Oppose**
Southcentral Regional Council Recommendation	**Oppose**
Kodiak/Aleutians Regional Council Recommendation	**Oppose**
Bristol Bay Regional Council Recommendation	**Oppose**
Yukon/Kuskokwim Delta Regional Council Recommendation	**Support** Proposal WP08-01 **with modification.** *See full recommendation beginning on the following page.*
Western Interior Regional Council Recommendation	**Oppose**
Seward Peninsula Regional Council Recommendation	**Oppose**
Northwest Arctic Regional Council Recommendation	**Oppose**
Eastern Interior Regional Council Recommendation	**Support** Proposal WP08-01 **with modification** to limit their recommendation only to the Eastern Interior Region to have the wolf hunting and trapping seasons be extended to May 31 for the Eastern Interior Region's Units 12, 20, and 25. The Council was silent on the disturbing or destroying wolf dens portion of the proposal.
North Slope Regional Council Recommendation	**Oppose**
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Defer**
Written Public Comments	**2 Oppose** **1 Support with modification** **1 Defer**

REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposal WP08-01. The Council agreed with the staff analysis which recommended opposing this proposal. The Council determined the practice of disturbing dens and killing pups was culturally unacceptable in Southeast Alaska. The proposed action is not supported by sound management principles and could result in unknown negative consequences including a conservation concern for wolves. Improving moose habitat in areas with low moose abundance was thought to be a more effective solution to low moose numbers.

SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposal WP08-01. Public comments received opposed the proposal. Most hunting units in the State have liberal hunting seasons to harvest wolves. The Council also recognized that the proposed action may have the potential to create a conservation concern and impact subsistence users. The Council also recognized that this is clearly a predator control proposal and not within the purview of the Federal Subsistence Management Program.

KODIAK/ALEUTIANS SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposal WP08-01. The Council opposed the proposal, but supported encouraging cooperation between the Federal land management agencies and the State to allow active management of predators.

BRISTOL BAY SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposal WP08-01. The proponent of this proposal specifically states that the goal of the proposal is to reduce wolf numbers, and allow for higher moose and caribou populations. Passage of this proposal would be contrary to sound principles of wildlife management caused by the likely increased loss of pups from removal of attendant adults in early spring. The proponent can work with the State of Alaska, in coordination with the Federal agencies, to enable predator control.

YUKON/KUSKOKWIM DELTA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-01 **with modification**. Council recommendation is as follows:

1) Reject or defer the proposal as interpreted and amended by the staff analysis that immediately and fully applies the proposal statewide, and omitted the qualifying condition in the original proposal (see highlight in attached) which predicated potential application of changes upon review and acceptance by regional subsistence councils in their respective areas (as precedented by FSB actions regarding the sale of bear parts).

2) Compatible with considerations of Section B in the FSB's Predator Management Policy, take assertive and affirmative action towards addressing and reducing existing barricades for predator management consideration or implementation to provide for subsistence harvest needs in rural Alaska. Call on each member agency of the FSB to expedite creation and submissions of management plans within one year,

that outline how they will manage their respective wildlife populations to provide for current and future integrity of subsistence harvest needs to the greatest extent possible within their conservation units. Most especially to focus in those areas where many regional councils have strongly expressed the need for predator management as a major concern; or where Tier II hunts have restricted former opportunity by all federally qualified subsistence users; or where habitat is not a limiting factor for more healthy and sufficient moose populations to provide for rural subsistence needs, and predation is.

In direct contradiction with subsistence standards relevant to ANILCA, the inhibitions towards actively addressing this issue have placed the FSB and management entities into an unacceptable position of stagnation and non-compliance where: a) application of sound scientific management principles have been, and continue to be precluded or pre-empted; b) substantial information has been, and continues to be avoided, minimized, suppressed or dismissed; and, c) is highly detrimental to achieving or maintaining long-term integrity of providing for subsistence harvest uses and needs.

3. Direct a letter to the Secretary of Interior informing him of this situation that frustrates both intent and practicality of the FSB and federal management agencies from fulfilling their responsibilities for subsistence aspects of ANILCA. That has, and continues to prevent federal cooperation with state management programs implemented to achieve mutually beneficial management purposes.

Assert the need for his expedited consideration and assistance via executive order (or other avenues potentially available) to direct that, at least on Fish & Wildlife Service administered lands (and/or others), a national Environmental Impact Statement exercise, (under de-facto oversight, supervision or veto of the Defenders of Wildlife, Sierra Club, or similar "political science" organizations) is neither necessary nor appropriate for predator management activities intended to provide for subsistence harvest needs in rural Alaska. (Ref. Congressional Record S15131 – Natural Diversity statement, December 1, 1980 that includes: "*The term is not intended to, in any way, restrict the authority of the Fish and Wildlife Service to manipulate habitat for the benefit of fish or wildlife populations within a refuge <u>or for the benefit of the use of such populations by man as part of a balanced management program mandated by the Alaska National Interest Lands Conservation Act or other applicable law</u>.*) . He should clarify and direct further, that an adequate level of actual management integrity and oversight can be realized and satisfied through an Environmental Assessment conducted by area staff most knowledgeable and familiar with the biological and ecological dynamics of their respective regions.

Justification

Original proposal WP08-01 as analyzed by the staff is subject to presumptive rejection by the Federal Subsistence Board (FSB). Proposal as written by the proponent, addresses policies or regulations that apply for the predator management on Public Lands. The FSB must address recognition that management of important subsistence resource populations and regulations providing for subsistence harvest needs are inextricably entwined.

Recommendations such as the following conclusions from the National Academy of Science report regarding predator management in Alaska, need to be utilized (not just passive acknowledgement) in the FSB's routine that *"Such decisions must be based on detailed local information that supplements more general biological and social impact data. Therefore, effective and efficient decision-making needs to be customized by using local and traditional knowledge and targeted to the needs and interests of local constituencies."* Avoiding or blocking proactive and proven effective measures such as predator management to provide for rural subsistence needs violates commonly understood intent and purpose ANILCA Title VIII, by serving only the long term interests of either phasing such activities out of existence, or relegating subsistence in rural Alaska to little more than "museum status" in the future.

ATTACHMENT FOR WP08-01

2008–2010 Federal Subsistence Wildlife Proposal
(Attach additional pages as needed).

Name: Orutsararmiut Native Council (ONC)

Organization: Same as above

Address: P.O. Box 927, Bethel, Alaska 99559

Phone: (907) 543-2608 **Fax:** (907) 543-2639

E-Mail: groczicka@nativecouncil.org

This proposal suggests a change to: Harvest seasons, methods and means of harvest.

1. What regulation do you wish to change?

Wolf hunting & trapping seasons, bag limits and restrictions in all management units with an identified customary and traditional use determination for this species; subject to more specific direction and/or determination of the Regional Advisory Councils in their respective areas of knowledge, oversight or jurisdiction.

2. How should the new regulation read?

a. Extend season closure date to May 31

b. From April 1 through May 31 increase bag limit to 10 per day

c. Delete any restrictions to disturbing or destroying a den for this species.

3. Why should the regulation change be made?

Reinstatement of a historical activity that helped promote and maintain more productive moose or caribou populations that are highly important as basic subsistence food sources in rural Alaska. An activity that was eliminated due to application of imposed societal standards for "sportsmanship" or "fair chase"; and avoided in more recent decades based on philosophical or existential value/belief systems imported from the lower 48 states.

It has been noted in several different public forums and testimony from rural Alaska residents over the years that "denning", as labeled by western society, was a known generational practice in areas of rural Alaska that some families considered to be their responsibility. In some villages, certain young men were charged with carrying this out (along with other more "distasteful, shocking or indiscriminate" methods and means such as spring baiting) to keep wolf numbers at lower levels. As stated by one elder, "We knew that when the wolves increase too much, its time to prepare for starvation"; and from another, "When the moose and caribou are gone – the country dies".

The Federal Subsistence Board (FSB) was created to provide for the subsistence priority harvest needs in rural Alaska. It needs to let rural residents know here, who's long term interest their actions – or

lack thereof — actually serve: Is it the rural subsistence harvest priority, or those of the imported value systems referenced above, who are actually the ones receiving deference, and priority consideration regarding these concerns. The current situation essentially states that east coast, southern California or otherwise urban needs or desires are more important than food on the table for many of rural Alaska's families today; and for our children's children.

In addition, since the FSB chose not to assert any management authority or responsibility in the larger arena of actual resource management through its adoption of previous policy, it should emphatically call for or direct each of its member management entities (Fish & Wildlife, Forest Service, Bureau of Land Management, & the National Park Service to the maximum extent possible), to expedite creation and submission of management plans within one year, that outline how they will manage their respective wildlife populations to provide for current and future rural subsistence harvest needs in their respective "conservation" units. Initiation of that action however, should not be used as justification to delay adoption of this current proposal.

WESTERN INTERIOR SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposal WP08-01. The Council opposed this proposal because the poor quality of pelt during the requested extended time and it might highlight subsistence trapping as a predator control measure that might result in shutting down all trapping. Passage of this proposal would be contrary to sound principles of wildlife management.

SEWARD PENINSULA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposal WP08-01**.** Predator control is not part of the Federal Subsistence Management Program.

NORTHWEST ARCTIC SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposal WP08-01. The Council agrees with the OSM staff analysis. The Federal Subsistence Board policy does not promulgate regulations for predator control. The proponent specifically states that the goal of the proposal is to reduce wolf numbers to allow for higher moose and caribou populations. Passage of this proposal would be contrary to sound principles of wildlife management. Proponents should work with the State of Alaska, in coordination with the federal agencies, when considering predator control.

EASTERN INTERIOR ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-01 **with modification** to limit their recommendation only to the Eastern Interior Region to have the wolf hunting and trapping seasons be extended to May 31 for the Eastern Interior Region's Units 12, 20, and 25. The Council was silent on the disturbing or destroying wolf dens portion of the proposal.

The modified regulation should read:

Wolf (Hunting)
Unit 12

10 wolves	*Aug. 10- ~~Apr. 30~~* ***May 31***
Unit 20	
10 wolves	*Aug. 10– ~~Apr. 30~~* ***May 31***
Unit 25	
Unit 25A — No limit	*Aug. 10– ~~Apr. 30~~* ***May 31***
Unit 25 remainder — 10 wolves	*Aug. 10– ~~Apr. 30~~* ***May 31***
Wolf (Trapping)	
Units 12 and 20E	
No limit	*Oct. 1 – ~~Apr. 30~~* ***May 31***
Units 20A, 20B, 20C, 25A, 25B, 25C, and 26	
No limit	*Nov. 1 – ~~Apr. 30~~* ***May 31***
Unit 20F	
No limit	*Nov. 1 – ~~Apr. 30~~* ***May 31***
Unit 25D	
No limit	*Nov. 1 – ~~Apr. 30~~* ***May 31***

The extended seasons end date would allow additional opportunity for incidental harvest of wolves while subsistence users are hunting bears and would align the State and Federal seasons. The subsistence activities during this extension time generally are not in the vicinity of the wolf dens and pregnant or lactating female wolves tend to stay close to their den site reducing the chance female wolves would be harvested.

NORTH SLOPE SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposal WP08-01. Predator control is not part of the Federal Subsistence Management Program.

STAFF ANALYSIS
WP08-01

ISSUES

Proposal WP08-01, submitted by the Orutsararmiut Native Council (ONC), requests that the closing dates of the wolf hunting and trapping seasons statewide be extended to May 31; that the harvest limit be increased to ten wolves per day for the dates of April 1– May 31; and that any restrictions to disturbing or destroying wolf dens be removed from regulations.

In its proposal, the proponent also requests that the Federal Subsistence Board (Board) "call for or direct" the four land management agencies of the Federal Subsistence management program to "… expedite creation and submission of management plans within one year, that outline how they will manage their respective wildlife populations to provide for current and future rural subsistence harvest needs in their respective "conservation" units." The proponent goes on to request that these management plans reflect local or regional knowledge and practices. These requests are not regulatory in nature, and are thus not addressed in this analysis. However, they are highlighted here to bring to the attention of land management agencies.

In reviewing a draft of this analysis at the Yukon-Kuskokwim Delta Council meeting, the proponent raised the concern that the analysis does not reflect his intent for the regulatory action to be considered regionally across the state, with specific outcomes conforming to local views. Presenting the issue to all ten Councils provided an opportunity for regional approaches to be considered. However, a regional versus statewide interpretation of the proposal does not overcome the hurdle posed by the Board policy on predator control.

DISCUSSION

The proponent seeks to expand and increase hunting and trapping opportunities on wolf populations statewide in order to provide for more productive moose and caribou populations, which are important subsistence resources to rural Alaskans throughout the state. The proponent states that reinstatement of historic wolf control activities (such as "denning" or spring baiting) will help to "promote and maintain more productive moose or caribou populations that are highly important as basic subsistence food resources in rural Alaska." The proponent states that these historical activities were eliminated because of the imposition of "societal standards for sportsmanship or fair chase," and are avoided more recently, based on existential value and belief systems imported from elsewhere. The proponent claims that expanded hunting and trapping opportunity on wolves may reduce wolf numbers in some areas, but "… in the long term will result in comparatively higher numbers of associated populations." The goal of the proposal is to provide "adequate and sustainable harvest levels of moose and caribou."

In May 2004, the Board adopted a Predator Management Policy (FSB 2004). As described in the policy, the Board administers the subsistence taking and uses of fish and wildlife on Federal Public lands through regulations that provide for the nonwasteful harvest of fish and wildlife by Federally qualified rural residents, consistent with the maintenance of healthy populations of harvested resources. Such subsistence taking and uses are "… for direct personal or family consumption…" The policy goes on to note that "…wildlife management activities on Federal public lands other than the subsistence take and use of fish and wildlife, such as predator control and habitat management, are the responsibility of and remain within the authority of the individual land management agencies." Given that the proponent of Proposal WP08-01 requests expanded wolf harvesting opportunities (through more liberal trapping and hunting seasons,

harvest limits, and the opportunity to take pups at den sites) to promote and maintain more productive moose and caribou populations, thereby ensuring sustainable harvests of said populations, this proposal falls outside of the purview of the Board, but within the purview of Federal land management agencies in coordination with the State of Alaska.

Existing Federal Regulations

General Provisions:

§___.26 Subsistence Taking of Wildlife

> *(d) The following methods and means of trapping fur bearers for subsistence uses pursuant to the requirements of a trapping license are prohibited, in addition to the prohibitions listed at paragraph (b) of this section:*
>
> *(1) Disturbing or destroying a den, except that you may disturb a muskrat pushup or feeding house in the course of trapping;*

Wolf (Hunting)

Unit 1	
5 wolves	*Aug. 1– April 30*
Unit 2	
5 wolves *The Forest supervisor (or designee) may close the Federal hunting and trapping season in consultation with ADF&G and the Chair of the Southeast Alaska Subsistence Regional Advisory council, when the combined Federal-State harvest quota is reached.*	*Sept. 1– Mar. 31*
Units 3, 4, 5	
5 wolves	*Aug.1 – Apr. 30*
Unit 6	
5 wolves	*Aug. 10– Apr. 30*
Unit 7	
Unit 7, that portion within the Kenai National wildlife Refuge — 2 wolves	*Aug. 10– Apr. 30*
Unit 7 remainder— 5 wolves	*Aug. 10– Apr. 30*
Unit 9	
10 wolves	*Aug. 10– Apr. 30*
Unit 10	
5 wolves	*Aug. 10– Apr. 30*
Units 11, 12, 13	
10 wolves	*Aug. 10– Apr. 30*
Unit 14	
Unit 14A and 14B	*No Federal open season*
Unit 14C— 5 wolves	*Aug. 10– Apr. 30*

Unit 15	
2 wolves	*Aug. 10– Apr. 30*
Unit 16	
5 wolves	*Aug. 10– Apr. 30*
Unit 17	
10 wolves	*Aug. 10– Apr. 30*
Unit 18	
5 wolves	*Aug. 10– Apr. 30*
Unit 19	
Unit 19 D— 10 wolves per day	*Aug. 10– Apr. 30*
Unit 19 remainder— 5 wolves	*Aug. 10– Apr. 30*
Unit 20	
10 wolves	*Aug. 10–Apr. 30*
Unit 21	
5 wolves	*Aug. 10– Apr. 30*
Unit 22	
No limit	*Nov. 1– Apr. 15*
Unit 23	
15 wolves	*Oct. 1– Apr. 30*
Unit 24	
15 wolves; however, no more than 5 wolves may be taken before Nov. 1	*Aug. 10– Apr. 30*
Unit 25	
Unit 25A — No limit	*Aug. 10–Apr. 30*
Unit 25 remainder — 10 wolves	*Aug. 10–Apr. 30*
Unit 26	
15 wolves	*Aug. 10– Apr. 30*

Wolf (Trapping)

Units 1, 3, 4	
No limit	*Nov. 10 – April 30*
Unit 2	
No limit	*Nov. 15 – Mar. 31*
The Forest supervisor (or designee) may close the Federal hunting and trapping season in consultation with ADF&G and the Chair of the Southeast Alaska Subsistence Regional Advisory council, when the combined Federal-State harvest quota is reached.	
Units 7 and 15	
No limit	*Nov. 10 – Mar. 31*
Units 14A and 14B	
	No Federal Open Season

Unit 14C	
No limit	*Nov. 10 – Feb. 28*
Unit 5	
No limit	*Nov. 10 – Nov. 30*
Unit 6A	
No limit	*Nov. 10 – Mar. 31*
Units 6B, 6C, 6D, 9, 10, 11, 16, 17, 18	
No limit	*Nov. 10 – Mar. 31*
Units 12 and 20E	
No limit	*Oct. 1 – Apr. 30*
Unit 13	
No limit	*Oct. 15 – Apr. 30*
Units 19, 20A, 20B, 20C, 21, 23, 24, 25A, 25B, 25C, and 26	
No limit	*Nov. 1 – Apr. 30*
Unit 20F	
No limit	*Nov. 1 – Apr. 30*
Unit 22	
No limit	*Nov. 1 – Apr. 30*
Unit 25D	
No limit	*Nov. 1 – Apr. 30*

Proposed Federal Regulations

General Provisions:

§___.26 Subsistence Taking of Wildlife

(d) The following methods and means of trapping fur bearers for subsistence uses pursuant to the requirements of a trapping license are prohibited, in addition to the prohibitions listed at paragraph (b) of this section:

(1) Disturbing or destroying a den ***other than that of a wolf****, except that you may disturb a muskrat pushup or feeding house in the course of trapping;*

Wolf (Hunting)

Units 1, 3–5	
5 wolves	*Aug. 1 –~~Apr 30~~* ***March 31***
10 wolves/day	***April 1– May 31***
Unit 2	
5 wolves	*Sept. 1– Mar. 31*
10 wolves/day	***April 1– May 31***

The Forest supervisor (or designee) may close the Federal hunting and trapping season in consultation with ADF&G and the Chair of the Southeast Alaska Subsistence Regional Advisory council, when the combined Federal-State harvest quota is reached.

Unit 6

5 wolves	*Aug. 10– ~~Apr. 30~~* ***March 31***
10 wolves/day	***April 1– May 31***

Unit 7

Unit 7, that portion within the Kenai National wildlife Refuge – 2 wolves	*Aug. 10– ~~Apr. 30~~* ***March 31***
10 wolves/day	***April 1 – May 31***
Unit 7 remainder— 5 wolves	*Aug. 10– ~~Apr. 30~~* ***March 31***
10 wolves/day	***April 1 – May 31***

Unit 9

10 wolves	*Aug. 10– ~~Apr. 30~~* ***March 31***
10 wolves/day	***April 1– May 31***

Unit 10

5 wolves	*Aug. 10– ~~Apr. 30~~* ***March 31***
10 wolves/day	***April 1– May 31***

Units 11–13

10 wolves	*Aug. 10– ~~Apr. 30~~* ***March 31***
10 wolves/day	***April 1– May 31***

Unit 14

Unit 14A and 14B	*No federal open season*
Unit 14C— 5 wolves	*Aug. 10– ~~Apr. 30~~* ***March 31***
10 wolves/day	***April 1 – May 31***

Unit 15

2 wolves	*Aug. 10– ~~Apr. 30~~* ***March 31***
10 wolves/day	***April 1– May 31***

Unit 16

5 wolves	*Aug. 10– ~~Apr. 30~~* ***March 31***
10 wolves/day	***April 1– May 31***

Unit 17

10 wolves	*Aug. 10– ~~Apr. 30~~* ***March 31***
10 wolves/day	***April 1– May 31***

Unit 18

5 wolves	*Aug. 10– ~~Apr. 30~~* ***March 31***
10 wolves/day	***April 1– May 31***

Unit 19

Unit 19 D— 10 wolves per day	*Aug. 10– ~~Apr. 30~~* ***May 31***
Unit 19 remainder— 5 wolves	*Aug. 10– ~~Apr. 30~~* ***March 31***
10 wolves/day	***April 1– May 31***

Unit 20

10 wolves	*Aug. 10– ~~Apr. 30~~* ***March 31***
10 wolves/day	***April 1– May 31***

Unit 21

5 wolves	*Aug. 10– ~~Apr. 30~~* ***March 31***
10 wolves/day	***April 1– May 31***

Unit 22

No limit	*Nov. 1– Apr. 15*
10 wolves/day	***April 16– May 31***

Unit 23

15 wolves	*Oct. 1– ~~Apr. 30~~* ***March 31***
10 wolves/day	***April 1– May 31***

Unit 24

15 wolves; however, no more than 5 wolves may be taken before Nov. 1	*Aug. 10– ~~Apr. 30~~* ***March 31***
10 wolves/day	***April 1– May 31***

Unit 25

Unit 25A — No limit	*Aug. 10 – Apr. 30*
10 wolves/day	***May 1– May 31***
Unit 25 remainder — 10 wolves	*Aug. 10– ~~Apr. 30~~* ***March 31***
10 wolves/day	***April 1– May 31***

Unit 26

15 wolves	*Aug. 10– ~~Apr. 30~~* ***March 31***
10 wolves/day	***April 1– May 31***

Wolf (Trapping)

Note: The proponent requested that the closing dates of the wolf hunting and trapping seasons statewide be extended to May 31 and that the harvest limit be increased to ten wolves per day for the dates of April 1– May 31. Since harvest limits for trapping wolves are unlimited statewide, the effect of the proponent's request would have been to place a limit on the trapping harvest of wolves. Consultation with the proponent clarified that this was not the intent of the proposal, so the wolf harvest limits for trapping have not been changed. The proponent did intend to extend the season, which is reflected in the proposed language (Roczicka 2007, pers. comm.).

Units 1, 3, 4

No limit	*Nov. 10 – ~~April 30~~* ***May 31***

Unit 2

No limit *The Forest supervisor (or designee) may close the Federal hunting and trapping season in consultation with ADF&G and the Chair of the Southeast Alaska Subsistence Regional Advisory council, when the combined Federal-State harvest quota is reached.*	*Nov. 15 – ~~Mar. 31~~* ***May 31***

Units 7 and 15

No limit	*Nov. 10 – ~~Mar. 31~~* ***May 31***

Units 14A and 14B

No Federal Open Season

Unit 14C

No limit	*Nov. 10 – ~~Feb. 28~~* ***May 31***

Unit 5

No limit	*Nov. 10 – ~~Nov. 30~~* ***May 31***

Unit 6A

No limit	*Nov. 10 – ~~Mar. 31~~* ***May 31***

Units 6B, 6C, 6D, 9, 10, 11, 16, 17, 18

No limit	*Nov. 10 – ~~Mar. 31~~* ***May 31***

Units 12 and 20E

No limit	*Oct. 1 – ~~Apr. 30~~* ***May 31***

Unit 13

No limit	*Oct. 15 – ~~Apr. 30~~* ***May 31***

Units 19, 20A, 20B, 20C, 21, 23, 24, 25A, 25B, 25C, and 26

No limit	*Nov. 1 – ~~Apr. 30~~* ***May 31***

Unit 20F

No limit	*Nov. 1 – ~~Apr. 30~~* ***May 31***

Unit 22

No limit	*Nov. 1 – ~~Apr. 30~~* ***May 31***

Unit 25D

No limit	*Nov. 1 – ~~Apr. 30~~* ***May 31***

Existing State Regulations

Wolf (Hunting)

** unless noted otherwise, hides must be sealed within 30 days of kill in all Game Management Units.*

Unit 1	
5 wolves. Wolves taken on Douglas Island must be reported within 48 hours, and sealed within 5 days.	*Aug. 1– Apr. 30*
Unit 2	
5 wolves	*Dec. 1 – Mar. 31*
Units 3, 4, 5	
5 wolves	*Aug. 1– Apr. 30*
Unit 6	
5 wolves	*Aug. 10– Apr. 30*
Unit 7	
5 wolves total, of which only two may be taken in the Kenai National Wildlife Refuge	*Aug. 10– Apr. 30*
Unit 9	
10 wolves per day	*Aug. 10– May 25*
Units 10, 11	
5 wolves	*Aug. 10 – Apr. 30*
Unit 12	
5 wolves	*Aug 10 – May 31*
Unit 13	
10 wolves per day	*Aug. 10 – Apr. 30*
Units 14A, 14B and 14C (outside of special management areas)	
5 wolves	*Aug. 10 – Apr. 30*
Unit 15	
5 wolves total, of which only two may be taken in the Kenai National Wildlife Refuge	*Aug. 10 – Apr. 30*
Unit 16	
10 wolves	*Aug. 10– Apr. 30*
Unit 17	
10 wolves per day	*Aug. 10– Apr. 30*
Unit 18	
5 wolves	*Aug. 10– Apr. 30*
Unit 19	
10 wolves per day. For wolves taken in that portion of 19D upstream of Selatna and Black River drainages, report to McGrath 907/524-3323 within 10 days of kill	*Aug. 1– May 31*
Unit 20	
5 wolves	*Aug. 10– May 31*

Unit 21	
10 wolves	*Aug. 10– Apr. 30*
Unit 22	
5 wolves	*Aug. 10– Apr. 30*
Unit 23	
20 wolves	*Aug. 10– Apr. 30*
Unit 24	
10 wolves	*Aug. 10– Apr. 30*
Units 25A, 25B and 25D	
10 wolves	*Aug. 10– May 31*
Unit 25C	
5 wolves	*Aug. 10– May 31*
Unit 26	
10 wolves	*Aug 10– Apr. 30*

Wolf (Trapping)

Units 1, 3–5	
No limit	*Nov. 1– Apr. 30*
Unit 2	
No limit	*Dec. 1 – Mar. 31*
Units 6, 7, 10–11, 14A, and 15	
No limit	*Nov. 10– Mar. 31*
Unit 9	
No limit	*Oct. 1– Apr. 30*
Unit 13	
No limit	*Oct. 15– Apr. 30*
Units 14B, 16 and 17	
No limit	*Nov. 10 – Apr. 30*
Unit 14C	
No limit	*Nov. 10 – Feb. 28*
Units 19D, 21A, and 25D	
No limit	*Oct. 1 – Apr. 30*
Units 19A, 19B, 19C, 20A, 20B, 20C, 20F, 21B, 21C, 21E, 24, 25A, 25B, 25C, 26B, 26C	
No limit	*Nov. 1 – Apr. 30*

Units 12, 20D, and 20E

No limit — *Oct. 15– Apr. 30*

Unit 18

No limit — *Nov. 10 – Mar. 30*

Units 22, 23, and 26A

No limit — *Nov. 1 – Apr. 30*

Extent of Federal Public Lands

Proposed regulations would apply to all Federal public lands, as defined by Federal subsistence hunting and trapping regulations, in Alaska. Federal public lands represent approximately 60% of Alaska or 380,900 square miles.

Customary and Traditional Use Determinations

The customary and traditional use determinations for wolves statewide are as follows.

Unit	***Customary and Traditional Use Determinations — Rural Residents of:***
Units 1, 2, 3, 4, 7, 14C, and 15	Alaska
Unit 5	Unit 5A
Unit 6A	Units 5A, 6, 9, 10 (Unimak Island only), 11–13, 16– 26, and Chickaloon
Units 6B, 6C, 6D, 9 –13, 16– 19, 20A, 20B, 20C, 20D, 20E, 21, 23, 24, 25A, 25B, 25C and 26	Units 6, 9, 10 (Unimak Island only), 11–13, 16–26, and Chickaloon
Unit 20F	Unit 20F, Stevens Village and Manley
Unit 22	Units 21D (north and west of the Yukon River), 22, 23, and Kotlik
Unit 25D	Unit 25D

Current Events Involving the Species

Various proposals have been submitted to the Federal Subsistence Management Program (Program) in the past three years to alter the wolf hunting seasons in different parts of the state (i.e., Proposals WP05-02, WP06-64, WP07-59). Proposal WP05-02 requested a reduction of the wolf hunting season in most units of the state; the Board rejected that proposal. In October 2005, parallel proposals were submitted to the Board (Proposal WP06-64) and the Alaska Board of Game to extend the season on wolf hunting in Units 12, 20, and 25 by 31 days. The Alaska Department of Fish and Game (ADF&G) recommended that the Alaska Board of Game not adopt this proposal due to the poor quality of the hides in May, the negative effects of hunting wolves when pups are at the den site, and because the extended season would not result in a significant reduction in the number of wolves and would ultimately have little effect on

moose survival and recruitment (ADF&G 2006). Contrary to ADF&G's recommendations, the Alaska Board of Game approved the extended season after several members expressed their intent to facilitate the reduction of wolf populations to benefit moose and caribou populations, i.e., predator control (LaPlant, 2006). Following the State's action, the Federal Subsistence Board rejected the Federal proposal (WP06-64) during its May 2006 meeting, stating that extending the hunting season for wolves into the time when wolves have pups at the den site is "contrary to sound wildlife management principles." A year later, another proposal (WP07-59) was submitted to the Federal Subsistence Board requesting that the closing dates of the wolf hunting seasons in Units 12, 20, and 25 be changed from April 30 to May 31. Once again, the Federal Subsistence Board rejected the proposal, stating that extending the hunting season for wolves into the time when wolves have pups at the den site is contrary to sound wildlife management principles. The Board also expressed concern over the possibility of waste, noting that the hides of wolves taken in May are not prime as spring hides and are thus of low value for the making of clothing and handicrafts. Finally, the Board reiterated that its policy is to not promulgate regulations specifically for predator control. While proposal WP07-59 did not claim predator control as an objective, parallel action by the Alaska Board of Game was requested by the proponent and that proposal was adopted specifically to reduce predator populations.

Effects of the Proposal

This proposal would result in the extension of the wolf hunting and trapping seasons throughout the state. Additionally, raising the hunting harvest limit to 10 wolves per day between the period April 1 and May 31 would affect most game management units (or subunits), and would allow individual hunters to take up to 10 wolves per day during this additional 61 day period. For Units 22 and 25A, in which there is no harvest limit for hunting wolves, the proposal would extend the season as requested, with a 10 wolf per day limit during the extended part of the season. There are no wolves in Unit 8, so this proposal would have no effect in that unit. The harvest limit for trapping throughout the state is unlimited; further consultation with the proponent indicates that this proposal is not intended to impose a limit of 10 wolves per day but rather to retain "no limit" on trapping wolves.

The effects of removing the regulations that prohibit disturbing or destruction of a wolf den are unknown. While the proponent claims that traditional methods of wolf control included a practice called "denning" (i.e., removing wolf pups in the spring), it is not known to what extent this practice occurred historically or would occur today. Written references to the practice of "denning" are scarce; those that exist point to "denning" being a common practice when bounties were in effect, and denning proved an effective means of collecting wolves for money (cf. Spearman n.d.).

This proposal seeks to extend the hunting season to May 31, when wolves are shedding and their hides are not prime. Any person taking a wolf for subsistence uses must salvage the hide [§__.25(j)(2)(i)]. In most areas of the state, a pelt harvested during the proposed season extension would not generally be considered for use in the making of quality clothing and handicrafts, as sub-prime pelts are generally not sought by hunters and trappers. This is not true for all units, as noted by the Eastern Interior Alaska Subsistence Regional Advisory Council (EIRAC 2005).

The proposed season extensions would occur at the end of spring when wolves become more difficult to track and see without adequate snow cover in some portions of the state.

While the harvest that might result from this proposed regulatory change would likely be small, adoption of the proposal could cause the inadvertent harvest of adult wolves with pups, which could result in the abandonment of the young at the den site and subsequent additional mortality. Pup survival is not likely

without the lactating female, and without other adult wolf pack members to provide protection, freshly harvested meat, and passing on of the skills necessary to survive.

OSM CONCLUSION

Oppose proposal WP08-01.

Justification

The Federal Subsistence Board policy is to not promulgate regulations specifically for predator control. The proponent of this proposal specifically states that the goal of the proposal is to reduce wolf numbers, and allow for higher moose and caribou populations. Finally, passage of this proposal would be contrary to sound principles of wildlife management caused by the likely increase loss of pups from removal of attendant adults in early spring. Proponents can work with the State of Alaska, in coordination with the federal agencies, to enable predator control.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-01

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Councils to be consistent with ANILCA Section 805(c).

Comments on WP08-01
April 10, 2008, Page 1 of 2

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP08-01: Liberalize wolf harvest regulations statewide by allowing customary and traditional practices.

Introduction: This statewide proposal would extend the wolf hunting and trapping season by moving the closure date to May 31, increase the hunting bag limit to 10 wolves per day during the period from April 1 to May 31, and delete any restrictions to disturbing or destroying a den.

Impact on Subsistence Users: Adoption of this proposal would: (1) provide additional time and methods for federally-qualified subsistence users to hunt and trap wolves on federal lands in spring; (2) substantially increase the harvest limit in some areas for wolves taken under federal subsistence hunting regulations on federal lands; and (3) authorize dens on federal lands to be disturbed or destroyed for the purpose of harvesting wolves. These liberalizations would create wolf management and conservation issues in some areas that would likely result in reduced subsistence opportunities to harvest wolves in the long-term. In some areas these may be traditional methods of harvest by rural residents.

Opportunity Provided by the State: State hunting regulations allow harvest of wolves in May and/or authorize a bag limit of 10 wolves per day in some areas where the wolf populations can sustain these harvests. State regulations do not authorize dens to be disturbed or destroyed. The Alaska Board of Game deferred action on several similar proposals until its next regulatory cycle to allow a thorough evaluation of issues.

Conservation Issues: Elements in this proposal—season extension, increased harvest limit, or disturbing/destroying dens—could result in overharvest of wolves and create conservation concerns in some areas. In southeast Alaska, for example, increased harvests could lead to wolves being evaluated as possible threatened or endangered species. The poor pelt quality of wolves taken in spring in most areas reduces their value for subsistence uses.

Enforcement Issues: Differences in federal and state regulations resulting from adoption of this proposal create enforcement issues in areas with mixed land ownership.

Other Comments: No evidence is presented indicating that the proposed changes are needed to provide for the continuation of subsistence uses of wolves by federally-qualified subsistence users. Similar proposals to manipulate predator populations that benefit prey populations were submitted to, and rejected by, the Federal Subsistence Board in 2005 and 2006 for the following reasons: (1) The Federal Subsistence Board and the Department of Fish and Game were concerned that extending the season statewide when wolves have pups at the den site is contrary to sound wildlife management principles; (2) The Federal Subsistence Board and Department of Fish and Game noted that hides of wolves taken in May are not prime and are of low value for making clothing and handicrafts; and (3) The Federal Subsistence Board reiterated that its policy adopted in 2004 is to not promulgate regulations specifically for predator control.

The proponent desires that each federal land management agency take action to facilitate active

predator management on federal units. The State of Alaska is actively engaged in intensive management of wolves in some areas of the state in order to restore healthy prey populations, but federal land management policies limit the scope and effectiveness of State efforts. The State welcomes opportunities to work with the proponents to encourage federal land managers to reevaluate their land management policies that limit the State's active management tools on most federal lands.

Recommendation: Defer. The Department recommends deferral of this proposal and encourages cooperation between the federal land management agencies and the State to recognize the State's wildlife management responsibilities, which may include active management of predators on federal public lands. We request the Federal Board create a work group to work with users and the Alaska Board of Game on this proposal and not take action until after the Alaska Board of Game completes its evaluation of wolf harvest practices and other issues addressed in proposals it has deferred.

WRITTEN PUBLIC COMMENTS

Oppose. We oppose this effort to permit "denning," the destruction of wolf dens and the disturbance and killing of wolf pups in their dens, on Federal lands throughout the state. To permit this practice would be to promote the unnecessary wanton waste of a wildlife resource. Hunting and trapping are the accepted means of limiting predator populations on Federal lands in Alaska. The destruction of dens and wolves hiding within their dens is unnecessary and extreme. The stated purpose of the proposal is to reduce wolves for the benefit of moose or caribou, but there is no analysis of any adverse impact wolves are having on prey populations in any specific area. Such information is essential to responsible wildlife management of a public resource. If such a proposal is considered in the future, it would have to be limited to specific situations where wolves are clearly the problem. We oppose the extension of the open season to May 31, because this would extend the hunt into the pupping and denning season, and the wolf pelts are no longer prime during May. Hunting during May will lead to a lower quality fur which will not be fully utilized. In addition, hunting during this period creates the potential for unknown mortality if pups in a den are orphaned and starve because adult pack members associated with that den are taken. Taking wolves during this period jeopardizes sustained yield and risks overharvest of a valuable resource. *Submitted by Defenders of Wildlife, Alaska Wildlife Alliance, and Alaska Center for the Environment.*

Oppose. The Lake Clark Subsistence Resource Commission members agreed that disturbing wolf dens is not a local practice and are opposed to extending the season because it would interrupt the denning season. *Submitted by the Lake Clark Subsistence Resource Commission*

Support with modification. The subsistence resource commission (SRC) supports the first two recommendations outlined in the proposal—to extend the hunting season for wolves to May 31 and increase the bag limit to 10 wolves per day—but opposes the recommendation to eliminate restrictions regarding disturbing or destroying wolf dens. The SRC supports longer seasons and higher bag limits to encourage more wolf hunting to reduce wolf populations, but does not support disturbing or destroying wolf dens as a means for predator control. *Submitted by Aniakchak National Monument Subsistence Resource Commission*

Defer. Wrangell-St. Elias National Park Subsistence Resource Commission recommends deferring action on this proposal pending the results of the fall 2008 ballot initiative regarding shooting wolves and bears from aircraft. *Submitted by Wrangell-St. Elias National Park Subsistence Resource Commission*

WP08-05 Executive Summary	
General Description	Proposal WP08-05 requests the removal of all unit-specific regulations related to the statewide sale of brown bear handicrafts made of skin, hide, pelt or fur and that sales of brown bear handicrafts made of claws, bones, teeth, sinew, or skulls should occur only between Federally qualified subsistence users. *Submitted by the Alaska Department of Fish and Game*
Proposed Regulation	*§___.25(j)(7) If you are a Federally qualified subsistence user, you may sell handicraft articles made from the skin, hide, pelt, or fur,* ***not*** *including claws, of a brown bear ~~taken from Units 1–5, 9A–C, 9E, 12, 17, 20, or 25~~.* *(i) ~~In Units 1, 2, 3, 4, and 5~~,* ***If you are a Federally qualified subsistence user,*** *you may sell handicraft articles made from the ~~skin, hide, pelt, fur~~, claws, bones, teeth, sinew, or skulls of a brown bear* ***to another Federally qualified subsistence user*** *~~taken from Units 1, 4, or 5~~.* *(ii) [Reserved].*
Southeast Regional Council Recommendation	**Oppose**
Southcentral Regional Council Recommendation	**Oppose**
Kodiak/Aleutians Regional Council Recommendation	**Support** Proposal WP08-05 **with modification**, to include only those units presently allowing handicraft sales of bear parts. See the following page for the modified regulatory language.
Bristol Bay Regional Council Recommendation	**Oppose**
Yukon/Kuskokwim Delta Regional Council Recommendation	**Oppose**
Western Interior Regional Council Recommendation	**Oppose**
Seward Peninsula Regional Council Recommendation	**Oppose**
Northwest Arctic Regional Council Recommendation	**Oppose**
Eastern Interior Regional Council Recommendation	**Oppose**
North Slope Regional Council Recommendation	**Oppose**
Interagency Staff Committee Comments	*See comments following the analysis.*

continued on next page

WP08-05 Executive Summary (continued)	
ADF&G Comments	*See comments following the analysis.*
Written Public Comments	**6 Oppose** **1 Support**

REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposal WP08-05. The Council agreed with the staff analysis conclusion. The relationship that residents of Southeast Alaska have with brown bears is culturally important and allows the use and sharing of all parts of the bear. Because subsistence hunters do not harvest bears for their trophy value, there is a minimal subsistence harvest. The Council disagreed with the State comments regarding the potential for a conservation concern due to subsistence harvest of bears. This proposal is an unnecessary restriction on subsistence users as there are no actual examples of problems that would justify adopting this restriction.

SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposal WP08-05. Public comments, statewide private organizations, and other Regional Advisory Councils' comments opposed the proposal. The Council sees no conservation concern for the brown bear population and believes that the issues of abuse are a matter of perception. The Council stated that if future problems regarding brown bear handicrafts become a concern, the Council will take action to change the regulations at that time.

KODIAK/ALEUTIANS SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-05 **with modification**, to include only those units presently allowing handicraft sales of bear parts. The Council supported the sale of handicraft articles made from claws, bones, teeth, sinew, or the skull of brown bears to Federally qualified subsistence users only. The Council did not support it for the Kodiak/Aleutians region since it is not customary practice in that region.

The modified regulation should read:

> *§___.25(j)(7) If you are a Federally qualified subsistence user, you may sell handicraft articles made from the skin, hide, pelt, or fur,* ***not*** *including claws, of a brown bear taken from Units 1–5, 9A–C, 9E, 12, 17, 20, or 25.*
>
> > *(i) In Units 1, 2, 3, 4, and 5,* ***if you are a Federally qualified subsistence user,*** *you may sell handicraft articles made from the ~~skin, hide, pelt, fur~~, claws, bones, teeth, sinew, or skulls of a brown bear* ***to other Federally qualified subsistence users only*** *~~taken from Units 1, 4, or 5~~.*
> >
> > *(ii) [Reserved].*

BRISTOL BAY SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposal WP08-05. The Federal Subsistence Board has taken action on similar proposals in the past. It has supported those proposals where the Councils have voted in favor of them consistent with Section 803 of ANILCA, which includes the "making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption." This proposal

would unnecessarily restrict the subsistence uses of Federally qualified subsistence users as specified in ANILCA Section 803. There is no evidence to indicate that current Federal regulations adversely affect bear populations, nor has any been provided. Further, there has been no evidence provided to indicate that current Federal regulations have led to an increased legal or illegal harvest of bears. If adopted, this proposal would broaden the use of some of the nonedible parts of brown bear into regions where use is not allowed under current Federal regulations. The residents of a number of these regions have stated, through their Subsistence Regional Advisory Councils that they are opposed to inclusion in these regulations.

YUKON/KUSKOKWIM DELTA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposal WP08-05. There is no conservation concern in the proposed areas and it would be detrimental to the subsistence users if this proposal is adopted. In the past, the Council has deferred similar proposals to the home regions where similar proposals were opposed.

WESTERN INTERIOR SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposal WP08-05**.** There is no record of abuse since the regulation has been in effect and there are subsistence users that create and sell the handicrafts in question. This proposal would unnecessarily restrict the subsistence uses allowed by ANILCA of Federally qualified subsistence users in the qualified.

SEWARD PENINSULA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposal WP08-05**.** This proposal would be detrimental to subsistence users.

NORTHWEST ARCTIC SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposal WP08-05. The Council agrees with the staff analysis conclusion. This proposal would unnecessarily restrict the subsistence uses of Federally qualified subsistence users as addressed in ANILCA Section 803. No evidence was provided to indicate that current Federal regulations adversely affect bear populations or that current Federal regulations have led to increased legal or illegal harvest of bears. If adopted, this proposal would expand the use of some of the nonedible parts of brown bear into regions where use is not allowed under current Federal regulations. The residents of a number of these regions have stated, through their Regional Advisory Councils, that they are opposed to the proposed changes to the regulations. Previous action by the Board has been consistent with Section 803 of ANILCA, which includes the "making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption."

EASTERN INTERIOR ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposal WP08-05. The Council opposed the proposal because passage of this proposal would unnecessarily restrict subsistence uses of Federally qualified subsistence users and there was no evidence provided that there has been any abuse of the current regulations or illegal harvest of bears. The motivation behind the proposal is a perceived problem where none exists. Bear claws are presently legally sold in other states and Canada and there have been no problems. If the State feels there is a problem

identifying claws that can be legally sold, they should provide information on problem areas and request a working relationship with the Federal Subsistence Program to come up with a way to make the legal sales work. Council members felt there were no conservation problems and limiting the sales to Federally qualified subsistence users basically gets rid of a market. Council members believe strongly that creating a legal market gets rid of any potential illegal market.

NORTH SLOPE SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposal WP08-05. This proposal would be detrimental to subsistence users.

STAFF ANALYSIS
WP08-05

ISSUES

Proposal WP08-05, submitted by the Alaska Department of Fish and Game (ADF&G), requests the removal of all unit-specific regulations related to the statewide sale of brown bear handicrafts made of skin, hide, pelt or fur and that sales of brown bear handicrafts made of claws, bones, teeth, sinew, or skulls should occur only between Federally qualified subsistence users.

It should be noted that within the Proposed Federal Regulation, the regulatory language, as presented, would preclude all sales of brown bear claws unless amended. This language is found in §___.25(j)(7) and includes "not including claws" which would supersede the language in the next passage which, as written, is intended to allow the sale of handicrafts that include brown bear claws only between Federally qualified subsistence users.

DISCUSSION

The proponent submitted this proposal in order to refine Federal regulations, which, in its view, allow for "unconstrained commercial sale of handicrafts made from brown bear parts" and create "market incentives for poaching." Between 2002 and 2007, the Federal Subsistence Board (Board) considered seven proposals regarding the sale of handicrafts made from some of the nonedible parts of bears. Throughout this period, the Board has consistently provided for the sale of handicrafts made from the skin, hide, pelt, fur, claws, bones, teeth, sinew, and skulls of brown bear taken by Federally qualified subsistence users from units where these practices are considered appropriate.

The proponent's description of persons eligible to sell handicrafts made with these parts would increase the types of bear parts eligible for sale in much of the State, but would narrow sales only to those between Federally qualified rural residents.

Many of the proponent's requests are based on conservation concerns (ADF&G 2008). There are many well documented conservation concerns connected to the illegal trade of bear parts such as gall bladders, bile, and paws. These concerns exist because of the lucrative markets for what is referred to as the "traditional Chinese medicine" trade and Asian "wildlife cuisine" which includes the meat of bear paws (not including claws) (HSUS 2008, Garshelis and McLellan 2008, Garshelis 2002, Williamson and Phipps 1999). These types of illegal trade are a threat to bears in North America and around the world. On the other hand, there appears to be an absence of documentation regarding conservation concerns related to bear claws and bear claw handicrafts. This absence seems to indicate that the effects of the trade or sale of bear claws is not comparable to the trade and sale of bear gall bladders and paws.

Existing Federal Regulation

Definitions & Utilization of Wildlife

§___.25(j)(7) If you are a Federally qualified subsistence user, you may sell handicraft articles made from the skin, hide, pelt, or fur, including claws, of a brown bear taken from Units 1–5, 9A–C, 9E, 12, 17, 20, or 25.

(i) In Units 1, 2, 3, 4, and 5, you may sell handicraft articles made from the skin, hide, pelt, fur, claws, bones, teeth, sinew, or skulls of a brown bear taken from Units 1, 4, or 5.

(ii) [Reserved].

Proposed Federal Regulation

Definitions & Utilization of Wildlife

§___.25(j)(7) If you are a Federally qualified subsistence user, you may sell handicraft articles made from the skin, hide, pelt, or fur, **not** *including claws, of a brown bear ~~taken from Units 1–5, 9A–C, 9E, 12, 17, 20, or 25~~.*

(i) ~~In Units 1, 2, 3, 4, and 5~~, ***If you are a Federally qualified subsistence user,*** *you may sell handicraft articles made from the ~~skin, hide, pelt, fur~~, claws, bones, teeth, sinew, or skulls of a brown bear* ***to another Federally qualified subsistence user*** *~~taken from Units 1, 4, or 5~~.*

(ii) [Reserved].

Existing State Regulations

5AAC 92.200. Purchase and sale of game

In accordance with AS 16.05.920(a) and 16.05.930(e), the purchase, sale, or barter of game or any part of game is permitted except as provided in this section.

Except as provided in 5AAC 92.031, a person may not purchase, sell, barter, advertise or otherwise offer for sale or barter:

(1) any part of a bear, except an article of handicraft made from the fur of a bear;

In 2005, the State of Alaska, Board of Game began to allow the sale of raw bear hides, with claws attached, harvested in specific predator control management areas under a State permit.

5 AAC 92.031. Permit for selling skins, skulls, and trophies

(c) After the skin and skull is sealed as required under 5 AAC 92.165(a) , a person may sell the untanned skin, with claws attached, and skull of a black bear taken in an active predator control area listed in 5 AAC 92.125 only under a permit issued by the department.

(d) After the skin and skull is sealed as required under 5 AAC 92.165(a) , a person may sell the untanned skin, with claws attached, and skull of a brown bear taken in an active brown bear predator control area listed in 5 AAC 92.125 only under a permit issued by the department.

(e) In this section, "active" means that predator control permits have been issued for the referenced predator control area during the current year.

Extent of Federal Public Lands

Proposed regulations would apply to all Federal public lands in Alaska, as defined by Federal Subsistence hunting regulations. Federal public lands represent approximately 60% of Alaska or 380,000 square miles.

Customary and Traditional Use Determinations

The customary and traditional use determinations for brown bear for all units in the State are included in **Appendix A**.

Regulatory History

The following is a brief summary of regulatory actions taken by the Board regarding the sale of handicrafts made from bear parts.

May 2002 — The Board adopted regulations allowing the sale of handicrafts made from the "fur" of black bear (statewide regulation).

May 2004 — The Board adopted regulations allowing the sale of handicrafts made from the "fur" of brown bear taken in Eastern Interior, Bristol Bay, and Southeast regions. The Board also clarified its intent to maintain the Federal definition of "fur," which includes claws.

May 2005 — The Board adopted regulations that:

- Modified the definition of the term *handicraft*.
- Modified the definition of the terms *skin, hide, pelt, and fur*.
- Modified regulatory language to clarify that bear claws can be used in handicrafts for sale. (The previous language allowing the sale of handicrafts made with bear claws specifically referred to bear fur, with the reference to claws contained in the definition of fur. With the old language it was not obvious to most readers that the use of claws was permitted. This action by the Board did not authorize any new uses.)
- Allowed the sale of handicrafts in Units 1–5 made from bones, teeth, sinew, or skulls of bears taken in those units.

May 2006 — The Board rejected proposed regulations to prohibit the sales of handicrafts made from bear claws to businesses. However, the Board did adopt regulatory language that prohibits handicraft sales that constitute a "significant commercial enterprise."

May 2007 — The Board rejected proposed regulations that claws be removed from the Federal definition of fur and that sales of handicraft articles made from claws, bones, teeth, sinew, or skulls of black and brown bears be allowed for sale only between Federally qualified subsistence users statewide.

Biological Background

Brown bears range throughout most of Alaska, except the islands of the Aleutian Chain west of Unimak and the southeast Alaska islands south of Frederick Sound. Brown bear populations throughout most of Alaska are generally stable and occupy all of their historic range (Miller 1993). Throughout the State, brown bear population densities are diverse and vary according to food availability. On the North Slope where food is scarce, bear densities can be as low as one bear every 300 miles. Brown bear densities as high as one brown bear per mile have been recorded in coastal areas with healthy salmon runs. Brown

bear density is moderate in interior Alaska where the average is one bear per 15–23 miles (Eide and Miller 1994 and 2003).

The following quote from *Ursus* (2002) may provide a clearer picture of the biological status of brown and other bears:

> Despite our rapidly increasing knowledge of bears, there are few places in the world where we really know how bear populations are faring…Assessments of bear populations often are based on records of dead animals and trends in habitat availability. These data produce dubious indications of population trends. Case studies relating to the trade in bear parts, sport harvests, and nuisance kills indicate that records of human-killed bears may not be accurate and may not necessarily reflect changes in population size. Increasing bear populations may continue to rise with increased levels of human exploitation (as long as it is below the maximum sustainable take), whereas declining populations may continue to plummet despite reduced exploitation. Ironically, bear populations that have been managed for sustained harvests have generally fared better than populations in which hunting has been prohibited, mainly because the former better controls illicit hunting than the latter (Garshelis 2002: 321–334).

Effects of the Proposal

Under current Federal subsistence regulations, brown bear fur with claws can only be used to make handicrafts for sale if the bears were harvested from units in Eastern Interior, Bristol Bay and Southeast Alaska. Other parts, such as bones teeth, sinew, or skulls can only be used in handicrafts for sale from brown bear taken in Southeast Alaska. The proponent's description of persons eligible to sell handicrafts made with these parts would increase the types of bear parts eligible for sale in much of the State, but would narrow all sales only to those between Federally qualified rural residents. The removal of unit-specific restrictions would negate the intent of the Board and the Regional Advisory Councils in recognizing the diverse customary and traditional uses of bears and bear parts throughout the State. These diverse customary and traditional uses are reflected in Regional Advisory Council recommendations. Three proposals (WP08-12, WP08-52 and WP08-53) which request the inclusion of Units 11, 23, 24B and 26 for eligibility to sell brown bear handicrafts with claws have been submitted for the 2008–2010 wildlife regulatory cycle and are analyzed separately.

Previous Board action provided for the sale of handicrafts made from bear claws by Federally qualified subsistence users to consumers including and other than Federally qualified subsistence users. Restricting sales solely to other Federally qualified rural residents, as proposed, will satisfy the need to use these products for regalia and cultural events in rural areas; however, the proposed regulatory language will not allow for handicraft sales to a variety of consumers, which is desired by subsistence users to support themselves and their families in a contemporary cash-subsistence economy.

The Board has also consistently rejected attempts to remove brown bear claws as a legal item with which Federally qualified users can make handicrafts for sale. Retaining the use of claws in handicrafts for sale is consistent with previous Board action, and is not expected to significantly increase harvests, as described in previous analyses.

The Board has provided for the sale of handicrafts made from the skin, hide, pelt, fur, claws, bones, teeth, sinew, or skulls of brown bears by Federally qualified subsistence users where appropriate. The intent of the Board has been to allow Federally qualified subsistence users to fully utilize the above-listed parts of

bears legally harvested under Federal subsistence regulations. It has not been the intent of the Board to create a commercial incentive to harvest bears based on the sale of bear handicrafts.

There is no known evidence to indicate that current Federal subsistence regulations adversely affect brown bear populations, nor that Federal subsistence regulations have led to an increased legal or illegal harvest of brown bears.

OSM CONCLUSION

Oppose proposal WP08-05.

Justification

Previous action of the Board has been consistent with Section 803 of ANILCA, which includes the "making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption." This proposal would unnecessarily restrict the subsistence uses of Federally qualified subsistence users as specified in ANILCA Section 803. There is no evidence to indicate that current Federal regulations adversely affect bear populations, nor has any been provided. Further, there has been no evidence provided to indicate that current Federal regulations have led to an increased legal or illegal harvest of bears. If adopted, this proposal would broaden the use of some of the nonedible parts of brown bear into regions where use is not allowed under current Federal regulations. The residents of a number of these regions have stated, through their Regional Subsistence Advisory Councils, they are opposed to inclusion in these regulations.

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APPENDIX A

The customary and traditional use determinations for brown bear for all units in the State are included below.

Unit	C & T determination for Brown Bear	Harvest Limits for Brown Bear
1	*Unit 1A—Rural residents of Unit 1A, except no Federal subsistence priority for residents of Hyder* *Unit 1B—Rural residents of Unit 1A, Petersburg and Wrangell, except no Federal subsistence priority for residents of Hyder* *Unit 1C—Rural residents of Unit 1C, Haines, Hoonah, Kake, Klukwan, Skagway, and Wrangell, except no Federal subsistence priority for residents of Gustavus* *Unit 1D—Rural residents of Unit 1D*	1 bear every four regulatory years by State registration permit only
2		
3		
4	*Rural residents of Unit 4 and Kake*	Unit 4, Chichagof Island south and west of a line that follows the crest of the island from Rock Point to Rodgers Point, including Yakobi and other adjacent islands; Baranof Island south and west of a line which follows the crest of the island from Nisnemi Point to the entrance of Gut Bay and including Kruzof and other adjacent islands—One bear every four regulatory years by State permit only
5	*Rural residents of Yakutat*	1 bear by Federal registration permit only
6	*No Federal subsistence priority*	No Federal open season
7	*No Federal subsistence priority*	No Federal open season

Unit	C & T determination for Brown Bear	Harvest Limits for Brown Bear
8	*Rural residents of Old Harbor, Akhiok, Larsen Bay, Karluk, Ouzinkie, and Port Lions*	1 bear by Federal registration permit only. Up to 1 permit may be issued in Akhiok; up to 1 permit may be issued in Karluk; up to 3 permits may be issued in Larsen Bay; up to 2 permits may be issued in Old Harbor; up to 2 permits may be issued in Ouzinkie; and up to 2 permits may be issued in Port Lions.
9	*Unit 9A—Residents of Pedro Bay* *Unit 9B—Rural residents of Unit 9B* *Unit 9C—Rural residents of Unit 9C* *Unit 9D—Rural residents of Units 9D and 10 (Unimak Island)* *Unit 9E—Residents of Chignik, Chignik Lagoon, Chignik Lake, Egegik, Ivanof Bay, Perryville, Pilot Point, Ugashik, and Port Heiden/Meshik*	Units 9A, 9C, and 9D: *see Special Provisions* for the communities of False Pass, King Cove, Cold Bay, Sand Point, and Nelson Lagoon. Unit 9B, Lake Clark National Park and Preserve—Residents of Nondalton, Illiamna, Newhalen, Pedro Bay, and Port Alsworth only—1 bear by Federal registration permit only. The season will be closed when 4 females or 4 bears have been taken, whichever occurs first. Unit 9B remainder—1 bear by State registration permit only Unit 9E—1 bear by Federal registration permit only
10	*Unit 10—Rural residents of Units 9D and 10 (Unimak Island)*	No Federal open season. *See Special Provisions for the communities of False Pass, King Cove, Cold Bay, Sand Point, and Nelson Lagoon for Unit 10.*
11	*Unit 11, north of the Sanford River—Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Units 11 and 12* *Unit 11 remainder—Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Unit 11*	1 bear
12	*Rural residents of Unit 12, Dot Lake, Chistochina, Gakona, Mentasta Lake, and Slana*	1 bear

Unit	C & T determination for Brown Bear	Harvest Limits for Brown Bear
13	*Rural residents of Unit 13 and Slana*	1 bear—Bears taken within Denali National Park must be sealed within 5 days of harvest. That portion within Denali National Park will be closed by announcement of the superintendent after 4 bears have been harvested
14	*Unit 14A—All rural residents* *Units 14B and 14C—No Federal subsistence priority*	No Federal open season
15	*No Federal Subsistence priority*	
16	*No Federal subsistence priority*	
17	*Unit 17A—Rural residents of Unit 17, and rural residents of Akiak, Akiachak, Goodnews Bay and Platinum* *Units 17A and 17B, those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of Upper Togiak Lake, and northeast to the northern point of Nukakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills—Rural residents of Kwethluk* *Unit 17B, that portion draining into Nuyakuk Lake and Tikchik Lake—Rural residents of Akiak and Akiachak* *Units 17B and 17C—Rural residents of Unit 17*	1 bear by State registration permit only *Contact ADF&G for permit details*
18	*Residents of Akiachak, Akiak, Eek, Goodnews Bay, Kwethluk, Mountain Village, Napaskiak, Platinum, Quinhagak, St. Marys and Tuluksak*	1 bear by State registration permit only
19	*Units 19A and 19B—Rural residents of Units 19 and 18 within the Kuskokwim River drainage upstream from and including) the Johnson River* *Unit 19C—No Federal subsistence priority* *Unit 19D—Rural residents of Units 19A and 19D, Tuluksak, and Lower Kalskag*	Units 19A and 19B, those portions which are downstream of and including the Aniak River drainage—1 bear by State Registration permit only Unit 19A remainder; Unit 19B remainder; and Unit 19D—1 bear Unit 19C—No Federal open season
20	*Unit 20E—Rural residents of Unit 12 and Dot Lake* *Unit 20F—Rural residents of Unit 20F, Stevens Village and Manley* *Unit 20 remainder—All rural residents*	Unit 20A—1 bear Unit 20E—1 bear Unit 20 remainder—1 bear

Unit	C & T determination for Brown Bear	Harvest Limits for Brown Bear
21	*Rural residents of Units 21 and 23*	Unit 21D—1 bear by State registration permit only Unit 21 remainder—1 bear
22	*Unit 22—Rural residents of Unit 22*	Units 22A, 22B, 22D, and 22E—1 bear by State registration permit only Unit 22C—1 bear by State registration permit only
23	*Rural residents of Units 21 and 23*	Unit 23, except the Baldwin Peninsula north of the Arctic Circle—1 bear by State registration permit only Unit 23 remainder—1 bear every four years
24	*Unit 24, that portion south of caribou mountain and on public lands within and adjacent to the Dalton Highway Corridor Management Area—Rural Residents of Unit 24 and Stevens Village* *Unit 24 remainder—Rural residents of Unit 24*	1 bear by State registration permit
25	*Unit 25D—Rural residents of Unit 25D* *Unit 25 remainder—Residents of Unit 25 and Eagle*	Units 25A and 25B—1 bear Unit 25C—1 bear Unit 25D—1 bear
26	*Rural residents of Unit 26, except the Prudhoe Bay-Deadhorse Industrial Complex), Anaktuvuk Pass, and Point Hope*	Unit 26A—1 bear by State registration permit only Unit 26B—1 bear Unit 26C—1 bear

INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-05

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Councils to be consistent with ANILCA Section 805(c).

Comments on WP08-05
April 2, 2008, Page 1 of 3

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP08-05: Change the regulations regarding sale of brown bear handicrafts to allow sales of handicrafts made from brown bear fur in all units and to restrict sales of handicrafts made from claws, bones, teeth, or skulls to transactions between federally-qualified subsistence users.

Introduction: Existing federal regulations allow essentially unconstrained commercial sale of handicrafts made from bear parts taken in some units as a customary and traditional activity, despite a lack of substantial evidence demonstrating that such sales are a customary and traditional practice. The sale of such handicrafts is limited only by virtually unenforceable provision that prohibits sales constituting a "significant commercial enterprise." These regulations also allow the purchase of brown bear handicrafts by persons who are not federally-qualified subsistence users, despite such purchases being prohibited under state law and, as was pointed out at the Spring 2006 Federal Subsistence Board meeting, that sales can even occur over the Internet.

Sales of handicrafts made from brown bear claws, teeth, skulls, and bones present a particular problem, because these are potentially high value items, and allowing sales creates market incentives for illegal harvest in Alaska and other states.

Black bear handicraft sales, although not customary and traditional, do not create the high level of conservation concern raised by sales of brown bear handicrafts. Similarly, sales of brown bear handicrafts do not raise the same level of concern if limited to the skin or fur as defined in state regulations; and even sales of handicrafts made with claws and teeth do not currently raise extremely high levels of concern if limited to sales among federally-qualified users.

Changing the regulation to continue allowing the sale of brown bear fur products to anyone (state regulations allow sale of untanned brown bear hides), while limiting sales of handicrafts made with brown bear claws, teeth, bones, and skulls to sales to other federally-qualified subsistence users, should help eliminate commercial markets and the masking of illegal sales in Alaska and elsewhere.

Unit specific restrictions on sales are almost impossible to enforce without tracking and documentation requirements and are not needed for lower value fur handicrafts. This proposal will eliminate the unit-specific sale allowances and render the regulations more user-friendly and more enforceable.

Impact on Subsistence Users: The Federal Subsistence Board's current allowance of brown bear handicraft sales was not based upon a determination that such sales are customary and traditional but instead upon the Board's unsupported argument that the Board can authorize any use if the take is customary and traditional (*see e.g.,* January 2, 2006, letter from Chairman Demientieff to Commissioner Campbell). Therefore, adoption of this proposal will not impact customary and traditional subsistence activities.

This proposal will continue to allow rural residents to: sell brown bear fur handicrafts to anyone (as allowed under State law); barter brown bear handicrafts with anyone under federal regulations; and sell brown bear handicrafts to other rural residents under federal regulations. Therefore, this proposed regulation change will not impair the ability of rural residents or urban Alaska Natives to obtain such handicrafts for ceremonial, religious, and cultural purposes.

Further, adoption of this proposal will significantly reduce the likelihood that federally-qualified subsistence users will face state prosecution for engaging in sales that are prohibited under state law when they occur on state or private lands.

Opportunity Provided by State: Under 5 AAC 92.200, handicrafts made with bear fur may be sold to anyone, but sales of handicrafts made with claws, skulls, teeth, and bones are prohibited. Whole bear skins, with claws attached, taken in certain predator control areas may be sold under 5 AAC 92.031, but only after sealing and under terms of a permit issued for that bear skin.

Conservation Issues: The Federal Subsistence Board created a new market for bear claws and other high value bear parts which could readily masks illegal sales, thereby compounding problems with the international trade of Endangered Species and contributing to the illegal harvest, overharvest, and waste of bears in other states and countries, as well as Alaska. Markets for high value bear handicrafts create a conservation concern because brown bears are protected under the Endangered Species Act in other states and Mexico, and the origin of brown bear products cannot be determined by visual inspection. Brown bears are also listed on Appendix II of the Convention International Trade of Endangered Species (CITES).

In Alaska, economic incentives associated with harvesting brown bears to make handicrafts create conservation concerns because brown bears develop slowly and have a low reproductive rate, making small populations extremely susceptible to overharvest. Allowing widespread sale of high value bear parts without any kind of tracking mechanism is an invitation to illegal harvests. Further, the existing regulations are unenforceable and inconsistent with sound wildlife management principles.

Enforcement Issues: This proposal will reduce enforcement issues created by the existing federal regulation in several ways: (1) by limiting the pool of eligible purchasers for high value bear parts, it will significantly reduce economic incentives for poaching in other states and countries as well as in Alaska; (2) by allowing the sales of brown bear fur handicrafts from any Game Management Unit, as presently allowed under state law, this proposal will eliminate unenforceable Unit-specific sales authorizations in existing regulation; and (3) the proposed regulation will reduce the likelihood that federally-qualified subsistence users will face prosecution for attempting to engage in sales on state or private lands that are prohibited under state law.

Jurisdiction Issues: The Federal Subsistence Board lacks jurisdiction to allow sales of any wildlife handicrafts when and where such sales are not customary and traditional. In the past, the Federal Board has rejected this argument, asserting that if any use is customary and traditional then the Board can authorize any other use. The Board's argument is inconsistent with its litigation stance in the Chistochina Unit 12 moose case where it argued that "customary and

traditional use" is related to "how resources are used after they are taken," and not to or a prerequisite condition for the taking itself." *State v. Fleagle,* (Case 3:06-cv-00107-HRH) Doc. 32 at 22.

Recommendation: Adopt or defer and create a working group to address sale and tracking of bear parts including evaluation of the feasibility of marking brown bear claws used in making handicrafts under terms of the current federal regulations. Providing for tracking would be an important first step to addressing some of the Department's concerns regarding conservation and enforcement. If brown bear harvests can be tracked over time, and bear parts or handicrafts can be traced to reported legal harvests, conservation concerns will be less likely to arise and managers will be better able to determine if or when legal sales are contributing to illegal sales or otherwise creating conservation concerns.

WRITTEN PUBLIC COMMENTS

Oppose. We do not harvest brown bear. *Submitted by Copper River Native Association.*

Oppose. We do not harvest brown bear. *Submitted by AHTNA Inc.*

Oppose. The Lake Clark Subsistence Resource Commission opposes this proposal because it restricts the opportunity for subsistence users to maximize the value they can derive from selling handicrafts made from parts of legally taken brown bears. *Submitted by the Lake Clark Subsistence Resource Commission*

Oppose. The Gates of the Arctic Subsistence Resource Commission takes the position of deference to the interests of subsistence users in their home regional advisory council areas, and thus opposes the state changing regulations to limit sale of bear handicrafts to other Federally qualified subsistence users where this practice is considered customary. *Submitted by the Gates of the Arctic Subsistence Resource Commission*

Support. This proposal will clarify to whom subsistence users may sell handicrafts made from specific brown bear parts and reduce the commercial incentive for illegal brown bear harvests. This regulatory modification should not create a hardship for subsistence users making and selling handicrafts made from brown bear products. *Submitted by Aniakchak National Monument Subsistence Resource Commission*

Oppose. Wrangell-St. Elias National Park Subsistence Resource Commission unanimously opposes the proposal as written. No evidence of a conservation concern was presented, and limiting handicraft sales to those between federally qualified subsistence users would not be in the best interest of subsistence users. *Submitted by Wrangell-St. Elias National Park Subsistence Resource Commission*

Oppose. Unfair and not necessary. *Submitted by Upper Tanana 40-Mile Fish & Game Advisory Committee*

WP08-06a Executive Summary	
General Description	Proposal WP08-06a requests the recognition of customary and traditional use by rural residents of Unit 1C and 1D for moose in Berners Bay drainages. *Submitted by Chuck Burkhardt, Gustavus*
Proposed Regulation	**Unit 1C Berners Bay Drainages—Moose** ~~*No Federal subsistence priority*~~ ***Rural residents of Unit 1C and 1D*** **Unit 1C Remainder—Moose** *All rural residents*
Southeast Regional Council Recommendation	**Oppose**
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Oppose.** *See comments following the analysis.*
Written Public Comments	**3 Oppose**

REGIONAL ADVISORY COUNCIL RECOMMENDATION

SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposal WP08-06. A proposal to make a positive customary and traditional use determination for moose in Unit 1C for residents of Units 1-5 will be submitted during the next regulatory cycle, which will not propose a change to the moose harvest regulations. The Council determined that a new proposal and staff analysis is necessary to address several key issues raised during the Council meeting. The current analysis demonstrated significant use of moose in Unit 1C by communities in areas other than 1C and 1D. Berners Bay is only a small portion of Unit 1C and should not be evaluated separately from Unit 1C. The original proposal would not benefit subsistence users because it is too limited in scope and includes a very small number of rural users. The Council noted that there has not been an analysis of customary use of moose for Unit 1C. The new staff analysis will provide a more complete and meaningful discussion of the customary use of moose in Berners Bay and the remainder of Unit 1C. It is the intent of the SE Regional Council not to address changes to the taking regulations regarding Berners Bay or the remainder of Unit 1C until the customary and traditional use of moose has been determined.

STAFF ANALYSIS
WP08-06a

ISSUES

Proposal WP08-06a, submitted by Chuck Burkhardt of Gustavus, requests the recognition of customary and traditional use by rural residents of Unit 1C and 1D for moose in Berners Bay drainages. The customary and traditional use portion of the proposal is analyzed as WP08-06a, and the season and harvest limit portion as WP08-06b.

DISCUSSION

The proponent requests that the Federal Subsistence Board (Board) recognize customary and traditional uses of moose by the rural residents of Unit 1C and 1D in Berners Bay drainages. Unit 1C includes Gustavus and Excursion Inlet, and Unit 1D includes Skagway, Klukwan, and Haines. Currently, there is no Federal subsistence priority for moose in Berners Bay drainages in Unit 1C. All rural residents can harvest moose under Federal regulations in the remainder of Unit 1C. Gustavus, Excursion Inlet, Skagway, Klukwan, and Haines are the only rural communities in Unit 1C and 1D and encompass a reasonable realm of consideration for customary and traditional uses of moose in Berners Bay drainages.

The populated area of the Juneau road system[1] in Unit 1C is designated as nonrural under the Federal Subsistence Management Program and therefore Juneau residents are not eligible to harvest fish and wildlife under Federal subsistence regulations.

Existing Federal Regulation

Unit 1C Berners Bay Drainages—Moose
No Federal subsistence priority

Unit 1C Remainder—Moose
All rural residents

Proposed Federal Regulation

Unit 1C Berners Bay Drainages—Moose
~~*No Federal subsistence priority*~~ ***Rural residents of Unit 1C and 1D***

Unit 1C Remainder—Moose
All rural residents

Extent of Federal Public Land

Federal public lands comprise approximately 98% of Unit 1C and consist of 63% USFS, Tongass National Forest, and 35% NPS, Glacier Bay National Park. The park is closed to all hunting, including the hunting of wildlife for subsistence uses. Berners Bay drainages are within the Tongass National Forest, and hunting occurs primarily on Federal public lands.

1 The Juneau nonrural area includes the communities of Douglas and Auke Bay. However, the nonrural area does not extend the entire length of the road north of Juneau.

Regulatory History

When the Board considers a customary and traditional use determination finding for a resource, the uses of the particular resource are described and analyzed. In this case, the specific locale raised as a concern by the proponent is Berners Bay drainages, an area situated in Unit 1C.

In 1990 the Federal Subsistence Management Program adopted most of the customary and traditional use determinations made by the State of Alaska, and it established a no Federal subsistence priority for Berners Bay drainages in Unit 1C.[2] The reason for this determination was that, before 1990, the majority of the Berners Bay drainage was in the "Juneau Non-rural Area" established by the State, and the State did not allow subsistence uses in Non-rural Areas (5 AAC99.014. Joint Board Findings Relating to Rural and Non-rural Areas [1989]). As a result, a no Federal subsistence priority determination has been in place.

In 2001 the State made a negative customary and traditional use determination for moose in Berners Bay drainages, mirroring Federal regulations (5 AAC 99.025). In 2007 the State dropped the negative determination, however State regulations continue to prohibit subsistence uses of moose in Berners Bay drainages, which are located in a State Nonsubsistence Area established in 1993 (5 AAC99.015. Joint board nonsubsistence areas). Additionally, in 2007 the State established a negative determination for moose located in the area referred to as the Gustavus forelands (5 AAC 99.025).

In 2002, Proposal WP02-14 was submitted to the Federal program. This proposal contained two parts: 1) a request that the Board remove the "no Federal subsistence priority" determination for moose in Berners Bay drainages, and 2) a request to open a moose season in Unit 1D for Federally qualified rural residents only. The Southeast Alaska Regional Advisory Council requested that the Board defer the proposal for one year (SERAC 2002). However, before the next regulatory cycle the proponent withdrew the proposal[3] (FWS 2003).

Customary and traditional uses of moose at Gustavus have not been considered by the Federal Subsistence Management Program. Residents of Skagway and most of the Haines Borough have recognized customary and traditional uses of moose in Unit 1D. This positive determination was adopted from the State of Alaska in 1990.

A history of State moose hunting regulations in Unit 1C 1969–2008 and Unit 1D 1992–2008 are listed in **Tables 1 and 2**. In Berners Bay drainages for the 2007–2008 season, there is a one bull harvest limit with a State drawing permit, September 15–October 15. Residents and nonresidents may apply.

Biological Background

Moose began naturally populating areas in Unit 1 in the early to mid 1900s (Barten 2004:22). The coastal mountains probably inhibited the rapid movement of moose into this area. In Unit 1D moose migrated to the Chilkat River Valley from drainages in Canada around 1930 (see **Map 1**; Barten 2004:45). In 1963 moose were observed in the Chilkat Range southwest of Haines. These animals probably originated from the Chilkat Valley population near Haines. Moose were first documented in western Unit 1C in 1962 on the Bartlett River just inside Glacier Bay**.** In 1965 moose were sighted for the first time along the

2 From the 1991–1992 Final Temporary Rule: "Subpart D closely follows existing State Fish and Game regulations which are codified in title 5 of the Alaska Administrative Code. In many cases the language is identical to state regulation or modified so it applies only to this Federal program on public lands. The regulations note particular State of Alaska provisions from which they were derived" (56 Fed. Reg. 123. 29313 [June 26, 1991]).

3 WP02-14 was renamed WP03-19 in 2003.

Table 1. State of Alaska moose hunting regulations in Unit 1C, 1969-2008 (ADF&G 1969-2007).

Year	Management Unit	Season Type	Resident Season	Nonresident Season	Conditions and Limitations
1969-1971	1C	General hunt	Sept 1-Oct 15	Sept 1-Oct 15	One moose[a]
1971-1972	**1C Berners Bay drainages**	**Permit, up to 40 issued**	**Sept 15-Oct 15**	**Sept 15-Oct 15**	**One moose**
	1C remainder	**Registration permit**	**Sept 15-Oct 15**	**Sept 15-Oct 15**	**One bull**
1972-1973	1C Berners Bay drainages	Permit	**Sept 15-Oct 5**	**Sept 15-Oct 5**	One moose
	1C remainder	Registration permit	Sept 15-Oct 15	Sept 15-Oct 15	One bull
1973-1974	1C Berners Bay drainages	Permit	**Sept 15-Oct 15**	**Sept 15-Oct 15**	One moose
	1C remainder	Registration permit	Sept 15-Oct 15	Sept 15-Oct 15	One bull
1974-1975	1C Berners Bay drainages		**No open season**	**No open season**	
	1C remainder	Registration permit, up to 30 issued	Sept 15-Sept 30	Sept 15-Sept 30	One antlerless moose
		General	Oct 10-Oct 25	Oct 10-Oct 25	One bull
1975-1977	1C Berners Bay drainages		No open season	No open season	
	1C remainder	Registration permit	**Sept 15-Sept 30**	**Sept 15-Sept 30**	**One bull**
1977-1978	1C Berners Bay drainages		No open season	No open season	
	1C remainder	Registration permit	**Sept 15-Oct 15**	**Sept 15-Oct 15**	One bull
1978-1979	1C Berners Bay drainages	**Drawing permit, up to 20 issued**	**Sept 15-Oct 15**	**Sept 15-Oct 15**	**One bull**
	1C remainder	Registration permit	Sept 15-Oct 15	Sept 15-Oct 15	One bull

(continued)

Table 1. (Continued)

Year	Management Unit	Season Type	Resident Season	Nonresident Season	Conditions and Limitations
1979-1983	1C Berners Bay drainages	Drawing permit, **up to 25 issued**	Sept 15-Oct 15	Sept 15-Oct 15	One bull
	1C remainder	Registration permit	Sept 15-Oct 15	Sept 15-Oct 15	One bull
1983-1985	1C Berners Bay drainages	Drawing permit, **up to 15 issued**	Sept 15-Oct 15	Sept 15-Oct 15	One antlerless moose
		Drawing permit			One bull, detailed in supplemental regulations
	1C remainder	Registration permit	Sept 15-Oct 15	Sept 15-Oct 15	One bull
1985-1986	1C Berners Bay drainages	**Tier II permit, up to 15 issued**	Sept 15-Oct 15	**No open season**	One bull
	1C remainder	Registration permit	Sept 15-Oct 15	Sept 15-Oct 15	One bull
1986-1987	1C Berners Bay drainages	**Drawing permit, up to 7 issued**	Sept 15-Oct 15	No open season	**One moose**
	1C remainder	Registration permit	Sept 15-Oct 15	Sept 15-Oct 15	One bull
1987-1991	1C Berners Bay drainages	Drawing permit, **up to 5 issued**	Sept 15-Oct 15	No open season	One moose
	1C remainder	Registration permit	Sept 15-Oct 15	Sept 15-Oct 15	One bull
1991-1995	1C Berners Bay drainages	Drawing permit, **up to 10 issued**	Sept 15-Oct 15	**Sept 15-Oct 15**	One moose
	1C remainder	Registration permit	Sept 15-Oct 15	Sept 15-Oct 15	One bull
1995-2001	1C Berners Bay drainages	Drawing permit	Sept 15-Oct 15	Sept 15-Oct 15	One moose
	1C south of Point Hobart[b]	Registration permit	Sept 15-Oct 15	Sept 15-Oct 15	One bull[c]
	1C remainder	Registration permit	Sept 15-Oct 15	Sept 15-Oct 15	One bull

(continued)

Table 1. (Continued)

Year	Management Unit	Season Type	Resident Season	Nonresident Season	Conditions and Limitations
2001-2003	1C Berners Bay drainages	Drawing permit	Sept 15-Oct 15	Sept 15-Oct 15	One moose
	1C south of Point Hobart[b]	Registration permit	Sept 15-Oct 15	Sept 15-Oct 15	One bull[a]
	1C west of Excursion Inlet and north of Icy Passage	Registration permit	Sept 15-Oct 15	Sept 15-Oct 15	One bull
		Drawing permit	Nov 15-Nov 30	Nov 15-Nov 30	One antlerless moose
	1C remainder	Registration permit	Sept 15-Oct 15	Sept 15-Oct 15	One bull
2003-2005	1C Berners Bay drainages	Drawing permit	Sept 15-Oct 15	Sept 15-Oct 15	**One bull**
	1C south of Point Hobart[b]	Registration permit	Sept 15-Oct 15	Sept 15-Oct 15	One bull[c]
	1C west of Excursion Inlet and north of Icy Passage	Registration permit[c]	Sept 15-Oct 15	Sept 15-Oct 15	One bull
		Drawing permit	Nov 15-Nov 30	Nov 15-Nov 30	One antlerless moose
	1C remainder	Registration permit[c]	Sept 15-Oct 15	Sept 15-Oct 15	One bull
2005-2006	1C Berners Bay drainages	Drawing permit	Sept 15-Oct 15	Sept 15-Oct 15	One bull
	1C south of Point Hobart[b]	Registration permit	Sept 15-Oct 15	Sept 15-Oct 15	One bull[c]
	1C west of Excursion Inlet and north of Icy Passage	Registration permit[c]	Sept 15-Oct 15	Sept 15-Oct 15	One bull
		Drawing permit	**Nov 10-Dec 10**	**Nov 10-Dec 10**	One antlerless moose
	1C remainder	Registration permit[c]	Sept 15-Oct 15	Sept 15-Oct 15	One bull

(continued)

Table 1. (Continued)

Year	Management Unit	Season Type	Resident Season	Nonresident Season	Conditions and Limitations
2006-2007	1C Berners Bay drainages	Drawing permit	Sept 15-Oct 15	Sept 15-Oct 15	One moose
	1C south of Point Hobart[b]	Registration permit[d]	Sept 15-Oct 15	Sept 15-Oct 15	One bull[c]
	1C west of Excursion Inlet and north of Icy Passage	Registration permit[d]	Sept 15-Oct 15	Sept 15-Oct 15	One bull
		Drawing permit	**Dec 1-Dec 10**	**Dec 1-Dec 10**	One antlerless moose
	1C remainder	Registration permit[d]	Sept 15-Oct 15	Sept 15-Oct 15	One bull
2007-2008	1C Berners Bay drainages	Drawing permit	Sept 15-Oct 15	Sept 15-Oct 15	**One bull**
	1C south of Point Hobart[b]	Registration permit[d]	Sept 15-Oct 15	Sept 15-Oct 15	One bull[c]
	1C west of Excursion Inlet and north of Icy Passage	Registration permit[d]	Sept 15-Oct 15	Sept 15-Oct 15	One bull
		Drawing permit	**Dec 1-Dec 10**	**Dec 1-Dec 10**	One antlerless moose
	1C remainder	Registration permit[d]	Sept 15-Oct 15	**Sept 15-Oct 7**	One bull

[a] Antlerless season will be closed by Commissioner's announcement after 50 anterless moose have been taken.
[b] Moose south of Point Hobart are managed as part of the Thomas Bay moose population in Unit 1B.
[c] Spike-fork or 50-inch antlers or antlers with 3 or more brow tines on at least one side.
[d] Available in person in Douglas, Ketchikan, Petersburg, Sitka, or by mail from Douglas beginning August 16.

Table 2. State of Alaska moose hunting regulations in Unit 1D, 1992-2008 (ADF&G 1992-2007).

Year	Management Unit	Season Type	Resident Season	Nonresident Season	Conditions and Limitations
1992-1993	1D	No open season			
1993-1995	1D	Tier II subsistence permit, up to 200 permits	Oct 1-Oct 15	No open season	One bull[a]
1994-2007	1D	Tier II subsistence permit	**Sept 15-Sept 30**	No open season	One bull[a]
2007-2008	1D	Tier II subsistence permit	Sept 15-**Oct 7**	No open season	One bull[a]

[a] Spike-fork or 50-inch antlers or antlers with 3 or more brow tines on one side.

Endicott River and St. James Bay areas, and moose were common in Adams Inlet at the head of Glacier Bay by the 1970s (Barten 2004:23). Fifteen moose calves were introduced to Berners Bay in 1958 and a supplemental release of six more calves occurred in 1960.

The first sightings of moose occurred in the Gustavus area in 1968 (Barten 2004:22–23). It is unclear when moose began populating the downriver portions of the Taku River drainage, southeast of Juneau, but Taku Tlingit were harvesting moose prior to 1946 from upriver areas (Goldschmidt and Haas 1998:43, 112, 116).

Community Characteristics

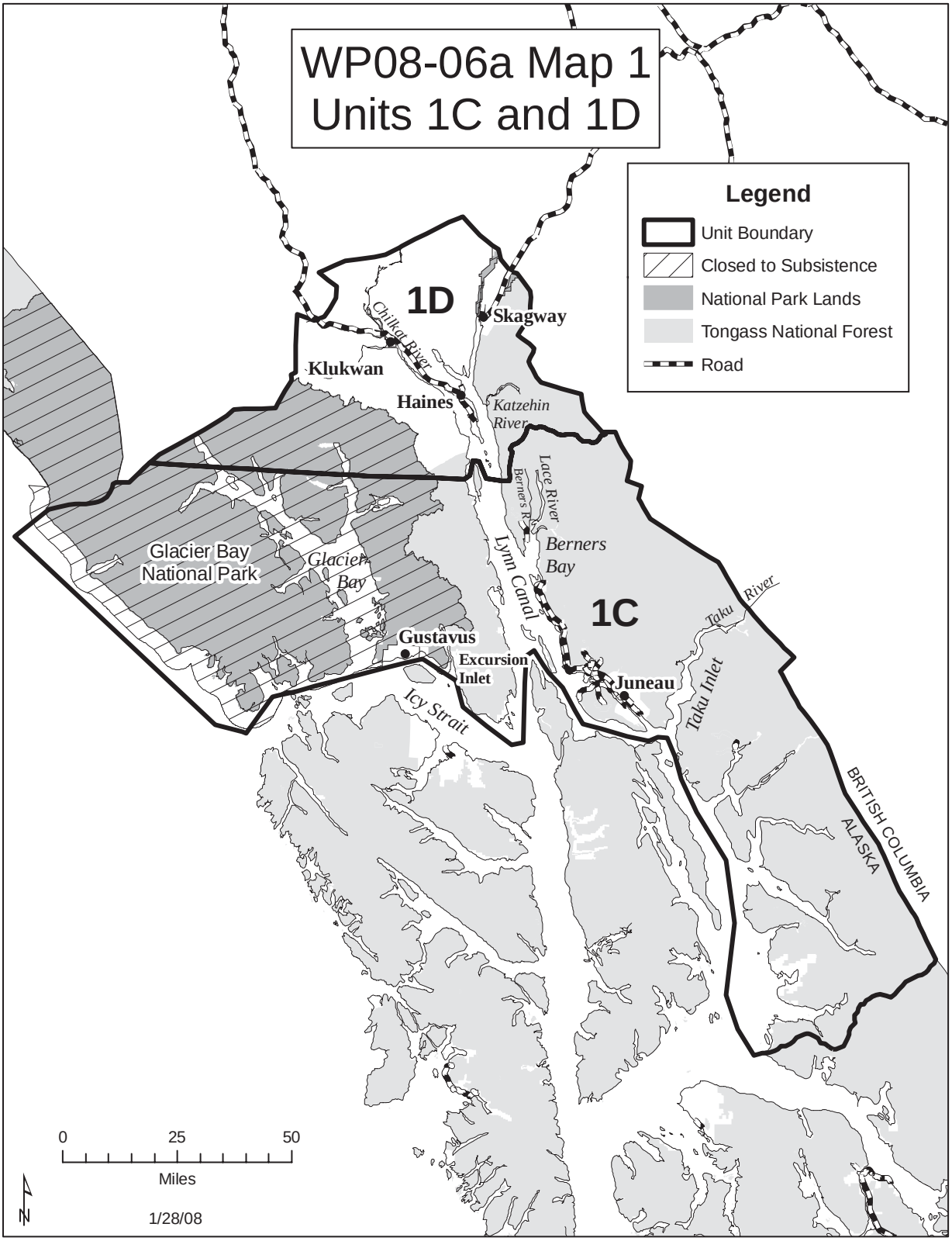
The communities under consideration in this analysis are: Skagway, the Haines Borough including Klukwan and Excursion Inlet, and Gustavus (see **Table 3**).

Skagway, located in Unit 1D, is situated on the mainland at the extreme northern end of Lynn Canal, where the Skagway and Taiya rivers enter Taiya Inlet, approximately 15 miles north of Haines (Paige

Table 3. Population of selected Southeast Alaska communities (Origin, Paige 2002; 2000 population, U.S. Census 2000; 2006 population, ADOLWD 2007).

Community	Origin	2000 Population	2006 Population
Skagway City	Mining	862	854
Haines Borough[a]	Traditional Tlingit	2,392	2,241
Excursion Inlet CDP[b]	Salmon Cannery	10	8
Klukwan CDP	Traditional Tlingit	139	112
Gustavus CDP	Agricultural Homesteads	429	441
Juneau City and Borough	Mining	30,711	30,650

[a] The City of Haines dissolved in October 2003 in favor of a boroughwide government.
[b] CDP = Census Designated Place. The U.S. Census Bueau creates CDPs as counterparts of incorporated places. The boundaries of a CDP usually follow visible features or the boundary of an adjacent incorporated place.


WP08-06a Map 1
Units 1C and 1D
Legend
Unit Boundary
Closed to Subsistence
National Park Lands
Tongass National Forest
Road
1D
1C
Skagway
Klukwan
Haines
Chilkat River
Katzehin River
Lace River
Berners R.
Berners Bay
Lynn Canal
Glacier Bay National Park
Glacier Bay
Gustavus
Excursion Inlet
Juneau
Taku River
Taku Inlet
Icy Strait
BRITISH COLUMBIA
ALASKA
0
25
50
Miles
N
1/28/08

2002:291). The location of Skagway was once the site of a Chilkat Tlingit village (Betts et al. 2000; Goldschmidt and Haas 1998:32). Other seasonal camps and smokehouses existed along the Skagway River, an area encompassed by Unit 1D. Chilkat Tlingit controlled this area that includes what is known today as the Chilkoot Trail, the trade route over Chilkoot Pass to the Canadian Interior. Trade with the Canadian Interior was supervised by Tlingit into the twentieth century. Gold was discovered in the Klondike in the 1890s and the Chilkoot Trail was the most accessible route to the gold fields. The discovery of gold attracted miners, and soon a railway over White Pass superseded the trail. Skagway became Alaska's first incorporated city in 1900. When the gold rush waned, other industries replaced it, such as independent, local mining and tourism. Tourism has become an increasingly important factor in Skagway's economy (Betts et al. 2000). In 1978 the South Klondike Highway opened into the Interior.

Klukwan, located in Unit 1D, is situated on the north bank of the Chilkat River, 22 road miles north of Haines at the northern end of Lynn Canal (Paige 2002:167). Klukwan is a Chilkat Tlingit village of long standing and the principal town of the Chilkat Tlingit, whose territory generally includes the Chilkat River and its upper drainages and the Lynn Canal area to Berners Bay (Betts et al. 1999). Several salmon canneries were located along Chilkat Inlet beginning in 1882. The nearby Dalton Trail was a route to the Canadian Interior used by many during the Klondike gold rush in the 1890s. However, the village has remained predominantly Tlingit. In 1942 the Haines Highway was completed into the Interior, which connected Klukwan to this road system (Betts et al. 1999).

Haines, located in Unit 1D, is situated at the mouth of the Chilkat River at the northern end of Lynn Canal, 80 air miles northwest of Juneau. The communities of Haines and nearby Klukwan were originally occupied by Chilkat Tlingit who had villages located throughout the area. People from Haines and Klukwan shared land and waterway ownership in the Chilkat Tlingit territory, which includes the shores of Lynn Canal and its tributaries south to Berners Bay (Paige 2002:75). A United States military base opened in Haines in 1904 and operated through 1945. By the 1990s most canneries had closed and the initial growth of the community from the timber industry had slowed as the timber industry declined. The Haines economy is relying increasingly on tourism.

The small community of Excursion Inlet is located in Unit 1C near the mouth of Excursion Bay, immediately outside the boundary of Glacier Bay National Park. A village of Hoonah Tlingit once existed at the present site of Excursion Inlet (Goldschmidt and Hass 1998:54). Fish streams and Native smokehouses existed all the way to the head of the inlet. The present community was first settled as a cannery. During World War II, Excursion Inlet became a resupply point for the Aleutian battle (ADCCED 2007).

Gustavus lies in Unit 1C on the north shore of Icy Passage at the mouth of the Salmon River, 48 air miles northwest of Juneau. It is surrounded by Glacier Bay National Park and Preserve on three sides (ADCCED 2007). Hoonah Tlingit used the land and resources on which Gustavus is located, as well as the lands and waters now inside the park and preserve (Betts et al. 1994; Goldsmith and Haas 1998:53). In 1794 Glacier Bay was completely covered by the Grand Pacific Glacier. By 1916 the glacier had retreated 65 miles from the position observed by Vancouver in 1794, and the glacier continues to retreat (ADCCED 2007). Gustavus began as an agricultural homestead in 1914 by immigrants from the lower 48 states (Betts et al. 1994). Glacier Bay National Monument was established in 1925 and expanded in 1939 to include Gustavus (Schroeder and Kookesh 1990:216). However, the Gustavus area was ultimately excluded from the monument. The Monument became a National Park in 1980. Gustavus residents today conduct small-scale farming, combined with commercial fishing, and offer services to summer seasonal residents and visitors to the park (Betts et al. 1994).

Eight Factors for Determining Customary and Traditional Uses

A community or area's customary and traditional use is generally exemplified through the following eight factors: (1) a long-term, consistent pattern of use, excluding interruptions beyond the control of the community or area; (2) pattern of use recurring in specific seasons for many years; (3) a pattern of use consisting of methods and means of harvest that 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; (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 Federal Subsistence Board makes customary and traditional use determinations based on a holistic application of these eight factors (50 CFR 100.16(b) and 36 CFR242.16(b)). In addition, the Board takes into consideration the reports and recommendations of appropriate Regional Advisory Councils regarding customary and traditional use of subsistence resources (FR 50 CFR Part 100 B. 16(b)).

The pattern of harvest and use of moose by residents of the communities of Skagway, Klukwan, Haines, and Gustavus is best understood by first examining their harvests of moose statewide. Results of harvest surveys conducted at Skagway, Klukwan, Haines, and Gustavus in selected years of the 1980s and 1990s provide evidence of a consistent pattern of moose harvest and use by residents of these communities (**Tables 4, 5, and 6**). However, most of these harvest surveys were conducted at a time when some moose populations were significantly lower than today, notably the area surrounding Gustavus. Survey results indicate that moose were harvested by Klukwan and Haines hunters and residents of Skagway and Gustavus received moose from other communities (**Table 5**). The percentage of households that reported using moose ranged from 14% at Gustavus in 1987 to 67% at Haines in 1996. Moose comprised an estimated 14% of the total wild resource harvest, in pounds usable weight, at Haines in 1983 (**Table 6**). Estimated moose harvests comprised smaller portions of the total wild resource harvest during similar surveys at Klukwan and Haines.

The expanded annual moose harvest based on household surveys ranged from 2 to 4 moose at Klukwan in 1996 and 1983, respectively; and from 23 to 84 moose at Haines in 1987 and 1983, respectively (**Table 5**). More recent harvest surveys have not been conducted in these communities, but would likely indicate increased harvest and use of moose as the moose population has increased in Unit 1C and 1D (Barten 2004:22–23; Hessing 2004:45).

Residents of communities in Unit 1C and 1D also reported harvesting moose on an annual basis to ADF&G. (Reporting consists of hunters returning the report portions of registration permits to ADF&G.) **Table 7** indicates the reported moose harvest annually by each community 1983–2004. Gustavus has averaged 15 moose annually over a 20-year period. The recent 10-year average was 24 moose annually. Skagway averaged 2 moose annually over 20 years, and 2 moose annually in the recent 10-year period. Data for Klukwan is only available since 1993, and the recent 10-year average was 1 moose annually. Haines averaged 30 moose annually over 20 years, and 36 moose annually in the recent 10-year period.

Because Berners Bay moose have been managed through a permit draw, understanding different communities' uses of that population must also include a discussion of context. **Appendix A** shows the

Table 4. Household survey sampling and participation summary, Gustavus, Skagway, Klukwan, and Haines, all study years (ADF&G 2007a).

			Survey Results			
Community	**Study Year**	**Type of Sample**	**Total Identified Households**	**Surveyed Households**	**Percentage of Total**	**Estimated Human Population**
Residents of Unit 1C						
Gustavus	1987	Stratified Random[a]	65	35	54%	153
Residents of Unit 1D						
Skagway	1987	Stratified Random[a]	204	60	29%	583
Klukwan	1983	Census	41	33	80%	154
	1987	Stratified Random[a]	39	29	74%	133
	1996	Census	36	32	89%	108
Haines	1983	Stratified Random[a]	660	147	22%	1,908
	1987	Stratified Random[a]	608	62	10%	1,623
	1996	Stratified Random[a]	787	92	12%	2,173

[a] Household stratification consisted of households with "active harvesters" and households with "less active harvesters."

Table 5. The reported and expanded number of moose harvested, based on household surveys conducted at Gustavus, Skagway, Klukwan, and Haines, all survey years (ADF&G 2007a).

		Percentage of Households					Moose Harvest	
Community	**Study Year**	**Using Moose (%)**	**Hunting Moose (%)**	**Harvesting Moose (%)**	**Giving Moose (%)**	**Receiving Moose (%)**	**Reported (Number)**	**Expanded to Households Not Surveyed (Number)**
Residents of Unit 1C								
Gustavus	1987	14	NA	0	0	14	0	0
Residents of Unit 1D								
Skagway	1987	15	NA	0	0	15	0	0
Klukwan	1983	24	58	9	6	15	3	4
	1987	30	NA	0	3	30	0	0
	1996	66	19	7	7	61	2	2
Haines	1983	27	50	13	6	16	17	84
	1987	45	NA	4	4	42	[a]	23
	1996	67	13	8	11	59	8	68

NA=not asked.

[a] Data not available.

Table 6. Levels of participation in the harvest and use of moose from household surveys conducted at Gustavus, Skagway, Klukwan, and Haines, all study years (ADF&G 2007a).

Community	Study Year	Percentage of Households: Using Moose (%)	Hunting Moose (%)	Harvesting Moose (%)	Giving Moose (%)	Receiving Moose (%)	Moose Harvest Levels in Pounds Usable Weight[a]: Per Household (Pounds)	Per Capita (Pounds)	Moose as a Percentage of the Total Wild Resource Harvest (%)
Residents of Unit 1C									
Gustavus	1987	14	NA	0	0	14	0	0	0
Residents of Unit 1D									
Skagway	1987	15	NA	0	0	15	0	0	0
Klukwan	1983	24	58	9	6	15	36	10	6
	1987	30	NA	0	3	30	0	0	0
	1996	66	19	7	7	61	26	8	1
Haines	1983	27	50	13	6	16	51	18	14
	1987	45	NA	4	4	42	15	6	6
	1996	67	13	8	11	59	34	13	6

NA=not asked.

[a] Conversion factor is 400 lb per moose.

Table 7. The number of permits issued and moose harvested statewide, based on reports to ADF&G from residents of Gustavus, Excursion Inlet, Skagway, Klukwan, and Haines, 1983-2004 (ADF&G 2007b).

Year	Gustavus Permits	Gustavus Moose	Excursion Inlet Permits	Excursion Inlet Moose	Skagway Permits	Skagway Moose	Klukwan Permits	Klukwan Moose	Haines[a] Permits	Haines[a] Moose
1983	2	0	0	0	45	7			450	51
1984	10	1	1	0	51	5			478	29
1985	4	0	0	0	17	3			117	20
1986	11	1	1	1	21	4			80	18
1987	12	0	0	0	18	1			383	33
1988	14	2	0	0	19	7			344	31
1989	21	3	0	0	19	3			118	13
1990	38	8	1	0	12	1			99	31
1991	48	8	0	0	12	3			94	14
1992	63	10	1	0	11	0			104	14
1993	60	11	0	0	19	2	14	1	233	42
1994	72	15	0	0	19	2	17	0	260	26
1995	75	15	0	0	13	2	16	6	297	46
1996	76	23	0	0	16	5	17	3	251	45
1997	74	20	0	0	19	1	20	1	277	27
1998	87	27	0	0	21	1	14	1	310	44
1999	103	22	0	0	18	1	11	0	274	32
2000	102	29	1	0	16	2	5	0	271	31
2001	99	21	2	0	22	2	9	0	304	30
2002	98	23	0	0	21	2	11	0	282	39
2003	118	30	[b]	[b]	25	2	11	1	292	33
2004	95	25	[b]	[b]	22	3	8	0	276	31
10-yr average 1985-1994	34	6	<1	<1	17	3	--	--	183	24
10-yr average 1995-2004	93	24	<1	0	19	2	12	1	283	36
20-yr average	64	15	<1	<1	18	2	--	--	233	30

[a] Up to 1993 Haines included the residents of the present-day borough minus Excursion Inlet. From 1993 to 2004 the residents of Klukwan were excluded.

[b] Data not available.

number of moose harvested in Berners Bay drainages through the drawing permit process by residents of Units 1C and 1D from 1983–2006. Residents of the Haines area harvested 2 moose in 1983, and 1 moose in each year 1993, 1994, 1998, 1999, and 2002. Residents of Gustavus, Excursion Inlet, and Skagway have not harvested a moose in this area during this period. **Table 8** shows that during the 10-year period 1997–2006 ADF&G issued an average of 14 permits annually for Berners Bay drainages: during this time there was an annual average of 1,222 applications. Thus, the odds of any one person obtaining a permit were about 1 in 100. Furthermore, the drawing permit process has provisions that can make applying for a Berners Bay permit unattractive, such as a person may apply for up to three hunt numbers only on an annual basis (at a cost of five dollars per hunt). However, despite these challenges, residents of Skagway, the Haines area, and Gustavus do submit applications (see **Table 8**). From 1997 to 2006 Gustavus residents submitted on average 2 applications annually; residents of Skagway 3 applications annually, and residents of the Haines area 40 applications annually. An effort to obtain a Berners Bay drawing permit could be considered as a take for the purposes of this review because it has been so difficult to obtain a permit.

The following is a description of historical uses of the area in question, Berners Bay or *Daxanáak* in Tlingit, by both Chilkat Tlingit, from Skagway and Haines areas, and Auk Tlingit, from Juneau and

Table 8. The number of applicants from Gustavus, Excursion Inlet, Skagway, and Haines, for the bull moose and antlerless moose hunts, 1993-2006 (Cunning 2007, pers. comm.).

		Number of Applications Submitted by Residents of				
Year	Total Number of Drawing Permits Issued for Berners Bay Drainages	Gustavus	Excursion Inlet	Skagway	Haines[a]	Total Number of Applications Submitted
1993	15	0	0	0	11	1,275
1994	15	2	0	0	27	1,463
1995	15	0	0	0	54	1,648
1996	17	0	0	3	41	1,568
1997	15	0	0	11	39	1,226
1998	15	0	0	2	51	1,303
1999	18	2	0	4	62	1,694
2000	20	2	0	5	58	1,774
2001	20	2	0	0	65	1,612
2002	15	3	0	4	56	1,608
2003	9	5	0	3	19	779
2004	8	2	0	0	16	738
2005	8	0	0	0	12	609
2006	8	1	0	3	26	879
10-yr average 1997-2006	14	2	0	3	40	1,222

[a] Haines includes the residents of the present-day borough minus Excursion Inlet.

Admiralty Island areas to harvest wild resources (cf., Davidson 1928; Goldschmidt and Haas[4] 1998:28, 33, 113, 116, and 190–192). There were two, year-round villages located between Lace River and Berners River. One was named *Kutaka,an*. In addition, smokehouses were built at the mouth of Antler River. The

4 This 1946 research sought to determine possessory land rights of Natives of Southeastern Alaska back to 1884. This work was in response to the passage of the 1884 Organic Act: " . . . That the Indians, or other persons in said district, shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress. . ." (23 Stat. 24).

area was used to hunt, fish, and gather berries. Seaweed and mussels were gathered from Echo Cove near the entrance to the bay. Coho and chum salmon were harvested and preserved. Goats were harvested and mink, lynx, and wolverine were trapped. Cabins and smokehouses were accessed by poling boats upriver.

Using river drainages in Unit 1C and 1D to harvest wild resources is well documented (cf., Goldschmidt and Haas 1998). Chilkat, Auk, and Taku Tlingit regularly used river drainages to access goat and bear and trap furbearers. Moose were also harvested as available. Cabins and smokehouses were often located on these routes where meat was preserved by smoking. Animals were hunted in the Chilkat River Valley, especially in the area of the Canadian Border (Goldschmidt and Haas 1998:30–32); the Skagway River drainage and Taiyasanka Harbor (1988:33); Chilkoot Lake (1988:33); the Katzehin River drainage (1988:33); and the Taku River drainage, mentioned above.

Integrating the above information into a contemporary description of moose harvesting by area and community begins in the Chilkat Valley. The moose population, estimated to be as high as 700, peaked in the Chilkat Valley in Unit 1D in the mid-1960s (ADF&G 1991 in Hessing 2004:45). It began a sharp decline in the early 1970s, and by 2004 ADF&G estimated the moose population in the Chilkat Valley to be 250 to 350 moose. A Tier II subsistence hunt was implemented by the Alaska Board of Game for the 1990 season, when 20 Tier II permits were issued for Unit 1D. No moose hunting was allowed in 1991 and 1992. In 1993 the Tier II hunt reopened and has been conducted every year since. Up to 200 permits, with an estimated 12% success rate, may be issued through a Tier II permit drawing (Hessing 2004:47). The State season has been opened for two weeks until the 2007–2008 season when it was extended. The season is September 15–October 7.

Residents of the Haines Borough have the easiest access to the Chilkat Valley in Unit 1D and have been responsible for the majority of moose harvested in this area, as shown in **Table 9**. However, Haines residents consistently report harvesting up to half their moose from areas other than Unit 1D (**Table 7**). Skagway does not have easy access to a nearby moose population, although moose are harvested by residents of Skagway.

Moose harvested from the Gustavus forelands in Unit 1C have been reported only since 1989, and the majority of the moose harvested by Gustavus residents since that time have been taken from that population (**Table 7**; **Appendix A**). There is a one bull harvest limit with a State registration permit for both residents and nonresidents, September 15–October 7. Before 2007 the season was September 15–October 15 [5] (see **Table 3**). Since 2001 there has been opportunity to harvest cows through a separate drawing permit, and the 2007–2008 season for cows was for 10 days in December. In 1989 Gustavus was responsible for 100% of the harvest of two moose. In 1994 the Gustavus portion of the harvest had declined to 75% (15 of 20 moose) and has been steadily declining in subsequent years. In 2004 the Gustavus portion of the harvest was about 25% (24 of 95 moose). From 2002 to 2004, the most recent years for which data were available, residents of the Juneau area have been responsible for the majority of the harvest from the Gustavus forelands (see **Appendix A**).

Another characteristic of customary and traditional uses of wild resources is sharing. Giving and receiving wild resources is common among peoples in Southeast Alaska. This tradition of distribution and exchange continues as part of the great giveaways associated with elaborate feasts and ceremonies, and between individuals and families at the everyday level (De Laguna 1990: 208, 220–221). These traditions of sharing are observed today. One indicator of these patterns is household survey data indicating the sharing of moose through giving and receiving (see **Table 5**). Survey data for Gustavus exists of only one year—

5 The Federal season in the remainder of Unit 1C continues to be September 15–October 15.

Table 9. The moose harvest in Unit 1D, by hunter residence, based on reports to ADF&G, 1984-2002 (Hessing 2004).

Year	Total Harvest of Moose	Skagway	Haines Area	Gustavus	Juneau	Other Alaska
1984	34	1	23	0	7	3
1985	14	0	14	0	0	0
1986[a]	0	0	0	0	0	0
1987	22	0	22	0	0	0
1988	18	0	18	0	0	0
1989	18	0	18	0	0	0
1990	19	0	19	0	0	0
1991[a]	0	0	0	0	0	0
1992[a]	0	0	0	0	0	0
1993	24	0	22	0	2	0
1994	17	0	17	0	0	0
1995	27	0	26	0	1	0
1996	24	0	23	0	0	1
1997	17	0	16	0	1	0
1998	19	0	18	0	1	0
1999	21	0	19	0	2	0
2000	18	0	16	0	1	1
2001	17	0	16	0	0	1
2002	22	1	21	0	0	0
10-year average1993-2002	21	<1	19	0	1	<1
19-year average	21	<1	19	0	1	<1

[a] No open season.

1987. No moose harvest was reported by a random sample of households that were interviewed; however, 14% of households reported receiving and using moose.

While salmon continues to be the mainstay of the economy in most of Southeast Alaska, moose is an important component of wild resource harvests and uses in rural communities in Unit 1C and 1D. Moose are the primary terrestrial resource harvested by residents of these communities, unlike other areas of Southeast where deer predominate (ADF&G 2007a). Hunting for large land mammals, including moose, goats, bears, and deer, has been augmented and complemented by the seasonal round of collecting fish, hunting for other terrestrial and marine mammals, collecting intertidal resources, and harvesting plants from beaches, forests, and elsewhere (see **Table 10**).

Rural residents in Units 1C and 1D harvested significant quantities of fish and wildlife, according to comprehensive household surveys, mentioned previously. Virtually all households in Gustavus harvested some wild resources for home use in 1987 (see **Table 10**). Gustavus per capita harvest levels, in pounds usable weight, are consistent with harvest levels reported in other communities in Southeast Alaska, such as Coffman Cove, Klawock, and Klukwan (see **Figure 1**).

As previously mentioned, the Board has recognized customary and traditional uses of moose by the communities in Unit 1D, Skagway, Haines, and Klukwan. The community of Gustavus, included in this proposal, does not have recognized customary and traditional uses of moose. However, the community of Gustavus has demonstrated these uses as described by the eight factors. Since 1989 when the first open hunting season occurred at the Gustavus forelands, residents of Gustavus have harvested all or almost all

Table 10. The harvest of wild resources for home use, by resource category, from the most recent household survey at Gustavus, Skagway, Klukwan, and Haines (ADF&G 2007a).

Community	Resource	Percentage of Households Harvesting	Harvest Level in Pounds Usable Weight: Per Household (Pounds)	Harvest Level in Pounds Usable Weight: Per Capita (Pounds)	Percentage of Total Wild Resource Harvest
Gustavus 1987	Fish	92%	323	137	57%
N=35 HHs	Salmon	74%	130	55	23%
	Non-Salmon Fish	82%	192	82	34%
	Land Mammals	52%	151	64	27%
	Large Land Mammals	48%	151	64	27%
	Small Land Mammals	10%	0	0	0%
	Marine Mammals	0%	0	0	0%
	Birds and Eggs	29%	4	2	1%
	Marine Invertebrates	72%	67	28	12%
	Vegetation	100%	23	10	4%
	All Resources	100%	569	241	100%
Skagway 1987	Fish	47%	95	33	69%
N=60 HHs	Salmon	39%	50	18	37%
	Non-Salmon Fish	35%	44	16	32%
	Land Mammals	9%	10	4	8%
	Large Land Mammals	7%	10	4	8%
	Small Land Mammals	4%	0	0	0%
	Marine Mammals	0%	0	0	0%
	Birds and Eggs	10%	1	0	1%
	Marine Invertebrates	20%	26	9	19%
	Vegetation	44%	6	2	4%
	All Resources	68%	137	48	100%
Klukwan 1996	Fish	81%	1,606	519	85%
N=32 HHs	Salmon	71%	825	267	44%
	Non-Salmon Fish	77%	780	252	41%
	Land Mammals	39%	85	28	5%
	Large Land Mammals	32%	85	27	4%
	Small Land Mammals	13%	1	0	<1%
	Marine Mammals	10%	8	3	<1%
	Birds and Eggs	19%	3	1	<1%
	Marine Invertebrates	36%	43	14	2%
	Vegetation	90%	137	45	7%
	All Resources	94%	1,882	608	100%
Haines 1996	Fish	70%	380	139	71%
N=92 HHs	Salmon	61%	159	58	30%
	Non-Salmon Fish	58%	221	81	41%
	Land Mammals	29%	80	29	15%
	Large Land Mammals	28%	79	29	15%
	Small Land Mammals	5%	<1	<1	<1%
	Marine Mammals	2%	3	1	1%
	Birds and Eggs	24%	4	1	1%
	Marine Invertebrates	26%	29	11	5%
	Vegetation	83%	40	15	7%
	All Resources	91%	535	196	100%

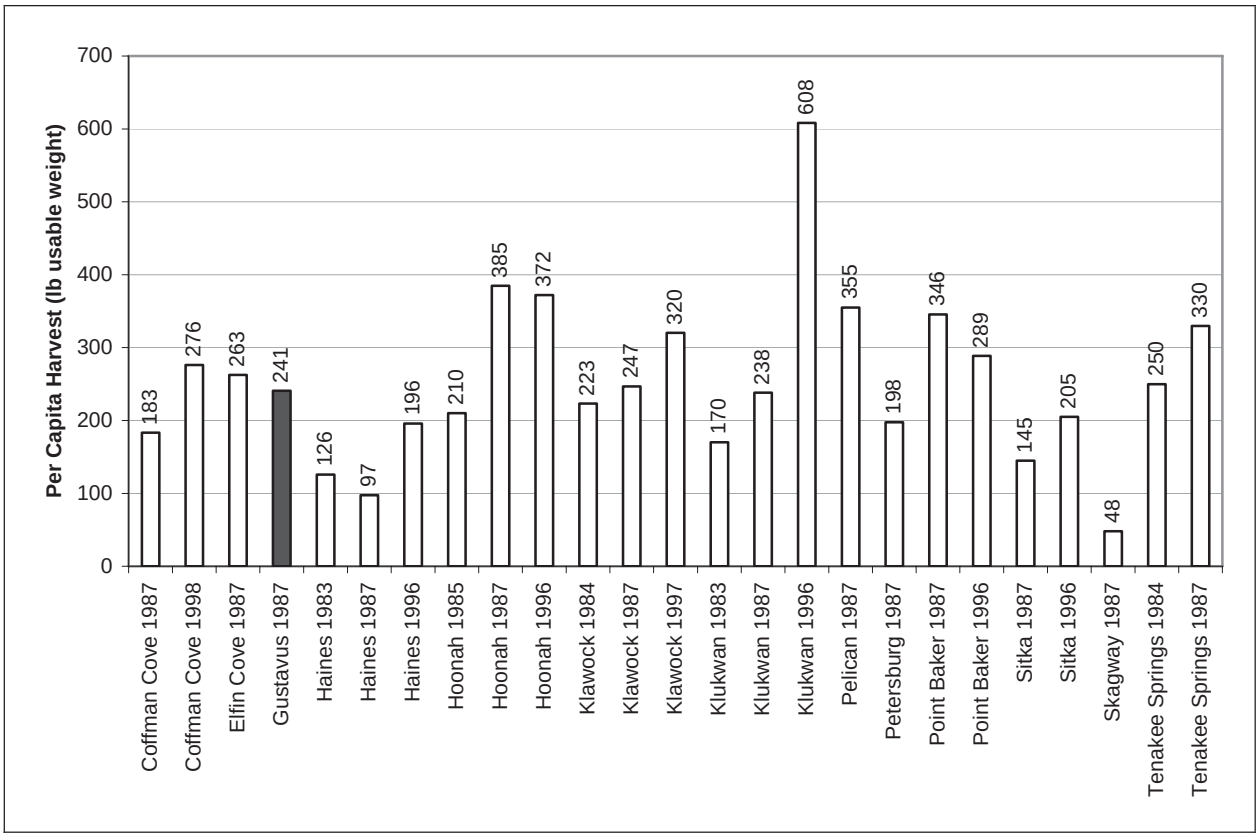


Figure 1. The per capita harvest of all resources, in pounds usable weight, at selected Southeast Alaska communities (ADF&G 2007a).

of their moose from the forelands, adjacent to the community. Gustavus is a community of long standing, established in 1914. Additionally, the community exhibits characteristics of other rural communities, and fishing and hunting are central activities in the community (cf., Wolfe and Walker 1987).

The rural residents of Unit 1C and 1D have demonstrated customary and traditional uses of moose as described by the eight factors. The ability of residents of these communities to harvest moose in Berners Bay drainages has been hampered by the drawing permit process and, therefore, due to reasons beyond the control of the residents of these communities, few harvests by them from this area have been documented (see **Appendix A; Table 8**).

Recent Events

The Southeast Alaska Regional Advisory Council recommended opposing the current proposal at this time, and instead evaluating which communities will be included in a customary and traditional use determination for moose for all of Unit 1C in a subsequent cycle (SERAC 2007). The Council intends to submit a proposal towards this end during the next call for wildlife proposals, beginning in January 2009. However, the Council's recommendation in itself does not argue for the Board to overlook Berners Bay during this regulatory cycle.

Proposal WP08-06a is a potential first step in the customary and traditional use determination process for moose in Unit 1C. This finding could be nested in a subsequent customary and traditional use finding for Unit 1C.

Effects of the Proposal

If this proposal is adopted, Federally qualified rural residents in Unit 1C and 1D would be granted a Federal subsistence priority in Berners Bay drainages.

If this proposal is rejected, rural residents of Unit 1C and 1D will continue to compete with other users under State regulations to harvest moose in areas such as the Chilkat Range and River Valley, which have been in a Tier II management regime since the 1990s, or at Gustavus forelands, which is an open registration State hunt for both residents and nonresidents of the state and has a negative State customary and traditional use determination for moose. Rural residents will only be allowed access to moose in Berners Bay drainages through a State drawing permit.

OSM CONCLUSION

Support Proposal WP08-06a.

Justification

The Federal Subsistence Management Program in 1990 adopted most of the customary and traditional use determinations made by the State of Alaska, and it established a no Federal subsistence priority for moose in Berners Bay drainages in Unit 1C. The adoption of a no Federal subsistence priority in Berners Bay drainages has never been reviewed by the Board. Furthermore, under the Federal Subsistence Management Program customary and traditional uses are recognized for introduced species.

Based on a holistic application of the eight factors, residents of Unit 1C and 1D customarily and traditionally use moose taken from these units.

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Appendix A. The moose harvest in Unit 1C, by hunter residence, based on reports to ADF&G (1983-2002 ADF&G 2007b; Berners Bay 2003-2006 ADF&G 2007c; Unit 1C except Berners Bay 2003-2004 Haynes 2007, pers. comm.).

Year	Total Kill	Gustavus	Excursion Inlet	Skagway	Haines[a]	Juneau	Auke Bay	Douglas	Angoon	Craig	Elfin Cove	Funter Bay	Hobart Bay	Hoonah	Ketchikan	Pelican	Petersburg	Port Alexander	Sitka	Swanson Harbor	Wrangell	Yakutat	Other Alaska	Non-resident	Unknown
Berners Bay																									
1983	13				2	8	1	2																	
1984	14					11		2														1			
1985	13					9	4																		
1986	5					2	3																		
1987	5					3	1	1																	
1988	4					4																			
1989	5					2	2	1																	
1990	5					4	1																		
1991	10					8	1	1																	
1992	9					5		4																	
1993	14				1	12	1																		
1994	14				1	10	2	1																	
1995	13					9		2															2		
1996	14					11		3																	
1997	15					12		1											1					1	
1998	15				1	10	1	1									1		1						
1999	15				1	12		2																	
2000	12					7	2	1									1						1		
2001	13					8	3	1															1		
2002	9				1	8																			
2003	8					7			1																
2004	6					5		1																	
2005	5					5																			
2006	7					6	1																		
Chilkat Range																									
1983	5					2		1						1											1
1984	6					5		1																	
1985	7				1	5																		1	
1986	10	1			3	4	1	1																	
1987	7				1	5		1																	

Appendix A. The moose harvest in Unit 1C, by hunter residence, based on reports to ADF&G (1983-2002 ADF&G 2007b; Berners Bay 2003-2006 ADF&G 2007c; Unit 1C except Berners Bay 2003-2004 Haynes 2007, pers. comm.).

Year	Total Kill	Gustavus	Excursion Inlet	Skagway	Haines[a]	Juneau	Auke Bay	Douglas	Angoon	Craig	Elfin Cove	Funter Bay	Hobart Bay	Hoonah	Ketchikan	Pelican	Petersburg	Port Alexander	Sitka	Swanson Harbor	Wrangell	Yakutat	Other Alaska	Non-resident	Unknown
1988	11				1	8		1																1	
1989	8				2	4	1																	1	
1990	16				3	11	2																		
1991	6					4	2																		
1992	9				1	5	2	1																	
1993	18				6	11														1					
1994	7					5	1								1										
1995	13	2				9	1					1													
1996	17					14						1		2											
1997	13					10	2							1											
1998	28	1			1	20								5	1										
1999	12					9								2										1	
2000	14	1				10								1					1					1	
2001	13				2	10								1											
2002	15					12								1										2	
2003	22					14		1						7											
2004	17	1				10	3							1									2		
Gustavus Forelands[b]																									
1983																									
1984																									
1985																									
1986																									
1987																									
1988																									
1989	2	2																							
1990	8	7				1																			
1991	6	6																							
1992	11	10																						1	
1993	13	11				1	1																		
1994	20	15				2	1	1																1	
1995	21	13				5	2									1									
1996	30	22				5	2																	1	

Appendix A. The moose harvest in Unit 1C, by hunter residence, based on reports to ADF&G (1983-2002 ADF&G 2007b; Berners Bay 2003-2006 ADF&G 2007c; Unit 1C except Berners Bay 2003-2004 Haynes 2007, pers. comm.).

Year	Total Kill	Gustavus	Excursion Inlet	Skagway	Haines[a]	Juneau	Auke Bay	Douglas	Angoon	Craig	Elfin Cove	Funter Bay	Hobart Bay	Hoonah	Ketchikan	Pelican	Petersburg	Port Alexander	Sitka	Swanson Harbor	Wrangell	Yakutat	Other Alaska	Non-resident	Unknown
1997	31	20				6	1							1					1					2	
1998	48	26			1	16								2					1					1	1
1999	42	21			1	14					1			1				1					3		
2000	48	28			1	15					3													1	
2001	45	21				18				1				1					2					2	
2002	58	22				31					1							1	1					2	
2003	84	30			2	42	1			1				1			1	1	5						
2004	95	24			1	52		5		1				1			2		7				2		
Taku																									
1983	11					10		1																	
1984	18					12		5																	1
1985	25					16		8											1						
1986	15					8	1	6																	
1987	15					10		2																3	
1988	16					8		8																	
1989	22	1			1	12	1	6																	1
1990	19					9	2	7											1						
1991	11					7		4																	
1992	10					4		6																	
1993	14				1	9		4																	
1994	12					6	2	4																	
1995	13					8		4											1						
1996	17	1				7	1	7									1								
1997	6					3		2											1						
1998	14					12		1											1						
1999	18					15	1	1											1						
2000	23					21													1		1				
2001	19					18																		1	
2002	16	1				13													2						
2003	11					7	1	2											1						
2004	15				1	8		5											1						

Appendix A. The moose harvest in Unit 1C, by hunter residence, based on reports to ADF&G (1983-2002 ADF&G 2007b; Berners Bay 2003-2006 ADF&G 2007c; Unit 1C except Berners Bay 2003-2004 Haynes 2007, pers. comm.).

Year	Total Kill	Gustavus	Excursion Inlet	Skagway	Haines[a]	Juneau	Auke Bay	Douglas	Angoon	Craig	Elfin Cove	Funter Bay	Hobart Bay	Hoonah	Ketchikan	Pelican	Petersburg	Port Alexander	Sitka	Swanson Harbor	Wrangell	Yakutat	Other Alaska	Non-resident	Unknown
Remainder Unit 1C																									
1983																									
1984																									
1985																									
1986																									
1987	1					1																			
1988																									
1989	1					1																			
1990																									
1991																									
1992	2					1																		1	
1993																									
1994																									
1995																									
1996																									
1997	2					1							1												
1998																									
1999																									
2000																									
2001	1					1																			
2002																									
2003																									
2004	1							1																	
Harvest Location Unknown																									
1983																									
1984																									
1985																									
1986																									
1987																									
1988																									
1989	2						1	1																	
1990																									

Appendix A. The moose harvest in Unit 1C, by hunter residence, based on reports to ADF&G (1983-2002 ADF&G 2007b; Berners Bay 2003-2006 ADF&G 2007c; Unit 1C except Berners Bay 2003-2004 Haynes 2007, pers. comm.).

Year	Total Kill	Gustavus	Excursion Inlet	Skagway	Haines[a]	Juneau	Auke Bay	Douglas	Angoon	Craig	Elfin Cove	Funter Bay	Hobart Bay	Hoonah	Ketchikan	Pelican	Petersburg	Port Alexander	Sitka	Swanson Harbor	Wrangell	Yakutat	Other Alaska	Non-resident	Unknown
1991	2					1		1																	
1992	6					2		2						1			1								
1993																									
1994	1					1																			
1995	1																			1					
1996																									
1997																									
1998																									
1999																									
2000	3					3																			
2001	1																		1						
2002																									
2003																									
2004																									
Total Harvest																									
1983	29				2	20	1	4						1											1
1984	38					28		8														1			1
1985	45				1	30	4	8											1					1	
1986	30	1			3	14	5	7																	
1987	28				1	19	1	4																3	
1988	31				1	20		9																1	
1989	40	3			3	19	5	8																1	1
1990	48	7			3	25	5	7											1						
1991	35	6				20	3	6																	
1992	47	10			1	17	2	13						1			1							2	
1993	59	11			8	33	2	4												1					
1994	54	15			1	24	6	6							1									1	
1995	61	15				31	3	6				1				1			1	1			2		
1996	78	23				37	3	10				1		2			1							1	
1997	67	20				32	3	3					1	2					3					3	
1998	105	27			3	58	1	2						7	1		1		3					1	1
1999	87	21			2	50	1	3			1			3				1	1				3	1	

Appendix A. The moose harvest in Unit 1C, by hunter residence, based on reports to ADF&G (1983-2002 ADF&G 2007b; Berners Bay 2003-2006 ADF&G 2007c; Unit 1C except Berners Bay 2003-2004 Haynes 2007, pers. comm.).

Year	Total Kill	Gustavus	Excursion Inlet	Skagway	Haines[a]	Juneau	Auke Bay	Douglas	Angoon	Craig	Elfin Cove	Funter Bay	Hobart Bay	Hoonah	Ketchikan	Pelican	Petersburg	Port Alexander	Sitka	Swanson Harbor	Wrangell	Yakutat	Other Alaska	Non-resident	Unknown
2000	100	29			1	56	2	1			3			1			1		2		1		1	2	
2001	92	21			2	55	3	1		1				2					3				1	3	
2002	98	23			1	64					1			1				1	3					4	
2003	125	30			2	70	2	3	1	1				8			1	1	6						
2004	134	25			2	75	3	12		1				2			2		8				4		

Blank cell=no permits returned.

[a] Haines includes the residents of the the present-day borough minus Excursion Inlet.

[b] Harvest records begin in 1989.

INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-06a

The Interagency Staff Committee found the staff analysis for Proposal WP 08-06a to be a thorough and accurate evaluation of the proposal and that it provides a sufficient factual basis for the Regional Council recommendation and Federal Subsistence Board action on the proposal.

The Interagency Staff Committee four points which may be helpful during Board deliberation:

- Considerable discussion has taken place concerning customary and traditional use determinations and whether a consistent pattern of use, in part, results from "actual" take or "attempting" to take. In Berners Bay, by far the majority of reported moose harvest (take) has been by Juneau non-rural residents, with very little by rural residents of the small communities in Units 1C and 1D (Gustavus, Excursion Inlet, Skagway and Haines). Haines residents have reported taking seven moose between 1983 and 2006, while no moose have been reported taken by residents of the other communities. However, residents of Gustavus and Skagway have attempted to harvest moose in Berners Bay by submitting applications to the State; applications were submitted from each community during 8 of the last 14 years for the drawing hunt administered by ADF&G (see **Table 8**). Are attempts to obtain a permit to hunt relevant in establishing a consistent pattern of use?

- Unlike much of interior Alaska and coastal Southeast Alaska, the geography of Berners Bay allows for minimal moose immigration or emigration. Federal regulations state (36 CFR 242.16): "The Board shall determine which fish stocks and wildlife populations have been customarily and traditionally used for subsistence. These determinations shall identify the specific community's or area's use of specific fish stocks and wildlife populations". In its deliberation, the Board could address customary and traditional use of a relatively isolated population (on Federal public lands) for which there has never been an opportunity for subsistence use.

- The Council recommends against adopting this proposal because of the narrow scope of the requested determination. At their meeting, the Council developed a proposal to reconsider the customary and traditional use determination for Berners Bay, but in the larger context of analyzing all of Unit 1C, of which Berners Bay is a small part, for all residents of Southeast Alaska and Yakutat. That new proposal will be considered during the next wildlife regulatory cycle. Given the Council's desire to look at the broader situation of Unit 1C, for which all rural residents are eligible, the Board may wish to defer this proposal so that it could be considered in that broader context.

- An alternative view is that there is no reason to further delay addressing customary and traditional use for Berners Bay, for which there is no Federal subsistence priority, for the sake of addressing the remainder of Unit 1C, for which all rural residents are eligible. The next regulatory cycle will be in two years, and to put off consideration of Berners Bay for that long for this reason could be considered an unnecessary administrative delay in providing a requested subsistence priority.

Comments on WP08-06
April 10, 2008, Page 1 of 2

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP08-06a: Establish a customary and traditional use determination for moose in Unit 1C—Berners Bay, for residents of Game Management Units 1C and 1D.

Wildlife Proposal WP08-06b: If proposal WP08-06a is adopted, open a federal registration permit moose hunt in the Berners Bay drainages of Unit 1C.

Introduction: The proponent requests that rural residents of Units 1C and 1D be found to have customary and traditional uses of moose in Unit 1C—Berners Bay and requests that a September 15 – October 15 season for one bull administered by federal registration permit be established.

Customary and Traditional Use Determination: Moose in the Berners Bay population were not hunted customarily and traditionally by rural residents, so the proposed customary and traditional determination cannot be justified and no federal season is warranted. In acting on this proposal to make a customary and traditional use finding, the Board must evaluate the eight regulatory factors relating to use of the specific wildlife population on the record, and not on all moose in Unit 1C. A number of these factors require demonstrating a pattern of use, and one of the most important factors is whether there is a long-term consistent pattern of use of Berners Bay Moose. Rural residents in Units 1C and 1D have hunted and have been found to have customary and traditional uses of other moose populations, but no long-term, consistent pattern of harvest can be established for the isolated Berners Bay moose population. Therefore, a customary and traditional use determination for that population cannot be justified.

Impact on Subsistence Users: The moose population in Berners Bay was established through a transplant 50 years ago and has provided a very limited hunting opportunity in each year that a season occurred. ANILCA clearly states its goal of protecting the "continued" subsistence use of fish and wildlife. Rural residents of Units 1C and 1D traditionally harvested fish and wildlife in locations accessed more efficiently and closer to their residences. A positive customary and traditional use determination for rural residents of Units 1C and 1D for moose in the Berners Bay portion of Unit 1C would result in almost no additional hunting opportunity by rural residents because very few moose in that population are available for harvest in a given year. If a federal season is established, the area will also likely be closed to non-federally qualified subsistence users for moose hunting. Such a closure will deprive Juneau residents, some of whom were previously rural residents who still maintain a subsistence way of life, the opportunity to hunt moose. Thus, a positive customary and traditional use determination (where no one historically hunted moose) will provide an indefensible preference to residents who have more readily accessible resources and, as a result, will deprive those with few alternatives of the opportunity to hunt moose under state regulations.

Opportunity Provided by State: The Berners Bay portion of Unit 1C lies within the Juneau Nonsubsistence Area and, therefore, is not open to subsistence hunting under state regulations. Moose were first introduced to the Berners Bay area with transplants from the Matanuska-Susitna Valley in 1958 and 1960. Because of the high level of interest in this hunt on this easily-accessible, small population, hunting has been administered by drawing permit since 1993 and is

open to both residents and nonresidents during a September 15 – October 15 season. During the period 1998 – 2006, the Department of Fish and Game issued as many as 10 bull and 10 cow permits per year for this hunt and as few as 7 bull and no cow permits. The average annual harvest during this period was 7 bulls and 4 cows (cow harvests were authorized only in 1998-2002 and in 2006). The fall 2007 hunt was closed due to low moose numbers resulting from winter mortality in 2006-07.

Conservation Issues: The state administers drawing permit hunts, such as for the Berners Bay moose hunt, when participation must be limited for conservation purposes. Based on data collected from radio-collared cow moose in Berners Bay, the Alaska Department of Fish and Game estimates a mortality rate of nearly 20% of the cows during the past 12 months. Department staff counted only 59 and 60 moose during two surveys conducted in Berners Bay during winter 2007-08. The state management plan calls for a post-hunt count of 90 moose. Based on this information, the Department anticipates closing the state hunt scheduled for fall 2008 and possibly in 2009. This decline is attributable to harsh winter weather in 2006-07 and 2007-08. Very conservative management of this moose population will be required for the next few years to allow it to recover enough to again sustain a harvest.

Other Comments: A federal season would result in unnecessary restrictions on non-federally qualified subsistence users, in violation of section 815 of ANILCA.

Recommendation:
WP08-06a: Oppose. No evidence is presented to demonstrate that rural residents of Units 1C and 1D have a history of hunting the isolated moose population in Berners Bay. No evidence is presented that these rural residents have made a consistent effort on a community basis to obtain permits for the limited Berners Bay moose hunt, which might provide some evidence in support of a customary and traditional pattern of use. To the contrary, the federal staff analysis of residents' use of moose is based on the use of other moose populations by rural residents of Units 1C and 1D and not on moose in Berners Bay. Therefore, a finding of customary and traditional use cannot be justified. In addition as discussed in our opening remarks, the Federal Subsistence Board needs to carefully review evidence presented in consideration of the eight regulatory factors on the record if the Federal Board proceeds in the future to determine if there is sufficient evidence for use of the Berners Bay moose population by the communities.

WP08-06b: Oppose. The state hunt will likely not be opened 2008 and 2009. Authorizing moose harvest in the Berners Bay area is not supported by substantial evidence and would be inconsistent with recognized principles of wildlife conservation.

WRITTEN PUBLIC COMMENTS

Oppose. The Juneau Douglas Fish and Game Advisory Committee (JDAC) met on January 3rd and reviewed Statewide Board of Game proposals and Federal wildlife subsistence proposal WW8-06. The JDAC voted unanimously in opposition to proposal WP08-06 which requests a C&T finding for moose in Berners Bay and if a positive C&T finding is determined positive, for a federal subsistence hunt for moose in Bemers Bay.

The moose population in Berners was introduced in 1958 and 1960 and has a popuation of approximately 120 moose. The State hunt has operated under a drawing premit for many years. The average harvest is approximately 7 bull moose and 4 cow moose when allowe. Since 1990 there has been 187 moose harvested in Berners Bay. During that period hunters from the Juneau/Douglas/Auke Bay area have taken 170 of these moose, while hunters from Haines have taken 6 and Gustavus and Skagway resident hunters have not taken any. We understand that approximately 700-800 applicants apply for the State drawing hunt and that most of the applicants are from Juneau as Berners Bay is nearby and nearly road accessible. Gustavus, Haines and Skagway are much further removed and typically hunt moose in their own backyards, more accessible with larger populations and more liberal harvest limits.

There are eight factors to be used for the determination of a customary and traditional use listed at 36CFR 242.16(b) and 50 CFR 100.16(b). We would like to specifically speak to the first four factors and how this request does not meet the criteria (The criteria is in italics and the comments are in regular type.)

1. *A long term consistent pattern of use excluding interruptions beyond the control of the community or area*; The moose in Berners Bay has almost exclusively been harvested by residents of the Juneau/Douglas/Auke Bay area and not by rural residents from communities that are at some distance from Berners Bay. There are local moose populations near all these communities many with subsistence opportunities that are more efficient and cost effective to access.

2. *A pattern of use recurring in specific season for many years*; Since this has been a drawing hunt for a substantial amount of time, is a small population that was introduced in 1958/1960 it is impossible to show a recurring pattern of use by rural residents.

3. *A pattern of we consisting of methods and means of harvest which are characterized by efficiency and economy of effort and cost, conditioned by local characteristics*; The moose population in Berners Bay is an introduced species, small in population, removed from the rural areas that are asking for the C&T determination. There are federal subsistence hunts closer to the rural communities which would be much more efficient, more cost effective with less effort involved.

4. *The consistent harvest and use of fish or wildlife as related to past methods and means of taking; new, or reasonably accessible from the community or area*; There are subsistence opportunities near the rural communities that are closer, much more reasonably accessible than the small population of moose in the Bernas Bay area.

As stated previously we oppose a C&T determination for the Berners Bay moose, we don't believe that overall this request meets the overall standard of the eight factors. In the "Draft Customary and Traditional Use Determination Policy" of the Federal Subsistence Board it states that "overly broad standards for customary and traditional use would extend protections of ANILCA to uses that are not customary and traditional. We believe that would occur in this instance. *Submitted by the Juneau Douglas Fish and Game Advisory Committee*

Oppose. The Wrangell Fish and Game Advisory Committee opposes the Federal Subsistence Proposal WP08-06 because if adopted the harvest of moose at Berners Bay would be open only to residents of Units 1C (Gustavus) and 1D (Haines & Skagway). Most Wrangell AC members wanted to continue the current State Drawing Permit for Berners Bay because with it the area would be open to residents of Wrangell, who wish to apply for the drawing permits. The AC did not wish the people of Wrangell to loose that opportunity to hunt moose by drawing permit at Berners Bay. *Submitted by the Wrangell Fish and Game Advisory Committee*

Oppose. Our committee rejected WP08-06a 0-for, 10-against. Our thoughts included: (1) The Berners Bay moose population is mostly an introduced herd. We do not feel that it is appropriate to make a Customary and Traditional finding of a recently planted game population that was the result of public funding. (2) The traditional users of this moose population are for the most part, Juneau area residents, who are not subsistence qualified. We feel it is wrong to discriminate against this group of users. Berners Bay should remain an open to all, State of Alaska hunt. *Submitted by the Petersburg Fish and Game Advisory Committee*

WP08-06b Executive Summary	
General Description	Proposal WP08-06b would establish a Federal season and harvest limit for moose in the Berners Bay drainages. WP08-06b is only applicable if the Federal Subsistence Board makes a positive finding on the customary and traditional use determination (WP08-06a). *Submitted by Chuck Burkhardt of Gustavus*
Proposed Regulation	**Unit 1C Moose** *Unit 1C — Berners Bay drainages* ***— 1 bull, by Federal registration permit*** ~~*No open season*~~ ***Sept. 15–Oct. 15***
Southeast Regional Council Recommendation	*See WP08-06a for the Council's recommendation.*
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Oppose**
Written Public Comments	*See WP08-06a for the written public comments.*

STAFF ANALYSIS
WP08-06b

ISSUES

Proposal WP08-06, submitted by Chuck Burkhardt of Gustavus, would establish a customary and traditional use determination for rural residents of Units 1C and 1D for moose in the drainages of Berners Bay. It would also establish a Federal season and harvest limit for moose in the Berners Bay drainages. This proposal is divided into two analyses, WP08-06a addresses the customary and traditional use determination, and WP08-06b addresses the Federal season and harvest limit. WP08-06b is only applicable if the Federal Subsistence Board makes a positive finding on the customary and traditional use determination.

DISCUSSION

The proponent states that rural residents of Units 1C and 1D are being denied subsistence opportunity and that the current customary and traditional use designation of no Federal subsistence priority violates the letter, spirit, and intent of the Alaska National Interest Lands Conservation Act (ANILCA).

Existing Federal Regulation

Unit 1C Moose

Unit 1C — Berners Bay drainages.	*No open season*

Proposed Federal Regulation

Unit 1C Moose

Unit 1C — Berners Bay drainages ***— 1 bull, by Federal registration permit.***	*~~No open season~~* ***Sept. 15–Oct. 15***

Existing State Regulation

Unit 1C Moose

Unit 1C Berners Bay drainages only — One bull by permit.	*Sept. 15–Oct. 15*

Extent of Federal Public Lands

Federal public lands comprise approximately 98% of Unit 1C. The U.S. Forest Service manages 63% (Tongass National Forest), and the National Park Service 35% (Glacier Bay National Park, closed to subsistence harvest). The Tongass National Forest comprises approximately 97% of the Berners Bay drainages (**Map 1**).

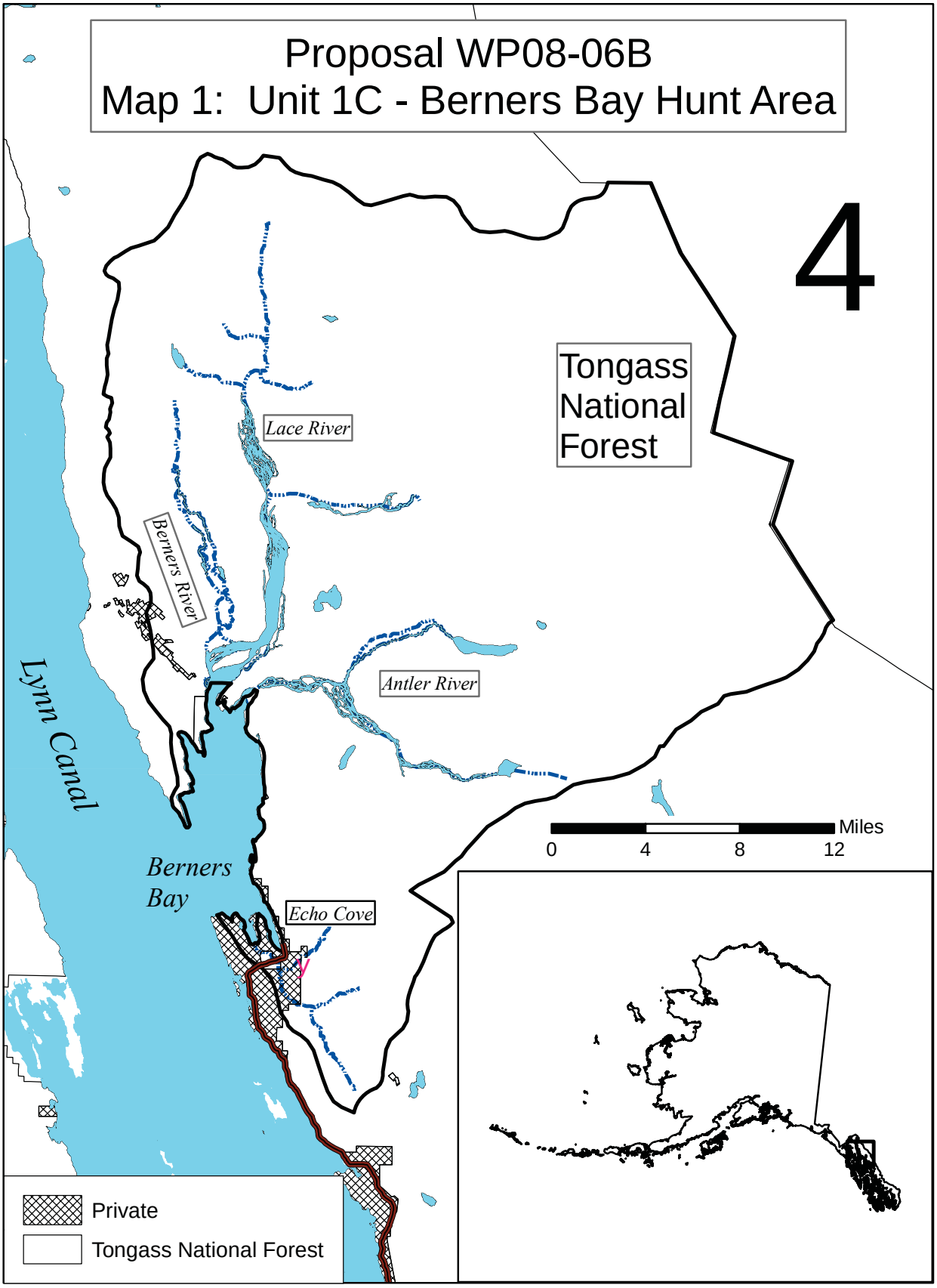
Proposal WP08-06B
Map 1: Unit 1C - Berners Bay Hunt Area
4
Tongass National Forest
Lace River
Berners River
Antler River
Lynn Canal
Berners Bay
Echo Cove
Miles
0
4
8
12
Private
Tongass National Forest

Table 1. State of Alaska and Federal moose hunting regulations for Unit 1C, Berners Bay drainages, since 1959. Updated from Schroeder 2005 (pers. comm.).

Year	Unit	Season Type	Season	Limit	Conditions and Limitations
1959	1C	Open	Sept 15–Oct 15	One	One bull, except Berners Bay drainages (closed)
1960–1961	1C	Open	Sept 15–Oct 15	One	One bull, except Berners Bay drainages (closed)
1962	1C	Open	Sept 15–Oct 15	One	One bull S. of Endicott-Sherman line; except Berners Bay drainages (closed)
1963–1964	1C	Open	Sept 1–Oct 15	One	One bull, North of the latitude of the Endicott
1965–1967	1C	Open	Sept 1–Oct 15	One	One moose, antlerless moose from 10/14 to 10/15 only
1968	1C	Open	Sept 1–Oct 15	One	One moose
1969–1970	1C	Open	Sept 1–Oct 15	One	One moose, closed after 50 antlerless moose are taken
1971–1973	1C	Open	Sept 15–Oct 15	One	Berners Bay drainages, one moose by permit only, up to 40 permits issued
1974	1C	Open	Sept 15–Oct 15	One	Berners Bay drainages, 50 moose by permit only
1975–1977	1C		No open season		Berners Bay drainages only
1978–1979	1C	Open	Sept 15–Oct 15	One	Berners Bay drainages, one bull by drawing permit, up to 20 permits issued
1980–1982	1C	Open	Sept 15–Oct 15	One	Berners Bay drainages, one bull by drawing permit, up to 25 permits issued
1983–1984	1C	Open	Sept 15–Oct 15	One	Berners Bay drainages, one antlerless moose by drawing permit, up to 15 permits issued
1985	1C	General	No open season		Berners Bay drainages
1985	1C	State Subsistence	Sept 15–Oct 15	One	Berners Bay drainages, one moose by Tier II permit, up to 15 permits may be issued
1986	1C	General	Sept 15–Oct 15	One	Berners Bay drainages, one moose by drawing permit, up to 7 permits issued
1987–1990	1C	General	Sept 15–Oct 15	One	Berners Bay drainages, one moose by drawing permit, up to 5 permits issued
1991–1992	1C	General	Sept 15–Oct 15	One	Berners Bay drainages, one moose by drawing permit, up to 10 permits issued
1993–2000	1C	General	Sept 15–Oct 16	One	Berners Bay drainages, one moose by drawing permit, up to 20 permits issued
2001–2007	1C	General	Sept 15–Oct 17	One	Berners Bay drainages, one moose by drawing permit, up to 30 drawing permits issued
1991–2007	1C	Federal Subsistence	No open season		Berners Bay drainages

Regulatory History

Harvest regulations for moose in Unit 1C, Berners Bay are summarized in **Table 1**. The State has managed the hunt under a drawing permit system since 1978, with the exception of 1985, when it was a Tier II hunt due to a change in State law.

A similar proposal, WP02-14, was submitted to the Federal Subsistence Management Program in 2002. It is discussed in WP08-06a.

In 2006, Mr. Burkhardt submitted proposal WP06-12 which requested a Federal registration permit hunt for the southern portion of the Chilkat Peninsula in Unit 1C. The Southeast Alaska Subsistence Regional Advisory Council and the Federal Subsistence Board took no action on the proposal, with agreement from the proponent, when ADF&G agreed to drop the "super-exclusive" condition on the State registration permit for the Gustavus Forelands hunt in Unit 1C. This "super-exclusive" condition prohibited hunters who registered for moose hunting on the Gustavus Forelands of Unit 1C from hunting moose anywhere else in Unit 1C.

Current Events Involving Species

ADF&G cancelled the fall 2007 Berners Bay moose hunt because of low moose numbers resulting from high mortality last winter. The winter of 2006–07 included record snowfall for Juneau and other areas of southeast Alaska which appears to have caused substantial mortality in some ungulate populations. ADF&G anticipates managing this moose herd very conservatively over the next few years. This likely will result in few, if any, bulls being allocated for harvest and no cow harvest over the next few years (Haynes 2007, pers. comm.).

Although, there is no current road access to the primary hunt area, the State of Alaska is in the design and permitting stages for the Juneau Access Road. This project, if completed, would provide highway access to the Berners Bay area, cross moose winter habitat (White et al. 2007), and facilitate human access to the area. This highway could impact the Berners Bay moose population by reducing habitat, blocking migration, improving access for legal and illegal harvest, and causing moose-vehicle collisions (Bangs et al. 1989, Seiler et al. 2003, Seiler 2005). Currently, the Juneau road system accesses Berners Bay with a boat ramp on the south end at Echo Cove. The Echo Cove boat ramp is approximately 38 road miles from downtown Juneau and ten miles by water from the primary hunt area (see **WP08-06a, Map 1**).

Biological Background

Berners Bay moose are an introduced population in a small, geographically isolated location. Fifteen moose calves from the Matanuska and Susitna Valleys were released in Berners Bay in 1958, and a supplemental release of 6 more calves occurred in 1960. This introduction was a cooperative effort by the ADF&G, FWS, Territorial Sportsmen, and the U.S. military (Nelson 1959, in Burress and McKnight 1973). The geography of the area allows for minimal immigration or emigration, and has limited habitat. Because of this, ADF&G has used a variety of harvest management strategies, changing the harvest from bulls only to bulls and cows, in an attempt to balance the herd's sex ratio and to keep the population size within the carrying capacity of the habitat. The use of a habitat capability model and moose browse surveys in the early 1980s helped shape the present management strategy of keeping the post-hunt population at no more than 90 moose observed during aerial surveys to assure the herd does not exceed a level the habitat can support (Barten 2004).

As of 2002, the Berners Bay moose population appeared to be near the estimated carrying capacity of between 100 and 150 animals (Barten 2004). Surveys from 2003 through 2006 showed some increase in the numbers of moose seen but the bull component may have declined slightly (**Table 2**). The most recent bull and calf composition numbers are toward the low end of the historical data range. ADF&G uses the aerial survey results to determine the number of bull and cow moose drawing permits issued. White et al. (2007) conducted four aerial surveys of the Berners Bay moose herd between November 25, 2006 and February 13, 2007. They had a sample of collared moose in the area so that a sightability factor could be developed for population estimation. These surveys estimated between 116 (±25) and 131 (±36) moose. Two surveys have been completed during the winter of 2007–08. Population estimates from these surveys were 94 and 103 moose (Barten 2008). Based on these surveys and mortality within the radiocollared sample of cow moose in Berners Bay, ADF&G estimates a 20% mortality rate for the Berners Bay moose population over the past 12 months (Haynes 2007, pers. comm., White et al. 2007). Population estimates are not available for surveys prior to 2006 because there were no collared moose to develop sightability factors. Prior to 2006, ADF&G assumed that up to 90 moose observed equated to a population within the estimated carrying capacity (100–150 animals). The total numbers of moose observed on surveys in 2007 are near historic lows, and are similar to survey numbers from 1991, 1997, and 2002 (**Table 2**).

Table 2. Survey data for the Berners Bay moose herd 1990-2007. Data provided by ADF&G (Barten 2004, 2008, pers. comm.; T.Cunning 2007, pers. comm.). Note that total moose observed is not a population estimate. Population estimates for 2006 and 2007 (see text) are based on sightability factors for collared moose. Prior to 2006, ADF&G assumed that up to 90 moose observed equated to a population within the estimated carrying capacity (100-150 animals, Barten 2004).

Year	Bulls	Cows	Calves	Unknown	Total Moose Observed	Count Time (hrs)	Bulls Per 100F	Calves Per 100F	Calves % in Herd	Moose Per Hour
1990	14	53	18	0	85	2.6	26	34	21	33
1991	—	—	11	50	61	1.2	—	—	18	50
1992	14	61	8	0	83	2.8	23	13	10	29
1993	—	—	12	45	67	2.8	—	—	18	24
1994	17	45	13	0	75	2.0	38	29	17	38
1995					No Survey					
1996					No Survey					
1997	6	11	12	31	60	2.1	—	—	20	29
1998	14	9	10	37	70	2.6	—	—	14	27
1999	14	11	13	70	108	2.4	17	16	12	45
2000	—	10	12	57	79	2.4	—	—	15	33
2001	—	10	10	46	66	2.0	—	—	15	34
2002	—	4	4	50	58	2.2	—	—	7	26
2003	18	50	13	0	81	—	36	26	16	—
2004	—	—	12	74	86	—	—	—	14	—
2005	15	72	13	0	100	—	21	18	13	—
2006	10	56	9	1	76	—	18	16	12	—
2007[a]	10	44	5	0	59	—	23	11	8	—
2007[b]	5	5	5	47	62	—	—	—	8	—

[a] survey date 12/19/07

[b] survey date 1/7/08

Habitat

Radio-collared moose in the Berners Bay moose harvest area primarily use lowland areas close to the major rivers and do not utilize alpine areas (White et al. 2007). The majority of the Berners Bay drainages (including the most important moose habitats) are managed by the USFS in an undeveloped condition.

Harvest History

The first limited open moose hunting season in Berners Bay was held in 1963, when 4 bulls were harvested. Since that time, the annual harvest has ranged from 0 to 23 animals (Barten 2004). **Table 3** shows the numbers of drawing permits issued and moose harvested from 1983 through 2007. The number of permits issued remained steady between 2003 and 2006. However, this is down from the previous ten years when between 15 and 20 permits were issued each year. No permits were issued and no harvest occurred in 2007 due to concerns about mortality during the winter of 2006–2007. Hunters that receive permits have a high success rate, ranging from 60% to 100% in any given year.

Table 4 shows the Berners Bay moose harvest by community of residence for 1990 through 2006. **Tables 5** and **6** show the community of residence for applicants for the Berners Bay bull (hunt DM041) and antlerless (hunt DM042) harvest permits from 1993 through 2007. It is likely that many of the applicants for the bull hunt also apply for the antlerless hunt. By far, the majority of applicants and

Table 3. Number of permits issued and moose harvested in Unit 1C, Berners Bay 1983 through 2007. Data provided by ADF&G (ADF&G 2007a, ADF&G 2007b, Barten 2004, Haynes 2007, pers. comm.).

	Permits			Harvest			
Year	Bulls	Cows	Total	Bulls	Cows	Unknown	Total
1983	—	—	—	—	8	1	9
1984	—	—	—	1	13	0	14
1985	—	—	—	8	5	0	13
1986	—	—	—	5	0	0	5
1987	—	—	—	5	0	0	5
1988	—	—	—	4	0	0	4
1989	—	—	—	5	0	0	5
1990	—	—	5	5	0	0	5
1991	—	—	10	5	5	0	10
1992	—	—	10	5	4	0	9
1993	8	7	15	7	7	0	14
1994	8	7	15	8	6	0	14
1995	8	7	15	11	2	0	13
1996	9	8	17	7	7	0	14
1997	8	7	15	8	7	0	15
1998	8	7	15	8	7	0	15
1999	10	8	18	10	5	0	15
2000	10	10	20	8	7	0	15
2001	10	10	20	7	6	0	13
2002	8	7	15	5	4	0	9
2003	9	0	9	8	0	0	8
2004	8	0	8	6	0	0	6
2005	8	0	8	5	0	0	5
2006	6	2	8	5	2	0	7
2007	0	0	0	0	0	0	0

Table 4. Residency of successful hunters in the Berners Bay portion of Unit 1C (State hunts DM041and DM042), from 1990 through 2007. Data provided by ADF&G (Barten 2004, T. Cunning 2007, pers. comm.).

	Residency											
Year	**Anchorage**	**Angoon**	**Auke Bay**	**Douglas**	**Fairbanks**	**Haines**	**Juneau**	**Nome**	**Petersburg**	**Sitka**	**Non- resident**	**Total**
1990							5					5
1991						1	9					10
1992							9					9
1993						1	13					14
1994						1	13					14
1995	1						11	1				13
1996							14					14
1997							13			1	1	15
1998			2	1		1	9		1	1		15
1999			2	2		1	10					15
2000			2	1	1		10		1			15
2001	1		3	1			7		1			13
2002				2		1	6					9
2003		1	1	1			5					8
2004				1			5					6
2005							5					5
2006			1				6					7
2007												0
Total	**2**	**1**	**11**	**9**	**1**	**6**	**150**	**1**	**3**	**2**	**1**	**187**

successful hunters come from the Juneau area. Haines shows a consistent number of applicants that exceeds the number of permits issued on a yearly basis. Gustavus and Skagway show fairly consistent low numbers of applicants. Thus, the demand for moose from the communities proposed for a positive customary and traditional use determination appears to be greater than the harvestable surplus.

Section 804 Analysis

Section 804 of ANILCA mandates that the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes. Section 804 further requires that whenever it is necessary to restrict the taking of populations of fish and wildlife on such lands for subsistence uses in order to protect the continued viability of such populations, or to continue such uses, such a priority shall be implemented through appropriate limitations based on the application of three criteria, including customary and direct dependence upon the populations as the mainstay of livelihood; local residency; and the availability of alternative resources. A Section 804 analysis was developed for this proposal because of the small number of moose available for harvest in Berners Bay drainages in Unit 1C and the number of people potentially having a positive customary and traditional use determination for moose in the proposed hunt area, should proposal WP08-6a be adopted.

Table 5. Residency of applicants for the Unit 1C, Berners Bay, bull moose hunt (State hunt DM041) for the 1993/94 through 2007/08 regulatory years. Only communities proposed for a positive customary and traditional use determination are individually labeled. Data provided by ADF&G (T. Cunning 2007, pers. comm.).

	Community						
Year	Excursion Inlet	Gustavus	Haines	Klukwan	Skagway	Other	Unknown
1993			6			595	55
1994		1	14			648	88
1995			28			748	68
1996			22		2	746	56
1997			19		5	586	30
1998			31		1	596	60
1999		1	38		4	864	
2000		1	31		2	882	
2001		1	32			800	
2002		1	28		2	795	
2003		5	19		3	746	
2004		2	16			720	
2005			12			597	
2006			15		2	507	
2007			7			458	

Table 6. Residency of applicants for the Unit 1C, Berners Bay, antlerless moose hunt (State hunt DM042) for the 1993/94 through 2007/08 regulatory years. Only communities proposed for a positive customary and traditional use determination are individually labeled. Data provided by ADF&G (T. Cunning 2007, pers. comm).

	Community						
Year	**Excursion Inlet**	**Gustavus**	**Haines**	**Klukwan**	**Skagway**	**Other**	**Unknown**
1993			5			559	55
1994		1	13			608	90
1995			26			712	66
1996			19		1	669	53
1997			20		6	535	25
1998			20		1	539	55
1999		1	23	1		762	
2000		1	27		3	827	
2001		1	33			745	
2002		2	28		2	750	
2003						6	
2004							
2005							
2006		1	11		1	342	
2007							

If Proposal WP08-06a is adopted, customary and traditional uses of moose in Berners Bay drainages would be recognized for the rural residents of Unit 1C and 1D, which included an estimated population of 3,536 people in 2006 in these communities (including 854 people in Skagway; 2,241 people in the Haines Borough; and 441 people in Gustavus (ADOLWD 2007).

Section 804 of ANILCA is implemented through limitations based on the application of three criteria. The following paragraphs address these criteria as they relate to each of the communities potentially having Federally recognized customary and traditional uses of moose in Berners Bay drainages.

1. Customary and Direct Dependence Upon the Populations as a Mainstay of Livelihood

While fish have been harvested at the highest levels, in pounds usable weight, in the rural communities of Unit 1C and 1D, moose are an important part of wild resource harvests and uses (**Table 10 in WP08-06a**). Moose is the primary terrestrial resource harvested by residents of these communities, unlike other areas of Southeast Alaska where deer predominate (ADF&G 2007*a*).

The Haines Borough has the largest human population, and household harvest surveys in selected years indicate a substantial reliance on moose, up to 14% of the subsistence harvest of all wild resources, in pounds usable weight, in 1983 at the community of Haines (**Table 6 in WP08-06a**). However, the population of moose in the Chilkat Valley in Unit 1D is rationed through a Tier II hunt, and Haines area residents travel outside the area for additional opportunity (**Table 7 and Table 9 in WP08-06a**).

Gustavus is located in an area of relatively high moose density in Unit 1C, however, the opportunity to harvest moose is shared through State registration and drawing permit hunts, open to all Alaska residents and nonresidents, in an area with a negative State customary and traditional use determination. Moose harvested from the Gustavus forelands have been reported only since 1989, and the majority of the moose harvested by Gustavus residents since that time have been taken from the Gustavus forelands (**WP08-06a Table 7 and Appendix A**). In 1989, Gustavus was responsible for 100% of the harvest of 2 moose. In 1994, the Gustavus portion of the harvest had declined to 75% (15 of 20 moose) and has been steadily declining in subsequent years. In 2004, the Gustavus portion of the harvest was about 25% (24 of 95 moose). From 2002 to 2004, the most recent years for which data are available, residents of the Juneau area have been responsible for the majority of the harvest from the Gustavus forelands (**Appendix A in WP08-06a**).

In Berners Bay drainages from 1983 through 2006, residents of the Haines area harvested 2 moose in 1983, and 1 moose in each year 1993, 1994, 1998, 1999, and 2002, according to reports made to ADF&G (**Appendix A in WP08-06a**). Residents of Gustavus and Skagway have not harvested a moose in this area during this period. **Tables 5** and **6** show the number and residence of applicants for the bull (DM041) and cow (DM042) moose hunts in Berners Bay drainages since 1993. Management objectives for moose in Berners Bay drainages allowed for the harvest of only 15 to 20 moose annually 1993–2002 (Barten 2004:23).

Table 7, in WP08-06a, indicates the total moose harvest by each community based on reports to ADF&G, from 1983 to 2004. Gustavus has averaged 15 moose harvested annually over a 20-year period. The recent 10-year average was 24 moose annually. Skagway averaged 2 moose annually over 20 years, and 2 moose annually in the recent 10-year period. Data for Klukwan is only available since 1993, and the recent 10-year average was 1 moose annually. Haines averaged 30 moose annually over 20 years, and 36 moose annually in the recent 10-year period.

The residents of these communities harvest the majority of their moose in the units adjacent to their communities. Residents of Skagway and the Haines Borough, including Klukwan, harvest moose primarily in Unit 1D, and Gustavus residents harvest moose in Unit 1C, primarily from the Gustavus forelands.

2. Local Residency

Gustavus is located in Unit 1C, as is Berners Bay, and is about the same distance to Berners Bay as the communities in Unit 1D. Skagway, Haines, and Klukwan, in Unit 1D, are closer to one another than any one of them is to Gustavus or Berners Bay. However, the boundary of the Haines Borough includes the small community of Excursion Inlet in Unit 1C, just east of Gustavus. No community is significantly closer to Berners Bay than the other communities.

3. Availability of Alternative Resources

Rural communities in Unit 1C and 1D have mixed subsistence–cash economies. Rural residents rely on the resources available to them as is typical of rural Alaska. Resources relied upon vary somewhat according to geographic location of the community, but generally include salmon and other fish, moose, goat, bear, deer, intertidal resources, and plants from beaches, forests, and elsewhere (**Table 10 in WP08-06a**).

Moose populations in Units 1C and 1D outside Berners Bay drainages do exist and are discussed above. South of Unit 1C, populations of moose do not exist in Unit 4, and there are only small pockets of moose in parts of Unit 1B. Moose are available in Unit 5A, however, portions of Federal public lands in Unit 5A are closed to taking of moose except by residents of Unit 5A. To reach Unit 5A, rural residents of Unit 1C and 1D must either travel by plane or by boat along the outer coast.

Summary of Section 804 Analysis

All rural residents of Unit 1C and 1D rely on moose as their primary, terrestrial wild resource, but the ability of these communities to harvest moose varies. All have equal access to Berners Bay and must travel similar distances to reach the staging area at Echo Cove. The staging area is reached by ferry, personal boat, and/or plane. Haines Borough residents have documented moose harvests in Berners Bay drainages, and there is consistently a small group of hunters that apply for drawing permits. Skagway has no documented harvest of moose in Berners Bay drainages, is less reliant on moose in general, and it is expected that few Skagway residents would apply for a permit. The community of Gustavus is located on the Gustavus forelands, however, competition with other hunters for moose is increasing.

No compelling reason was identified to remove any group of users from the pool of the Federally qualified. However, only a limited number of permits can be allocated.

Other Alternative(s) Considered

A drawing permit hunt would provide more flexibility for successful applicants to hunt when conditions allow rather than forcing them to compete for a moose at the opening of the season. However, it would result in fewer opportunities for individuals to hunt in the area. A drawing permit hunt would be less likely to result in over harvest caused by the time lag between reporting by successful hunters and effectively closing the hunt.

A combined State/Federal drawing permit hunt could split permit distribution between Federally qualified subsistence users and non-Federally qualified users. A percentage (e.g., at least 50%) of the harvest permits could be reserved for Federally qualified subsistence users and the remainder for the State harvest. Allocating most of the permits to Federally qualified subsistence users would provide a preference for rural residents while maintaining the continuity and structure of the existing harvest management strategy. It would not require establishment of a new Federal permit and administration, or result in dissimilar State and Federal management strategies, but it would require collaboration with the State. However, the harvestable surplus is not sufficient to meet expected demand by communities proposed for positive customary and traditional use determination. Thus, at current population levels there is not enough moose to support combined State and Federal harvests.

Based on current information from ADF&G, the harvestable surplus is likely to be between zero and five moose for the next several years. This is not sufficient to provide for subsistence take by communities proposed for positive customary and traditional use determination. A Federal subsistence drawing permit hunt, limited to Federally qualified subsistence users, or a subset of those users as determined by an ANILCA Section 804 analysis, is thus required. As part of this process, Federal public lands would be closed to non-Federally qualified users. To more fairly distribute the harvest among eligible families, it may be necessary to implement a rule allowing only one permit per household. This alternative would require establishment of a new Federal permit and administration.

Distribution of Permits

In general, Federal Subsistence Management Program regulations have not included descriptions of how a limited number of permits will be distributed between communities and individuals within a community; instead, permit distribution has been left up to the land manager. For example, a limited number of permits are available for harvesting muskoxen in Unit 22. In the areas where the permits have been distributed by the National Park Service, public meetings were held in the communities to determine how best to distribute the permits. The community made the decisions — some communities decided that the IRA should assist the NPS in administering permits and some decided to have a drawing in the community. As noted, however, none of this information is on the permit or in regulation. In Unit 22B where there are primarily BLM lands, the BLM has chosen to distribute the muskoxen permits on a first-come, first-served basis (Adkisson 2007, pers. comm.).

The USFS would be the Federal agency in charge of distributing permits for the Berners Bay moose hunt. If precedence is followed, the Forest Service would decide how to distribute the available permits.

Berners Bay moose exist in a relatively geographically isolated location with limited habitat. The harvestable surplus is determined utilizing the results of aerial surveys and balancing the sex ratio by using both bull and cow harvests as appropriate. The Forest Service would consult with ADF&G to determine the number of permits to be distributed each year.

If Proposal WP08-06b, modified as a Federal drawing permit is adopted, an as yet undetermined number of permits will be allocated consistent with the State's management strategy of "keeping the post–hunt population at not more than 90 moose observed during aerial surveys to assure the herd does not exceed a level the habitat can support" (Barten 2004:23) while balancing the herd's sex ratio.

Effects of the Proposal

Implementing a Federal registration permit hunt would open a Federal subsistence hunting season in Berners Bay drainages in Unit 1C. The season would run from September 15–October 15 and have a one

bull harvest limit by Federal registration permit. It would provide a preference for Federally qualified rural residents to harvest moose on Federal lands in accordance with ANILCA. Such a hunt would displace non-Federally qualified users because, at current moose population levels, it would be necessary to close Federally managed lands to non-Federally qualified hunters.

A Federal registration permit hunt would require local in-season management authority for the Federal land manager. It could result in over harvest caused by the lag time between harvest reporting by successful hunters and closing the season. In such a small population, even a few extra moose harvested could be significant. Therefore, permit stipulations requiring harvest reporting in a short period of time would be necessary to prevent over harvest. In addition, surveys to track the population would be necessary to set harvest objectives and the number of permits. It would require establishment of a new Federal permit and administration.

The proposal does not allow for the harvest of cow moose. ADF&G has used cow harvest to maintain herd composition and population levels within management goals. This is an important aspect of management for such a small population with limited habitat. Cow harvest permits would not be needed every year, but would depend on yearly population survey results.

OSM CONCLUSION

Support Proposal WP08-06b **with modification** to implement a Federal drawing permit hunt, allow for cow harvest when necessary, limit the number of permits issued to one per household, close Federal lands in the Berners Bay drainages to moose harvest by non-Federally qualified hunters, and provide in-season management authority for the local Federal land manager.

The modified regulation should read:

Unit 1C Moose	
Unit 1C — Berners Bay drainages ***— 1 bull by Federal drawing permit only.***	~~*No open season*~~ ***Sept. 15–Oct. 15.***
Unit 1C — Berners Bay drainages ***—1 antlerless moose by Federal drawing permit only.***	~~*No open season*~~ ***Sept. 15–Oct. 15.***
Federal public lands are closed for the hunting of moose, except by rural Alaska residents of Units 1C and 1D, hunting under these regulations.	
The Juneau District Ranger is authorized to establish harvest quotas for bulls and antlerless moose or close the season in consultation with ADF&G and the chair of the Southeast Alaska Subsistence Regional Advisory Council.	
Only one moose permit may be issued per household.	

Justification

As previously noted, this proposal is divided into two analyses, WP08-06a addresses the customary and traditional use determination, and WP08-06b addresses the Federal season and harvest limit. WP08-06b

would only be applicable if the Board makes a positive finding on the customary and traditional use determination.

Considering the high demand and success rate for this hunt, a drawing permit hunt would be less likely to result in over harvest. Also, it would provide more flexibility for individual subsistence users to hunt when conditions allow rather than forcing them to compete for a moose at the opening of the season.

Closure of Federal lands to non-Federally qualified users and allocation of permits to Federally qualified subsistence users by ANILCA Section 804 analysis is necessary because the harvestable surplus is smaller than the expected demand by the communities proposed for positive customary and traditional use determination.

The small size of the herd and mortality caused by the extreme snowfall during the winter of 2006–07, suggests that there is some conservation concern for the population, as shown by ADF&G's closure of the 2007 hunt. The most recent population estimates for moose in Berners Bay are at or slightly below the lower limit of the estimated carrying capacity. ADF&G currently uses drawing permit hunts to manage this population within the estimated carrying capacity. Similarly, a Federal drawing permit would be necessary to manage the population within the estimated carrying capacity.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-06b

The Interagency Staff Committee (ISC) found the staff analysis for Proposal WP 08-06b to be a thorough and accurate evaluation of the proposal and that it provides a sufficient factual basis for the Regional Council recommendation and Federal Subsistence Board action on the proposal.

The Interagency Staff Committee provides the Board with the following comment which may be helpful during Board deliberation:

The Board should only address WP08-06b if WP08-06a, to provide a customary and traditional use determination for Berners Bay, is adopted (or modified) by the Board. Assuming WP08-06a is adopted, the Board could take an alternative approach to that recommended in the staff analysis. Since the population is at a level which ADF&G states is too low to allow for any harvest, resulting from two harsh winters in a row, it is also unlikely that the Federal manager would authorize any harvest for at least the next two years. The Board could choose to not open a season in the regulation, but allow the Federal manager the authority to open a season at a later date by special action. The Board could also put off establishing a season until a future regulatory proposal cycle when the population has recovered sufficiently to allow for a hunt.

WP08-07 Executive Summary	
General Description	Regulatory proposal WP08-07 would increase the harvest limit for deer in Unit 1B and most of Unit 3 and increase the length of the deer season in most of Unit 3. The intent of this proposed regulation is to align the subsistence harvest limits and seasons of Units 1B and 3 with those of Unit 2. Subsequent to the submission of this proposal, Unit 2 Federal deer harvest limits were increased to five deer. *Submitted by Dick Stokes, Mark Armstrong, and Mike Bangs of Wrangell*
Proposed Regulation	*Unit 1B — ~~2~~ **4** antlered deer* — *Aug. 1 – Dec. 31* *Unit 3 — Mitkof, Woewodski, and Butterworth Islands — 1 antlered deer* — *Oct. 15 – Oct. 31* *Unit 3 remainder — ~~2~~ **4** antlered deer* — *~~Aug. 1 – Nov. 30~~* *Aug. 1 – **Dec. 31***
Southeast Regional Council Recommendation	**Support** Proposal WP08-07 **with modification** to authorize an extended season by announcement of the Petersburg District Ranger in consultation with the ADF&G and the chair of the Council. *Unit 3 remainder — 2 antlered deer* — *Aug. 1 – Nov. 30* ***Dec. 1 – Dec. 31*** ***The Petersburg District Ranger is authorized to open the December season by announcement, in consultation with ADF&G and the chair of the Southeast Alaska Subsistence Regional Advisory Council.*** — ***By announcement***
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	*See comments following the analysis.*
Written Public Comments	**2 Oppose**

REGIONAL ADVISORY COUNCIL RECOMMENDATION

SOUTHEAST ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-07 **with modification** to authorize an extended season by announcement of the Petersburg District Ranger in consultation with the ADF&G and the chair of the Council.

The modified regulation would read:

Unit 3 remainder — 2 antlered deer	*Aug. 1 – Nov. 30*
The Petersburg District Ranger is authorized to open the December season by announcement, in consultation with ADF&G and the chair of the Southeast Alaska Subsistence Regional Advisory Council.	***Dec. 1 – Dec. 31 By announcement***

The intent of the proposal is to align the season and harvest limits for deer in Units 1B and 3 with those of Unit 2, Prince of Wales Island. Increasing the harvest limit is not supportable due to the general pattern of low deer abundance in Units 1B and 3 compared to Unit 2. Extending the season to December 31 may be appropriate in some years but was not in 2006 or 2007. There are currently concerns regarding the long-term effects of severe winter weather during 2006–07. The modification requires a determination by the Federal in-season manager (the USFS Petersburg District Ranger) in consultation with State managers that an increase in season length is supported by sound scientific management principles. A subsistence deer hunt in December would provide for increased opportunity to harvest deer during years when additional deer are available. It was the intent of the Council that the Unit 3 deer season would close on November 30 unless extended by announcement.

STAFF ANALYSIS
WP08-07

ISSUES

Regulatory proposal WP08-07, submitted by Dick Stokes, Mark Armstrong, and Mike Bangs of Wrangell, would increase the harvest limit for deer in Unit 1B and most of Unit 3 and increase the length of the deer season in most of Unit 3. The intent of this proposed regulation is to align the subsistence harvest limits and seasons of Units 1B and 3 with those of Unit 2. Subsequent to the submission of this proposal, Unit 2 Federal deer harvest limits were increased to five deer.

DISCUSSION

Proposal WP08-07 was originally submitted as WP07-06. The Southeast Alaska Regional Advisory Council recommended supporting the proposal with modification to keep the harvest limit the same but to lengthen the season dates. Record snowfall occurred during the 2006–07 season in several locations in Southeast Alaska. Consequently, the Federal Subsistence Board deferred this proposal for one year to allow the collection of deer winter mortality data and incorporation of these data into the analysis.

All proponents were contacted in fall 2007 to allow comment on the current proposal. Proponent Mike Bangs has relocated to Seattle. Proponents Dick Stokes and Mark Armstrong still support extension of the season, and would consider a modification of the proposal to increase the harvest limits to three deer, to help meet family's subsistence needs. Mr. Armstrong believes that the deer population is able to support the additional harvest, and that late season harvesting is more productive than late summer and more feasible for young family members.

This analysis serves as an update to the original analysis, which is included as an **Appendix**, and addresses the original proposal as first submitted.

Existing Federal Regulations

Units 1B and 3 — Deer

Unit 1B — 2 antlered deer	*Aug. 1 – Dec. 31*
Unit 3 — Mitkof, Woewodski and Butterworth Islands – 1 antlered deer	*Oct. 15 – Oct. 31*
Unit 3 remainder — 2 antlered deer	*Aug. 1 – Nov. 30*

Proposed Federal Regulation:

Unit 1B and 3 — Deer

*Unit 1B — ~~2~~ **4** antlered deer*	*Aug. 1 – Dec. 31*
Unit 3 — Mitkof, Woewodski, and Butterworth Islands — 1 antlered deer	*Oct. 15 – Oct. 31*

*Unit 3 remainder — ~~2~~ **4** antlered deer*	*~~Aug. 1 – Nov. 30~~* *Aug. 1 –* ***Dec. 31***

Existing State Regulations

Unit 1B and 3 — Deer

Unit 1B: Two bucks	*Aug. 1 – Dec. 31*
Unit 3 — Mitkof Island, the Petersburg Management Area: Two bucks by bow and arrow only	*Oct. 15 – Dec. 15*
Unit 3 – including remainder of Mitkof Island, Woewodski, Butterworth Islands: One buck	*Oct. 15 – Oct. 31*
Remainder of Unit 3: Two bucks	*Aug. 1 – Nov. 30*

Extent of Federal Public Lands

Federal public lands (Tongass National Forest) comprise approximately 90% of Units 1B and 3 (**Units 1 and 3 maps).**

Customary and Traditional Use Determinations

Rural residents of Units 1B and 3, and the communities of Port Alexander, Port Protection, Pt. Baker and Meyers Chuck have a positive customary and traditional use determination for deer in Unit 3. Rural residents of Units 1A, 1B, 2 and 3 have a positive customary and traditional use determination for deer in Unit 1B.

Regulatory History

Current Unit 3 Federal regulations are in response to the extensive winter mortalities that occurred during 1971–72. See the **Appendix.**

Current Events Involving Species

A record snowfall occurred during the 2006–07 season in several locations in Southeast Alaska. The National Weather Service recorded 228 inches of snowfall in Petersburg. During 2006–07, the high snow months occurred in November (63 inches) and again in March (88 inches) (National Climatic Data Center 2007). Snowfall levels were lower during December (26 inches), January (24 inches), and February (29 inches). The previous 5 year average snowfall in Petersburg was 69 inches. Wrangell's 2006–07 winter snowfall produced 141 inches, compared to 72 inches during 2005–2006 and 28 inches during 2004–2005 (Western Regional Climate Center 2007). As discussed by the Southeast Regional Advisory Council during their February 2008 meeting, high levels of snowfall have also occurred in portions of the analysis area during the 2007–08 winter.

Mortality surveys

Reports of beach stranded deer, winter mortalities, increased predation, and excessive snow conditions during the 2006–07 winter alerted ADF&G and U.S. Forest Service biologists to the specific need for winter mortality data following the potential for severe winter population losses. During the past 30 years, ADF&G has periodically conducted mortality transects in southeast Alaska in response to severe winter weather. However, valid estimates of the amount of deer losses during mild or normal winters and over extensive areas are scarce. It has been approximately 15 years since the last severe winter in southeast Alaska and subsequent mortality surveys.

Historical ADF&G mortality transect reports were unavailable for this analysis; however, the following data by Klein and Olson (1960) are presented here for baseline data on winter deer mortality in Southeast Alaska, representing mainly mild winters, and to illustrate regional variation in mortality rates. In particular, browse quality and quantity, summer and fall range quality, and density of deer are important factors in winter mortality rates (Klein and Olson 1960). During studies conducted from 1952–1956, they reported that 90% of the deer dying as a result of winter starvation were found within 100 feet of the beach. Starvation generally accounted for at least 80% of winter mortality, although deaths from other causes may be less confined to the beach areas surveyed and, therefore, may be underrepresented. Mortality rates were highest among the fawn and older age (>5 years) groups, whereas 1 ½ to 5 year old deer, the prime age groups, usually accounted for less than 10% of the total loss from starvation. Bucks appeared to be more susceptible to mortality during the prime ages than does, likely related in part to the marked diversity in the annual metabolic cycle between the sexes. Mortality rates in the Petersburg–Wrangell area ranged from 0.1 to 0.6 deer per beach mile (measured in 100-foot wide strips of beach range) from 1952 to 1955, with a high of 1.7 during the 1956 surveys, where late snows resulted in snow depths of 4–5 feet. High deer density in the Sitka-Peril Strait area resulted in mortality rates up to 12.0 deer per beach mile during 1956. Mortality rates on southern Admiralty Island ranged from 0.7 in 1954 to 2.4 during 1956. The most recent mortality transects were conducted by ADF&G and USFS personnel in Units 1–4 from mid-April through May 2007. The observed deer mortality following the winter of 2006–07 in Units 1–4 varied from 0.4 to 3.9 deer per mile of beach fringe walked and averaged 1.6 deer/mile (64.4 total miles surveyed) (Dickerson 2007). Results for Units 2 and 4 are presented here for comparative purposes. The following are results by unit:

Unit 1: 0.8 carcasses/mile (7 carcasses in 9 transects covering 9 miles)

Unit 2: 1.2 carcasses/mile

Unit 3: 0.4 carcasses/mile (11 carcasses in 11 transects covering 26.2 miles)

Unit 4: 3.9 carcasses/mile

One survey was conducted in Unit 1B, in the Thomas Bay area from the mouth of Bock Bight Bay to Wood Point, Mainland (**Map 1**). All Unit 3 transects were conducted within the proposal area, except for a 1.0 mile transect on northeast Woronkofski Island where no carcasses were found, and a 0.5 mile transect on East Mitkof Island where 2 carcasses were found.

Although Unit 1 had significant snowfall during the winter, the observed winter deer mortality along beach transects remained low, possibly due to several warm breaks during the winter that enabled deer to move between old-growth patches where they were not trapped in small areas or confined to the beach fringe. Also, once the snow settles, freezing conditions often enable the deer to travel to better quality winter habitat by walking on top of the snowpack without breaking through. Observed winter mortality

Proposal WP08-07
Map 1

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in Unit 3 was also lower than expected. It is important to note that the survey protocol focuses on the beach fringe; therefore, mortalities occurring in higher elevations were not documented. Indeed, ADF&G received reports of an unusually high number of winter-killed deer remains scattered throughout the forest, well away from the beach, from Unit 3 hunters during spring and fall 2007 (Haynes 2007a, Lowell 2007).

In southeast Alaska, precision of black-tailed deer winter mortality estimates is difficult to achieve. In the past 30 years, surveys were conducted only following severe winters, although mortality surveys conducted following mild winters in the late 1950s provide some measure of comparison. However, current mortality estimates should be used as a qualitative measure of deer survival and not expanded as a direct measure of winter mortality by unit. Furthermore, it is difficult to differentiate between natural (winter-kill) mortality and predation. Carcass scattering and disposal by scavengers as well as hunter kills may further bias winter mortality estimates (Bartmann 1984, Dickerson 2007). Additional mortalities which may have occurred at higher elevations (above beach fringe) were not accounted for in this mortality protocol. Nevertheless, it appears that the purported vast ongoing winter-kill losses were not evident during the beach surveys. Mortality rates were within the range reported by Klein and Olson (1960) in similar areas of Southeast Alaska during relatively mild winters, and lower than in Units 2 and 4.

Although documented winter mortality rates were low in both Units 1B and 3, the effects of winter malnutrition appear to have resulted in a reduced fawn crop and late fawn birthing dates in spring and summer 2007, as reported for Unit 3 and suspected for Unit 1B (Haynes 2007a). Observations of newborn fawns as late as early August indicate that heavy snowfall may also have disrupted normal rutting activity. The observed low birth rates and late birthing dates are likely to result in reduced recruitment into the population, thereby reducing the number of deer available for harvest in the near future (Haynes 2007a). Furthermore, as previously discussed, winter mortality may have been proportionately higher in prime age bucks than does (Klein and Olson 1960), thus reducing the number of bucks available for harvest in the near future. Hunter harvest surveys from the fall 2007 season, when available, may provide additional information to better assess the effects of the 2006–2007 winter snowfall.

Pellet surveys

USFS and ADF&G biologists have collected deer pellet group data since the early 1980s. This long-term monitoring effort was designed to provide an indication of overall deer population trends in the region. Average pellet group densities of less than one pellet group per plot (PGPP) are considered low densities; one to two pellet groups per plot are considered medium, and greater than two pellet groups per plot are considered high (Kirchoff and White 2002). Pellet count surveys were conducted in 4 VCUs (Value Comparison Units, defined as a drainage basin that contains one or more large stream systems) in Unit 3 in 2007 (McCoy 2007). Surveys in VCU 456 (Little Baht) recorded 1.51 PGPP in 2007 **(Figure 1)**: surveys have been conducted in this VCU since 2002, and PGPP declined from 2002 to 2004 and from 2005 to 2007. The 2007 survey recorded the highest pellet counts (1.98; **Figure 2**) in VCU 457 (St. Johns) since counts began in 2002, although counts have been fairly consistent except for a low of 1.17 in 2004. Pellet counts have been conducted in VCU 458 (Snow Passage) since 1994 **(Figure 3)**: PGPP were comparable during 1997, 2004, and 2005, with the highest counts recorded in 2002 (1.5) and 2007 (1.7). Although not considered for changes under this proposal, pellet counts on Mitkof Island indicated a 99% increase in PGPP from 2005 (**Figure 4**), and the highest recorded counts since 1996. Additional pellet count information for Unit 3 is included in **Table 1**.

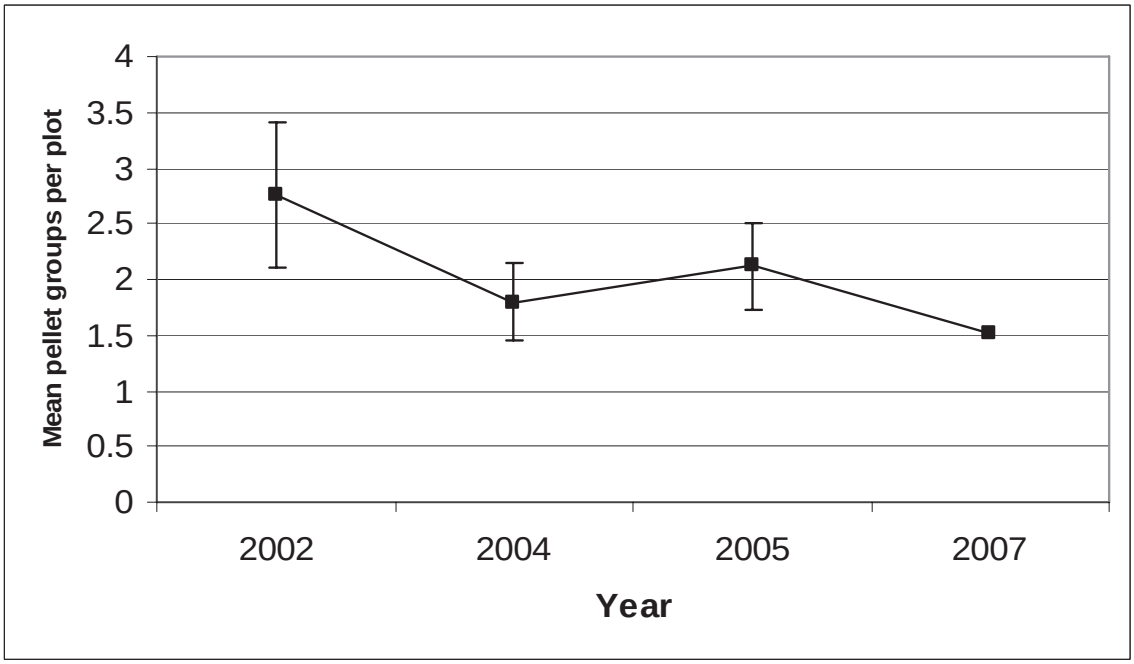

Figure 1. Pellet group survey results for VCU 456 (Little Baht) through 2007 (Converse 2006a, b; McCoy 2007).

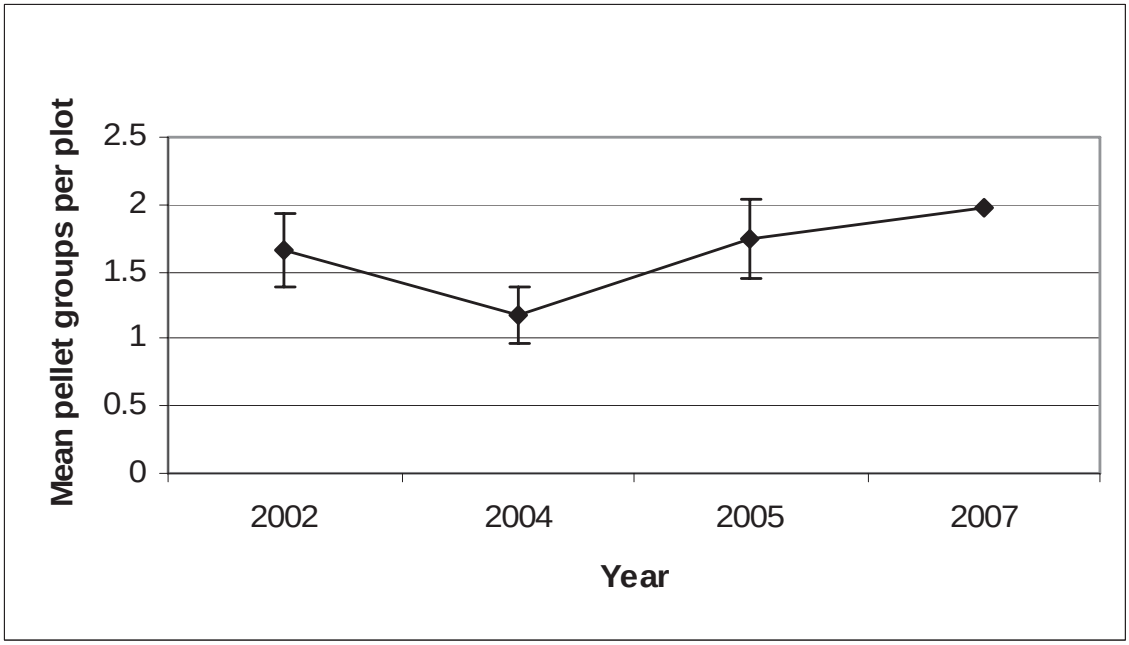

Figure 2. Pellet group survey results for VCU 457 (St. Johns Passage) through 2007 (Converse 2006a, b; McCoy 2007).

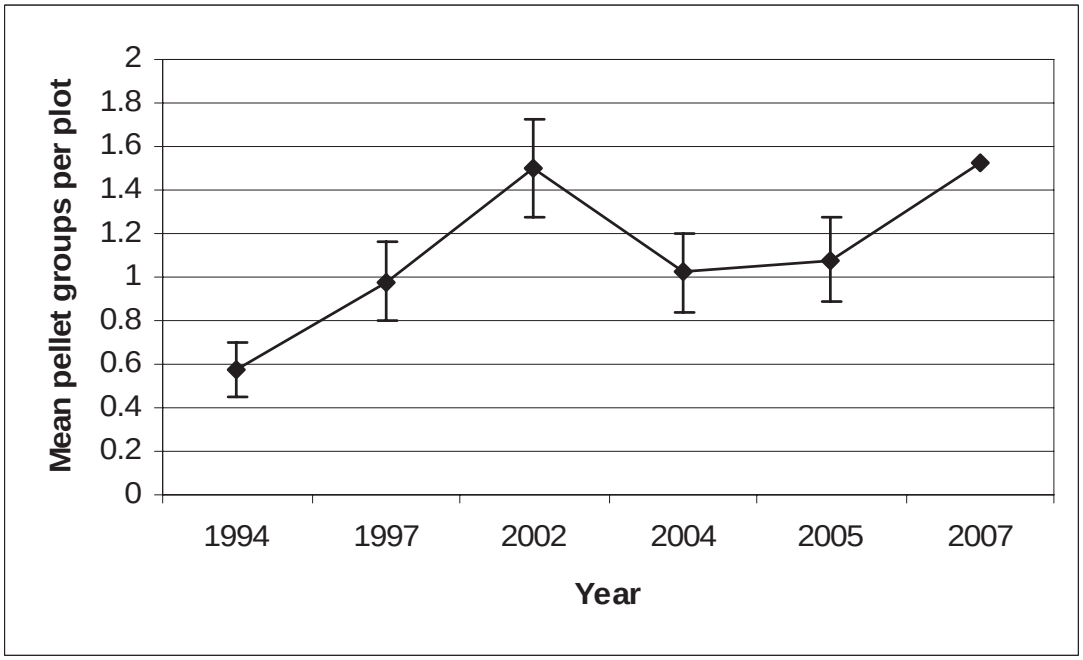

Figure 3. Pellet group survey results for VCU 458 (Snow Passage) through 2007 (Converse 2006a, b; McCoy 2007).

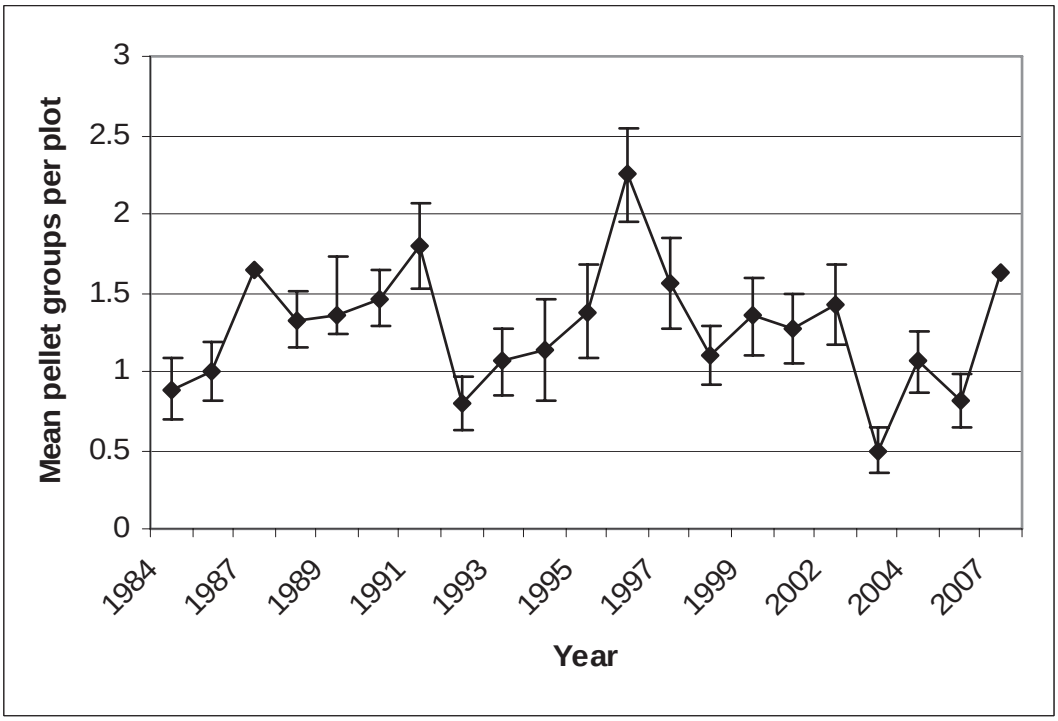

Figure 4. Pellet group survey results for VCU 448 (South Mitkof) through 2007 (Converse 2006a, b; McCoy 2007).

Table 1. Most recent pellet group survey results from Unit 3 (Converse 2006b).

Island	VCU	Year	Mean Pellet Group Density
Kuiu	Security Bay (400)	2000	0.09
Kuiu	Bay of Pillars (402)	2000	0.18
Kuiu	Malmesbury (408)	2000	0.06
Kupreanof	Big John Bay (427)	1994	0.38
Kupreanof	Rocky Pass (428)	1989	0.40
Kupreanof	Point Barrie (431)	1993	0.77
Kupreanof	Castle River (435)	1998	0.36
Kupreanof	East Duncan (437)	2002	1.89
Kupreanof	Portage Bay (442)	1998	0.39
Etolin	Canoe Pass (474)	2001	0.11
Etolin	Mosman (467)	1993	0.07
Etolin	Onslow (474)	2006	0.61
Woronkofski	Woronkofski, Transects 10, 11, 12 (461)	2004	0.08
Wrangell Island	Fools Inlet (480)	2001	0.61
Zarembo	Meter Bight (459)	2005	1.41

Pellet counts may more accurately indicate winter snow conditions rather than deer population changes or trends, especially at lower elevation levels. This technique alone may not fully reflect deer populations in late winter, because deer that deposited pellets early in the season may not have survived the remainder of the winter; therefore, impacts from the 2006–07 winter would not be reflected in pellet counts until the following year (2008). Furthermore, snowfall that restricts deer to certain habitats may result in high pellet densities in those areas (Mooney 2005). In general, 2007 pellet count data from Unit 3 indicate that populations were stable or up from previous years going into winter; however, increased pellet group densities were most likely a result of heavy snowfall having forced deer onto low elevation winter range and probably not indicative of a significant population increase. Results of late winter mortality and reduced fawn crops will not be reflected in pellet count data until spring 2008 surveys.

Biological Background

Unit 1B deer populations exist in isolated pockets and have a patchy distribution, with densities varying from moderate in some isolated areas to extremely low in others. Deer inhabit most Unit 3 islands, and the populations on these islands have historically fluctuated with high and low extremes. Overall, deer populations in both Units 1B and 3 seem stable with localized variations (Lowell 2005a, b). Winter weather, predation, and habitat loss due to clearcut logging have the greatest effects on deer population dynamics in both Units 1B and 3 (Lowell 2005a, b).

See the **Appendix** for further discussion.

Harvest History

See the **Appendix** for harvest history through 2003. **Table 2** includes information for 2004–06. The ADF&G harvest objective for Unit 3 is 900; the reported harvest has been below this objective for the last 2 years. The number of deer harvested per hunter in Unit 1B has ranged from 0.28 in 2000 to 0.93 in 2006, averaging 0.53 from 1997–2006 (Haynes 2007b). The number of deer harvested per hunter in Unit 3 has ranged from 0.70 in 2002 to 1.02 in 1998, averaging 0.84 from 1997–2006 (Haynes 2007b). There does not appear to be any trend in harvest success rate in either Unit 1B or 3 since 1997. Deer harvest in both units 1B and 3 appears to have been relatively stable at low levels over the past decade.

Table 2. Deer harvest and hunter success rate in Units 1B and 3 from 2004-2006 (Haynes 2007a).

Unit	Year	Total Hunters	Total Harvest	Deer per Hunter
1B	2004	70	38	0.54
1B	2005	112	53	0.47
1B	2006	122	114	0.93
3	2004	1059	921	0.87
3	2005	798	629	0.79
3	2006	721	610	0.85

In Unit 1B, an average of 11% of the total harvest has occurred in December from 1990–2003. Generally, most harvest takes place during November, October, and December, respectively (Lowell 2005a). Most deer harvest in Unit 3 occurs during October, November, August and September, respectively (Lowell 2005b). Comparatively, in Unit 2, most deer are harvested during August, October, and November; on average, 3% of the total deer harvested have been taken in December from 1988–2003 (Porter 2005a). In Unit 1A, an average of 7% of the total deer harvest occurred in December; total harvest was highest during November followed by October (Porter 2005b). In Unit 4, which provides the majority of the deer hunting opportunity in Southeast Alaska, an average of 20% of the total harvest of deer has occurred during December from 1999–2004 (Mooney 2005).

Other Alternatives Considered

An alternative to this proposal would be to extend the season in Unit 3 without increasing the harvest limits. An increase in the season length in Unit 3 would provide additional flexibility for subsistence users to meet their harvest needs without substantially increasing the harvest numbers. This lengthening of the season should not create the level of harvest to cause a conservation concern.

Alternatively, the harvest limit could be increased to three deer in each unit, in addition to extending the season, to allow additional harvest opportunities and reduce the need for Federal designated hunter permits. An increase in the harvest limit is not likely to significantly increase the total harvest, given that the reported average number of deer harvested per hunter is well below the current harvest limit, although a few individuals may be successful in fulfilling an increased harvest limit.

Effects of the Proposal

Adopting the harvest limit portion of this proposal may cause an increase in harvest throughout the two units. Unit 1B would probably get more use, but because of the difficulties in accessing the area, low deer densities, high snow load, and low harvest rates over the past decade, a significant increase in animals harvested is not likely. In Unit 3, deer harvest on Kupreanof Island would probably increase because of the proximity to Petersburg and Kake. Deer harvest on Etolin, Wrangell, and Zarembo Islands will probably increase due to the proximity of Wrangell. Kuiu Island would probably not be impacted because of the low deer numbers and the low hunter success rate.

The average harvest rate in Unit 3 over the past decade has been less than one deer per hunter and the ADF&G harvest objective has not been met in the last 2 years, therefore an increase in the harvest limit may not result in a substantially higher total harvest; however, a few individuals may be successful in fulfilling an increased harvest limit. Current Unit 3 Federal regulations were intended to address the extensive winter mortalities that occurred during 1971–72. An increase in the total harvest may produce conservation concerns in localized areas. Additionally, the sporadic distribution of deer in Unit 1B may result in conservation concerns if the proposed to increased harvest level is adopted.

Opening a December season in Unit 3 would provide more flexibility for subsistence users to meet their harvest needs. The additional time during December will allow flexibility for a few individuals that need the extra time to meet their subsistence needs. If hunting patterns in Unit 3 are reflective of adjacent units, December may account for as little as 3% or up to 20% of the total harvest. It is unclear, however, whether most subsistence users will expend substantially additional hunting effort during December, and what their success rate may be, or simply reallocate their usual effort throughout the season. Subsistence users that were unable to fulfill their subsistence needs earlier in the season may use the opportunity of the December season to expend additional effort in an attempt to secure the harvest limit; again, however, the success rate remains unknown. Winter weather conditions and decreasing daylight hours will likely restrict the number of subsistence users taking advantage of this time period in the season, and therefore may not substantially increase the total harvest and cause a conservation concern. Alternatively, heavy snowfall in December during some years that forces the deer to low elevations could result in a substantial increase in the total harvest and cause a conservation concern.

OSM CONCLUSION

Support proposal WP08-07 **with modification** to keep the harvest limit the same, but to delegate authority to the Petersburg District Ranger to open a December season in Unit 3 remainder. Additionally, authority would be delegated to the Petersburg District Ranger to close the season in Units 1B and 3 based on conservation concerns.

The modified regulation should read:

Unit 1B — 2 *antlered deer*	*Aug. 1 – Dec. 31*
The Petersburg District Ranger is authorized to close the season based on conservation concerns, in consultation with ADF&G and the chair of the Southeast Alaska Subsistence Regional Advisory Council.	

Unit 3 — Mitkof, Woewodski and Butterworth Islands — 1 antlered deer	*Oct. 15 – Oct. 31*
The Petersburg District Ranger is authorized to close the season based on conservation concerns, in consultation with ADF&G and the chair of the Southeast Alaska Subsistence Regional Advisory Council.	
Unit 3 remainder — 2 antlered deer	*Aug. 1 – Nov. 30* ***Dec. 1 – Dec. 31*** ***By Announcement***
The Petersburg District Ranger is authorized to open the December season by announcement, or close any portion of the entire season based on conservation concerns, in consultation with ADF&G and the chair of the Southeast Alaska Subsistence Regional Advisory Council.	

Justification

The low deer density and potential for large accumulations of snow in Unit 1B are two important factors that do not support a change in the harvest limit for this unit. The sporadic distribution of deer in Unit 1B may result in conservation concerns if the proposal to increase harvest levels is adopted.

Losses of habitat due to regeneration within clearcuts, significant predation, and periodic instances of high snow accumulations such as occurred during the 1971–72 and 2006–07 winter seasons contribute to the cyclic nature of the deer population in Unit 3. Effects from the 2006–2007 winter are likely to include some areas with increased winter mortality and reduced recruitment into the population thereby decreasing the amount of deer available for harvest in the near future. Heavy snowfall during the 2007-08 winter is likely to further impact the population. An increase in harvest limits is not recommended at this time. A harvest limit increase may produce conservation concerns in localized areas. As recommended by the Council, opening of a December season in Unit 3 by announcement, after consultation with ADF&G and the Council chair, would provide more flexibility for subsistence users to meet their subsistence needs during years when the population is able to support the additional harvest. If winter weather conditions in a given year increases the potential for a substantial increase in total harvest, thus creating a conservation concern, the additional modification shown would allow for almost immediate season closure by the Petersburg District Ranger.

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APPENDIX

STAFF ANALYSIS
WP07-06

ISSUES

Regulatory proposal WP07-06, submitted by Dick Stokes, Mark Armstrong and Mike Bangs of Wrangell, would increase the harvest limit for deer in Unit 1B and most of Unit 3 and increase the length of the deer season in most of Unit 3. The intent of this proposed regulation is to align the subsistence harvest limits and seasons of Units 1B and 3 with Unit 2. Subsequent to the submission of this proposal Unit 2 deer limits were extended to 5 deer.

DISCUSSION

One of the proponents, Dick Stokes, believes all rural residents of Southeast units should have the same opportunities to hunt deer. He believes all rural hunters should have the same hunting opportunity on their own local areas that the residents of Craig, Hydaburg, Klawock, Port Alexander, Port Protection, Point Baker, Thorne Bay Coffman Cove, Wrangell and Petersburg have on Prince of Wales Island (POW). The reasoning is to give local rural residents an opportunity to fill their freezer and "give them enough extra time to get their winter meat."

When contacted, proponent Dick Stokes did not want to include the Mitkof, Woewodski and Butterworth Islands. Proponent Mark Armstrong agrees with Dick Stokes concerning the Mitkof, Woewodski and Butterworth Islands. He says he believes this change will reduce the number of designated hunter permits that are issued in Wrangell. He believes the ability of the hunter to harvest four deer will reduce the need for all members of the family to have someone hunting for them to meet the family's need for deer.

Existing Federal Regulation:

Units 1B and 3 – Deer

Unit 1B – 2 antlered deer	*Aug. 1 – Dec. 31*
Unit 3 – Mitkof, Woewodski and Butterworth Islands – 1 antlered deer	*Oct. 15 – Oct. 31*
Unit 3 remainder – 2 antlered deer	*Aug. 1 – Nov. 30*

Proposed Federal Regulation:

Unit 1B and 3 – Deer

*Unit 1B – ~~2~~ **4** antlered deer*	*Aug. 1 – Dec. 31*
Unit 3 – Mitkof, Woewodski, and Butterworth Islands – 1 antlered deer	*Oct. 15 – Oct. 31*

*Unit 3 remainder – ~~2~~ **4** antlered deer*	*~~Aug. 1 – Nov. 30~~* *Aug. 1 –* ***Dec. 31***

Existing State Regulations

Unit 1B and 3 – Deer

Unit 1B: Two bucks	*Aug. 1 – Dec. 31*
Unit 3 – Mitkof Island, the Petersburg Management Area: One buck by bow and arrow only	*Oct. 15 – Nov. 15*
Unit 3 – including remainder of Mitkof Island, Woewodski, Butterworth islands: One buck	*Oct. 15 – Nov. 15*
Remainder of Unit 3: Two bucks	*Aug. 1 – Nov. 30*

Extent of Federal Public Lands

Units 1B and 3 are within the Tongass National Forest. City, State, Native corporation and private owned lands occur within Units 1B and 3, but comprise less than 10% of the total area.

Customary and Traditional Use Determinations

Rural residents of Units 1B and 3, and the communities of Port Alexander, Port Protection, Pt. Baker and Meyers Chuck have a positive customary and traditional use determination for deer in Units 1B and 3.

Regulatory History

Significant deer population declines occurred as a result of a series of severe winters in the late 1960s and early 1970s. The population declines led to restrictive regulations and harvest limits in 1973.

Unit 1B remained open, with a one antlered-deer limit from 1973 to 1980, and a two-antlered deer harvest limit from 1981 to present (ADF&G 2005).

Unit 3 was closed to deer hunting from 1973 through 1979. The area south of Sumner Strait had a harvest limit of one antlered deer from 1980 to 1991. In 1991 a registration permit hunt with an October 15-31 season and a one-antlered deer harvest limit was opened on parts of Mitkof, Kupreanof, Woewodski and Butterworth Islands, where the deer season had been closed. The registration permit was replaced with a harvest ticket requirement in 1995. Beginning with the 1993 hunt Kuiu Island was reopened and the only part of Unit 3 closed to deer hunting was the area within Petersburg and Kupreanof city limits. The Alaska Board of Game abolished that prohibition in the fall of 2000.

Currently, regulations in Unit 3 allow the harvest of two-buck deer from August 1 to November 30. During its meeting in Wrangell, Alaska in November 2006, the BOG opened an archery only season within the city limits of Petersburg (exclusion zone) and changed that season to a two-buck only deer limit. This was done to provide more hunting opportunities in a small area adjacent to residential Petersburg, where the discharge of firearms is prohibited.

Current Events Involving Species

There are small enclaves of deer on the mainland between the mountains and the shoreline. Deep snow accumulations and harsh weather conditions in Unit 1B have never supported a large population of deer and deer harvest in the unit has decreased since 1993 **(Figure 1)**.

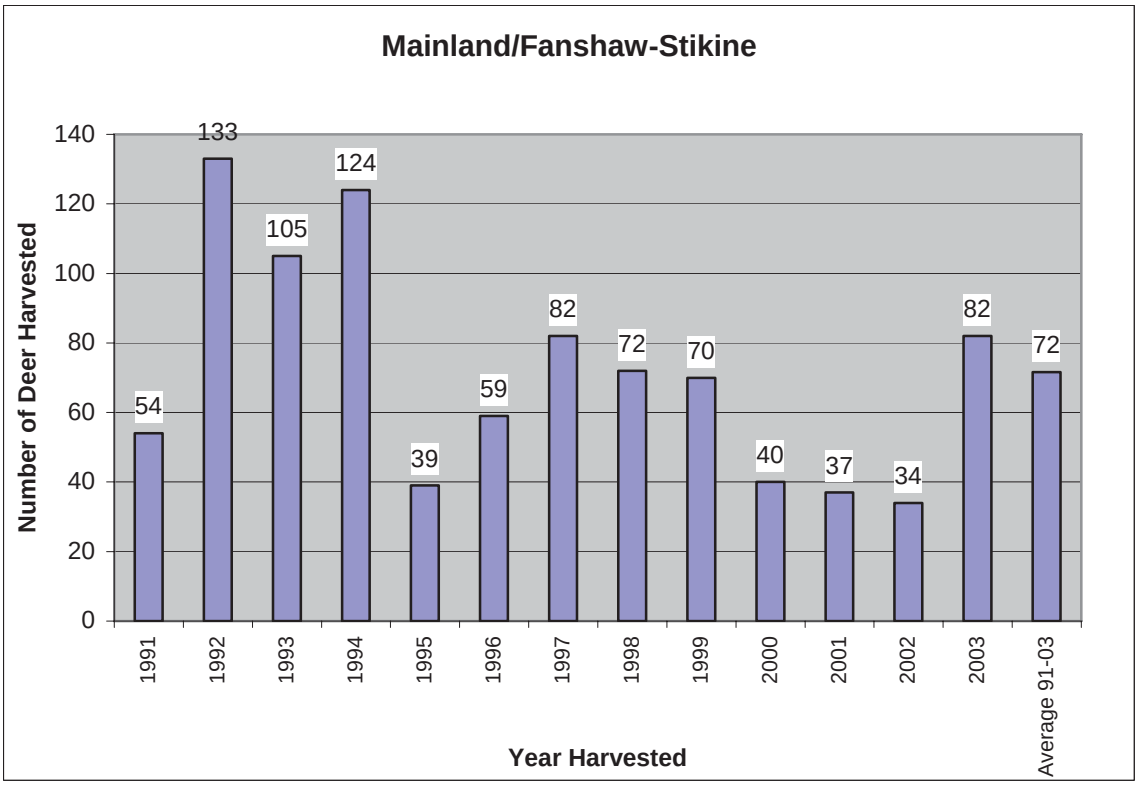

Figure 1. Mainland Deer Harvest.

Since the 2003 season, the ADF&G has changed the manner in which it reports deer harvest. It no longer reports by island, but have gone to the game unit as the smallest measure for reporting results, this makes it difficult to measure the response to harvest on an island-wide basis.

Biological Background

The deer population in most of Unit 3 is at a moderate level and has made a remarkable recovery since the population crash of the early 1970s. The unit was closed to deer hunting until 1991. Zarembo Island is preferred hunting location for residents of Wrangell. From 1991 to 1994 deer harvest was below 200 deer annually. Then, from 1995 to 2001 deer numbers increased to over 400 deer harvested annually. From 2002 to present, the number has again decreased into the 200-animal range. There are several reasons for this decrease. The second-growth stands on Zarembo Island have matured and the stands have gone from the stand initiation stage to the stem exclusion stage of stand development (Oliver and Larson 1996). While these stands may still maintain a healthy deer population, hunter effectiveness is much reduced due to hunter's inability to see deer. Most of these stands have received silvicultural thinnings that increase the stand's ability to maintain viable deer habitat for an extended time following thinning, thus maintaining the stand initiation stage. Secondly, wolf predation on Zarembo Island has increased since the early 1970s. There is a concern that the number of deer on Zarembo Island may decrease due to the increasing

number of wolves. The number of deer harvested on Mitkof Island has decreased because of the same reasons. Kuiu Island has low hunter effort with an annual harvest around 11 animals. Kuiu Island deer harvest has not increased because of the low numbers of deer present and the ability of local hunters to go to Admiralty Island where they could harvest six deer. Kupreanof Island deer harvest has increased during the past ten years. This increase has probably been caused by the opening of the Lindenburg Peninsula to a two deer limit. This area is directly adjacent to the town of Petersburg where the limit is only one deer with a severely shortened season.

Unit 1B

Except in isolated pockets, Sitka black-tailed deer inhabit the Unit 1B mainland in low densities. Unit wide, deer densities vary from moderate in some isolated areas to extremely low in others. Severe winter weather has caused most population declines, and illegal hunting and predation by wolves and bears has extended the length of the declines.

Unit 3

Sitka black-tailed deer inhabit most Unit 3 islands. Deer populations on these islands have historically fluctuated with high and low extremes. Severe winter weather causes most population declines and predation by wolves, bears and illegal hunting has extended the length of these declines.

Harvest History

Unit 1B

According to the ADF&G Sitka black-tailed deer harvest report for 2004 (the last year for which data is available), over the last 8 years deer harvest has ranged from 34 to 108, while the number of hunters in the subunit has varied from 70 to 187. Deer harvest in this area appears to be stable or has slightly declined during the 1997–2003 period. Petersburg and Wrangell are the only large communities within or adjacent to the unit. The area normally has low densities of deer due to the high snow accumulations and the area is largely inaccessible. During the period, no significant regulatory changes occurred.

Unit 3

The ADF&G (2004) describes what happened in Unit 3 by stating that over the last 8 years deer harvest has ranged from 626 to 1,173, while the number of hunters in the subunit has varied from 892 to 1,224. Deer harvest declined between 1998 and 2002, and increased between 2002 and 2003. Trends in deer harvest and effort in this unit have been affected by regulatory changes that resulted in liberalization of deer hunting on the Lindenberg Peninsula beginning in 2003. This resulted in an increased harvest in a fairly large but localized part of the unit.

The total deer harvest in Units 1B and 3 is much less than Unit 2 **(Figure 2)**. The average harvest since 1991 is 72 deer in Unit 1B, 755 deer in Unit 3 and 2,313 deer in Unit 2 **(Figure 3)**.

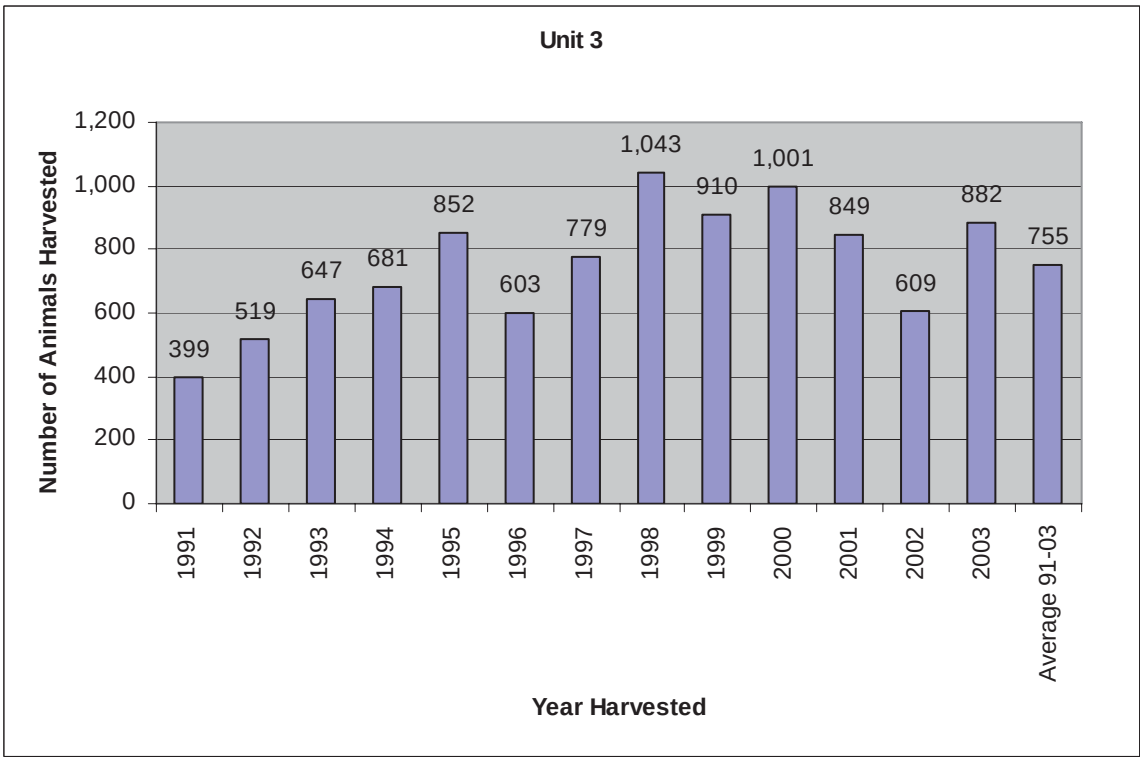

Figure 2. Unit 3 Annual Deer Harvest.

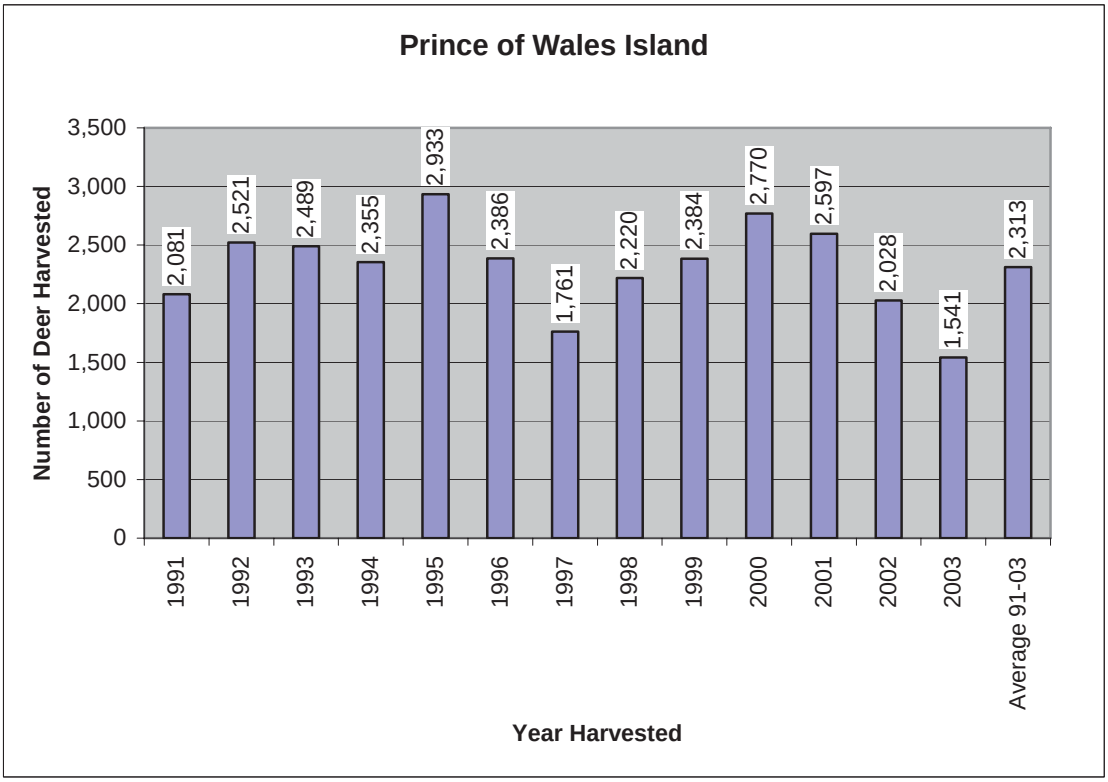

Figure 3. Prince of Wales Island Deer Harvest.

Effects of the Proposal

Adopting this proposal may cause an increase in harvest throughout the two units. Unit 1B will probably get more use but, because of the inaccessibility of the area, low deer densities and high snow load, a significant increase in animals harvested is not anticipated, nor likely. Deer harvest on Kupreanof Island will probably increase because of the proximity to Petersburg and Kake. Deer harvest on Etolin, Wrangell and Zarembo Islands will probably increase due to the proximity of Wrangell. Kuiu Island will probably not be impacted because of the low deer numbers and the low hunter success rate. If Mitkof, Woewodski and Butterworth Islands were included, it could have a major impact to deer populations there.

OSM PRELIMINARY CONCLUSION – *(See the ANALYSIS ADDENDUM for new information following Literature Cited)*

Support proposal WP07-06 with modification to keep the harvest limit the same but to lengthen season dates.

Unit 1B – 2 antlered deer	*Aug. 1 – Dec. 31*
Unit 3 – Mitkof, Woewodski and Butterworth Islands – 1 antlered deer	*Oct. 15 – Oct. 31*
Unit 3 remainder — 2 antlered deer	*~~Aug. 1 – Nov. 30~~* *Aug. 1 –* ***Dec. 31***

Justification

The low deer density and potential for large accumulations of snow in Unit 1B are two important factors that do not support a change in the harvest limit from two to four deer for any or these units. The sporadic distribution of deer in Units 1B and 3 may result in conservation concerns if the proposal to increase harvest levels is adopted.

Deer in Unit 3 are in the process of rebuilding from very low population levels during the 1970s and 1980s. Losses of habitat due to regeneration within clearcuts, significant predation and periodic instances of high snow accumulations contribute to slow the rebuilding rate within this unit. An increase in harvest limits is not recommended at this time. This limit increase may produce conservation concerns in localized areas. On balance, some additional hunting could be allowed but not as much as proposed by the proponents. An increase in the season length in Unit 3 will provide more opportunity for subsistence users to meet their harvest needs without substantially increasing the harvest numbers. This lengthening of the season should not create the level of harvest to cause a conservation concern.

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ANALYSIS ADDENDUM
WP07-06

A record snowfall event occurred during the 2006–2007 winter season in several locations in Southeast Alaska. The previous record snow season, in 1971–1972, resulted in extensive deer mortalities throughout Unit 3. As a result, deer seasons and harvest limits were severely restricted. Current Unit 3 regulations are more restrictive than in Units to the north or south and are designed to allow the rebuilding process to continue. It is currently unknown what effect this winter's snow will have on the deer population in Unit 3. The magnitude of this year's snowfall event and the effect of the snowfall on deer populations were not known at the time the analysis was prepared or deliberated by the Regional Council.

During the winter of 1971–1972, 221 inches of snow was recorded in Petersburg, Alaska. The majority fell during the months of December (51.3 inches), January (48.9 inches) and February (54.3 inches) with an additional 35 inches in March. Snow covered almost all of the browse species until late May (Gerdes, pers. comm. 2007). During 2006–2007, Petersburg recorded 225 inches of snow. This snowfall occurred in a different pattern than during 1971–1972. The high snow months occurred in November (62.7 inches) and again in March (87.8 inches). During the months of December (25.3 inches), January (24.1 inches) and February (23.9 inches) snow levels were much lighter. Even with the high snowfall in March, blueberry bushes were not covered with snow. Anecdotal reports describe numerous deer tracks in the snow as high as 500 feet in elevation. Winter mortality may be moderate to high in some locations but probably not as severe as experienced during the 1971–1972 winter (Brainard, pers comm. 2007). There were no deer mortalities due to starvation documented during the single deer mortality transect (southern Etolin Island) completed to date (Lowell, pers. comm. 2007).

Deer mortality and population monitoring is a cooperative effort between the ADF&G and the US Forest Service. During the week of April 30, teams of personnel from Wrangell, Petersburg and Juneau will conduct deer mortality and deer pellet surveys in Unit 3. The results of the monitoring effort will be available in a written report during the summer or fall of 2007. Mortality surveys provide a count of deer deaths due to starvation on established transects while deer pellet surveys provide a reference point for tracking population trends. The effects of this winter on the deer population may not be clear until deer pellet surveys from 2007 are compared to replicate surveys in 2008.

SUPPLEMENTAL LITERATURE CITED

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-07

The Interagency Staff Committee (ISC) found the staff analysis for Proposal WP 08-07 to be a thorough and accurate evaluation of the proposal and that it provides a sufficient factual basis for the Regional Council recommendation and Federal Subsistence Board action on the proposal.

The Interagency Staff Committee suggests supporting the Council recommendation with an amendment to provide authority to the Petersburg District Ranger to close the deer season in Units 1B and 3 based on conservation concerns.

The Interagency Staff Committee notes that the OSM Conclusion recommends modifying Proposal WP08-07 to provide the Petersburg District Ranger with the authority to close the season in Units 1B and 3 based on conservation concerns, and in consultation with ADF&G and the chair of the Southeast Alaska Subsistence Regional Advisory Council (SERAC). That proposed language was in front of SERAC at their meeting in Sitka but, because of the manner in which consideration of this proposal unfolded, the Council did not take any action to consider the modification. In the past, SERAC has favorably considered similar regulatory language to address potential in-season conservation concerns, including in Units 1B and 3 for other species. In the view of the Interagency Staff Committee, although the proposed language was not considered by SERAC, we believe that the Council would be supportive of adoption of the OSM proposed regulatory language.

Comments WP08-07
April 10, 2008, Page 1 of 2

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP08-07: Increase the harvest limit for deer from 2 to 4 antlered deer in Unit 1B and Unit 3 Remainder and extend the season one month in Unit 3 Remainder.

Introduction: This proposal requests longer deer seasons and increased harvest limits in Unit 1B and Unit 3 Remainder that resemble the Unit 2 regulations and jeopardize the sustainability of the deer populations in these areas which occur in low numbers and congregate in small pockets during winter.

Impact on Subsistence Users: Increasing harvest limits and lengthening hunting seasons, as proposed, likely will result in declining deer numbers and localized depletions, which will require significant hunt restrictions and reduce subsistence opportunity in the long-term.

Opportunity Provided by State: The state season in Unit 1B authorizes harvest of 2 bucks between August 1 and December 31. In Unit 3 Remainder, 2 bucks can be harvested between August 1 and November 30. Current state and federal regulations provide a sustainable level of harvest opportunity on deer populations in Units 1B and Unit 3 Remainder that have remained stable at low to moderate levels for several decades. (Harvest limits are higher in Unit 2 because the deer densities are higher in Unit 2, and Unit 2 deer can, therefore, sustain higher harvests than Units 1B and 3 Remainder.)

Conservation Issues: Deer numbers in Units 1B and 3 are markedly lower than in other parts of southeast Alaska, including Units 1C, 2, and 4. In lower density areas, lower harvest limits are necessary for preventing unsustainable harvests. Increasing harvest limits and lengthening the season are expected to create conservation issues in several areas. For example, Kuiu Island currently has among the lowest deer densities in southeast Alaska and could not sustain the additional harvest pressure that this proposal requests. If this proposal and more liberal regulations had been implemented last year, the record snowfalls that occurred in much of southeast Alaska last winter almost certainly would have resulted in excessive harvests and localized depletions of deer populations.

Although observed winter mortality along established beach mortality transects in Units 1B and 3 was lower than anticipated, precise estimates of black-tailed deer mortality are difficult to achieve in southeast Alaska. Not all deer migrate to beach fringe habitat in winter, making it virtually impossible to determine deer mortality from beach mortality transects alone. Hunters in the field in spring and fall 2007 searching for black bear, moose, and deer reported finding relatively high numbers of dead deer in upland areas away from the beaches. These anecdotal hunter reports suggest that the extent of winter mortality may have exceeded that indicated by beach mortality transects alone.

Deer hunters also reported seeing fewer deer and less sign of deer in fall 2007 than they observed on Mitkof, Kupreanof, and Zarembo islands in recent years. Kupreanof and Zarembo Islands usually produce more deer than other islands in Unit 3. This caused many hunters to shift their effort in fall 2007 from Unit 3 to Prince of Wales Island in Unit 2. While not quantifiable,

effects of winter malnutrition and disruption of rutting activity also appear to have resulted in reduced fawn crop and late fawn birthing dates in spring and summer 2007. The observed low birth rates and late born fawns are likely to result in reduced recruitment into the population and a reduction in the number of deer available for harvest over the next few years. Extensive logging of low elevation old growth forests continues to reduce the extent of deer winter range and lower carrying capacity for deer in Unit 3 and in portions of Unit 1B.

Other Comments: We support modification of this proposal to authorize the Petersburg District Ranger to close deer seasons in Units 1B and 3 based on conservation issues in consultation with the Alaska Department of Fish and Game, consistent with provisions in effect for other areas with special delegated closure authority. However, even if the Board grants this authority for closure, there is too much risk to the sustainability of the deer population to justify extending the season into December in Unit 3. Federal and state biologists presently lack the resources to monitor deer population condition in December, especially when-localized heavy snowfall forces deer to concentrate and become susceptible to overharvest. Damage could occur before the agencies are able to detect problems and implement timely closure. The extended season is not necessary to provide for subsistence use and could result in impacting long term subsistence uses.

Recommendations:

(1) Adopt the portion of the proposal as modified in the Office of Subsistence Management Conclusion to provide the Petersburg District Ranger with authority to close any portion of seasons in Units 1B and 3 based on conservation concerns, and to open the December season in the Remainder of Unit 3 only by announcement, in consultation with the Alaska Department of Fish and Game and the chair of the Southeast Regional Advisory Council.

(2) Oppose any increase in harvest limits. Due to low deer densities and the effects of winter weather in 2007, the proposed increase in harvest limits in Unit 1B and Unit 3 Remainder, and the proposed season extension in Unit 3 Remainder, cannot presently be justified. Adoption of this proposal or this proposal as modified to extend or open the season or to increase harvest limits is not necessary to provide for continued subsistence uses and could result in unsustainable harvests, thereby impacting deer populations and future subsistence opportunity in Unit 1B and Unit 3 Remainder, which would be inconsistent with recognized principles of wildlife conservation and detrimental to the satisfaction of subsistence needs.

WRITTEN PUBLIC COMMENTS

Oppose. The Wrangell AC opposes the Federal Subsistence Proposal WP08-07 because if adopted it would increase the season and bag limit for deer in GMU 3 and 1B. The AC opposes increasing the harvest level during years of above normal, and in some areas record breaking, winter snowfall. With the harsh winter of 2007, and the recent deep snow fall of 2008, Wrangell AC members felt the deer harvest should not be increased because the deer herd would not be able to withstand the increased harvest. Despite the reported results of the 2007 deer mortality surveys and deer pellet surveys, several members reported seeing a lot less deer (in similar locations) during the summer and 2007 hunting season. AC members believe the number of deer in the two GMUs to be a lot less. There was definitely consensus that now is not the time to be increasing the harvest because the numbers of deer is less.

An AC member pointed out that deer management needs to provide for resource conservation of the deer herd (especially during these years of deep snow), over the want of a few hunters to harvest a few more deer. No one on the AC wants the deer herd to crash because experience shows it would take years to recover.

Some AC members said that extending the hunting season into December could allow hunters to take deer during periods when snow has them concentrated. As it is believed the number of deer is down, the herd needs additional protection not additional exposure to hunting pressure.

It was noted that with the Federal Designated Hunter system, most hunters are taking all the deer they can find simply by collecting deer tags from non-hunting family members and/or friends. Increasing the bag limit in GMU 3 and 1B would have little effect on the legal harvest of deer, by federally eligible hunters.
Submitted by Wrangell Fish and Game Advisory Committee

Oppose. Our committee rejected WP08-07,O-for 10-against. We feel that use patterns and harvest levels should be Game Management Unit specific and not tied to another unit that may have greatly different use patterns and resource abundance. After the harsh winter of 2006-2007, these Game Management Units will be undergoing a rebuilding period for an unknown length of time. Now is not the time to relax the seasons and bag limits.

Game Management Unit 1 B and 3 are important harvest areas for the residents of Petersburg and we feel that the foremost consideration is for the protection and wise husbandry of the resources of this area.
Submitted by Petersburg Fish and Game Advisory Committee

WP08-03/04 Executive Summary	
General Description	Proposals WP08-03 and WP08-04 request extending the Unit 11 Federal subsistence wolverine trapping season from November 10 – January 31 to November 10 – February 28, adding 28 days to the season. *Submitted by Dean Wilson Jr. (WP08-03) and Keith Rowland (WP08-04)*
Proposed Regulation	**Unit 11 — Wolverine** (trapping) *No limit* *Nov. 10 –* ~~*Jan. 31*~~ ***Feb. 28***
Southcentral Regional Council Recommendation	**Support**
Eastern Interior Regional Council Recommendation	**Support**
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Oppose**
Written Public Comments	**5 Support**

REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-03/04. The majority of the wolverine population is on National Park Service (NPS) managed lands and only NPS subsistence users are eligible to hunt and trap within the National Park proper. There is very little trapping pressure in Unit 11, there are no conservation concerns for the population, and most of Unit 11 is difficult to access. Breeding females inhabit the higher mountainous areas and do not travel much; therefore most of the wolverines taken during the trapping season are males. Trappers prefer to have the trapping season for wolverine aligned with the lynx season so that subsistence trappers can keep wolverines caught incidentally in traps set for lynx.

EASTERN INTERIOR ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-03/04. There is no biological concern with the current low level of harvest and there is not expected a great increase in harvest with the extending season. Passage of this proposal would provide an additional opportunity for subsistence users to keep wolverines incidentally harvested when trapping for lynx where presently they have to surrender them to the Alaska Department of Fish and Game. The State seasons are longer in every other area of the State. The concern about female harvest would be low due to not traveling when birthing.

STAFF ANALYSIS
WP08-03/04

ISSUES

Proposal WP08-03, submitted by Dean Wilson Jr., and Proposal WP08-04, submitted by Keith Rowland, request extending the Unit 11 Federal subsistence wolverine trapping season from November 10 – January 31 to November 10 – February 28, adding 28 days to the season.

DISCUSSION

The proponent for WP08-03 states that extending the wolverine trapping season to February 28, thereby aligning it with both the State and Federal lynx seasons, would make it legal to keep wolverines caught incidentally in traps set for lynx during the month of February. [Wolverines caught out of the wolverine season must be surrendered to the Alaska Department of Fish and Game (ADF&G).] The proponent also states that because there are so few trappers pursuing wolverine there will be little to no impact on the population in Unit 11.

The proponent for WP08-04 believes that traps set for lynx are all potential wolverine sets. Lengthening the wolverine season to coincide with the lynx season would allow trappers to keep wolverines caught accidentally in lynx sets. The proponent also stated that wolverine appear to be "quite healthy" in Unit 11; that "wolverines are killing Dall sheep lambs at an unacceptably high rate;" and that because of the lack of roads, remoteness, and prohibition against using aircraft to trap in Wrangell-St. Elias National Park, "there is very little trapping pressure" on the wolverine population. In addition, most of the traplines are not accessible until late December after rivers freeze solid enough to travel upon.

Existing Federal Regulation

Unit 11 — Wolverine (trapping)

No limit	*Nov. 10 – Jan. 31*

Proposed Federal Regulation

Unit 11 — Wolverine (trapping)

No limit	*Nov. 10 – ~~Jan. 31~~* ***Feb. 28***

Existing State Regulation

Unit 11 — Wolverine (trapping)

No limit	*Nov. 10 – Jan. 31*

Other Relevant Regulations

Unit 11 — Lynx (trapping)*

No limit	*Nov. 10 – Feb. 28*

***** Note: State and Federal regulations are identical

Extent of Federal Public Lands

Federal public lands comprise approximately 81% of Unit 11: Wrangell-St. Elias (WRST) National Park and Preserve manages 79% of the lands and the U.S. Forest Service (USFS) manages approximately 2% (**Unit 11 map**).

Customary and Traditional Use Determinations

All rural Alaska residents are eligible to trap wolverines under Federal subsistence regulations in Unit 11. However, NPS regulations restrict who is eligible to engage in subsistence activities on lands in WRST National Park to individuals living in resident zone communities or areas, or who have a 13.440 subsistence permit issued by the Park Superintendent.

Regulatory History

On July 1, 1990, the Federal Subsistence Board (Board) adopted temporary subsistence regulations for wolverine trapping that aligned with State regulations. The season ran from November 10–February 28 and had no harvest limit. On July 1, 1992, the Federal subsistence wolverine trapping season was reduced by 28 days to November 10–January 31, and the harvest limit was reduced to two wolverines in response to perceived declines by State and Park Service managers. At the same time, Federal public lands were closed to wolverine trapping except by Federally qualified rural Alaska residents. Likewise, State regulations shortened the season and reduced the harvest limit to two animals on non-Federal lands.

On April 12, 1994, the Board rejected a proposal to allow non-Federally qualified trappers to take wolverines in Unit 11 on Federal public lands. But in 1997, the Board adopted WP97-32, removing the closure for trapping wolverines on Federal public lands by non-rural trappers in Unit 13 and modified it to include Unit 11. In addition, in 1997 both the Federal Board and State dropped the harvest limit that restricted trappers to two wolverines.

The current Federal subsistence wolverine trapping season in Unit 11 runs from November 10–January 31, and has no harvest limit. Only one other Federal subsistence wolverine trapping season is as short as the Unit 11 season (Unit 13); the other Federal subsistence wolverine trapping seasons—occurring in 30 units or subunits—are all longer and run later into the winter/spring. Likewise, there are 31 units or subunits where the State wolverine trapping seasons are longer and run later into the winter/spring than in Unit 11 (**Table 1**). The current State and Federal wolverine hunting seasons in Unit 11 are September 1–January 31 and have a harvest limit of one animal.

Biological Background

Population information on wolverines in Unit 11 is limited to ADF&G sealing data and anecdotal information provided by trappers. (Sealing became mandatory by the State in 1977.) Wolverine populations are considered healthy in the more remote mountainous areas of Unit 11 but are relatively

Table 1. Units where State wolverine trapping seasons are longer than the Federal Subsistence wolverine trapping season in Unit 11.

Units	State Seasons
1-5	November 10-April 30
6-10, 15, 16B	November 10-February 28
12, 20E	November 10-March 15
19, 21, 24, 25A, 25B, 25D	November 1-March 30
20A, 20B, 20C, 20F, 25C	November 1-February 28
26B, 26C	November 1-April 30
18	November 10-March 30
22, 23, 26A	November 1-April 15
Total of 31 units	**8 different seasons**

scarce at lower elevations (Tobey 2004). A shortage of food is likely the primary limiting factor in keeping wolverine numbers low in forested valleys in the winter (Tobey 2004). Trappers responding to an ADF&G questionnaire considered wolverine scarce but stable in Unit 11. Currently, there are no conservation concerns with wolverines in Unit 11.

Wolverines breed in the summer—June, July and August, but implantation is delayed until January (Mead et al. 1991). Most female wolverines give birth beginning in late February and stay close to their dens, making them less likely to be caught.

Harvest History

Between 1985 and 2006, Unit 11 wolverine harvests averaged nine animals per year. The highest harvest took place during the 1997/98 season when 27 wolverines were harvested (Tobey 2004). The catch per successful trapper has averaged between one and two wolverines annually over the last 20 years. One to two wolverines are caught per season in sets for lynx after the wolverine season is closed in Unit 11. ADF&G management actions over the past two decades have included shortening the season and reducing the harvest limit to two wolverines per trapper per year. These efforts were aimed at increasing wolverine numbers in forested lowlands, but proved unsuccessful (Tobey 2004). The timing of the wolverine harvest is believed to reflect season dates and trapping conditions more than differences in trapping pressure. Wolverine pelts are known to stay prime much later than the current season lasts in Unit 11.

Effect of the Proposal

The proposal would increase opportunity for Federally qualified subsistence users who trap wolverines by adding 28 days to the season, returning it to what it was in the early 1990s. The proposal would also eliminate the necessity for trappers to surrender wolverines to the ADF&G that are incidentally taken in lynx sets during the month of February. A noticeable increase in the wolverine harvest is not expected because there is so little trapping pressure for wolverines in Unit 11, and because few trappers are actually successful at trapping them. Consequently, the proposed season extension would not likely affect the overall wolverine population.

If adopted, the proposal would take the Federal wolverine trapping season out of alignment with the current State wolverine trapping season, which could potentially cause confusion. However, changing the

Federal subsistence wolverine trapping season ending date from January 31 to February 28 would align it with the current State and Federal lynx trapping season end dates.

OSM Conclusion

Support Proposals WP08-03 and WP08-04.

Justification

On average, only nine wolverines per year are taken by trappers in Unit 11. Adopting a longer season is not expected to increase the harvest, but would allow trappers to keep wolverines caught incidentally in lynx sets after the wolverine season closes—instead of having to surrender them to the ADF&G. All but one of the Federal wolverine subsistence trapping seasons lasts longer than the season in Unit 11; and, there are 31 units or subunits where the State wolverine trapping season lasts longer. There are currently no biological concerns with the wolverine population in Unit 11.

LITERATURE CITED

Mead, R., Rector, M., Starypan, G., Neirinckx, S., Jones, M., and DonCarlos, n. 1991. Reproductive biology of captive wolverines. Journal of Mammalogy. 72(4): 807–814.

Tobey, B. 2004. Units 11 and 13 furbearer management report. Pages 126–137 in C. Bown ed. Furbearer management report of survey and inventory activities, 1 July 2000–03 June 2004. ADF&G Fed. Aid in Wildl. Rest. Prog. Rep. Proj. 7.0. Juneau, AK. 360 pages.

INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-03/04

The Interagency Staff Committee (ISC) found the staff analysis to be a thorough and accurate evaluation of the proposal and provides sufficient factual basis for the Regional Council recommendations and Federal Subsistence Board actions on the proposal.

The ISC notes that the lynx season is an important element in the discussion of this proposal about wolverines. The lynx season is subject to annual seasonal adjustments based on population fluctuations. Since the objective of this proposal is to align the end of the wolverine and lynx seasons and given that the lynx season is subject to annual adjustments, we raise an additional alternative for discussion.

That alternative would be to delegate to either the Wrangell-St. Elias National Park and Preserve Superintendent or the Assistant Regional Director for the Office of Subsistence Management the authority to adjust the Unit 11 wolverine season during February after consultation with the ADF&G and the Chair of the Southcentral Regional Advisory Council. The benefit of this approach would be to more efficiently allow the alignment of the end of the seasons and to review whether or not the population of wolverine in Unit 11 is sufficient to allow a season extension during February.

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposals WP08-03 and WP08-04: Liberalize wolverine trapping season in Game Management Unit 11.

Introduction: These proposals seek to extend the wolverine trapping season in Unit 11, which currently opens November 10 and closes January 31, so that it closes 28 days later on February 28.

Impact on Subsistence Users: The reported wolverine harvest in Unit 11 during the past 10 years ranged from 3 to 27 annually and averaged 10 per year. These are relatively low harvest figures in an area of about 12,800 square miles. Only a few local residents currently participate in trapping in Unit 11, and extending the season would not be expected to significantly increase trapping effort. Increasing the season by 28 days and increasing harvests during February could provide additional opportunity for federally-qualified subsistence users on federal lands, but increasing harvests during February could also affect productivity and, thus, reduce opportunity for subsistence harvests in the long-term.

Opportunity Provided by State: State regulations authorize wolverine trapping from November 10 to January 31 and do not limit the number of wolverines that can be harvested.

Conservation Issues: Trapping wolverines during the denning season in February would subject females to harvest when they are most vulnerable. Wolverines already occur at low densities in Unit 11, and seasons and bag limits were reduced in the recent past to prevent depletion of the population.

Enforcement Issues: Differences in federal and state regulations resulting from adoption of this proposal create confusion and other enforcement difficulties in areas with mixed land ownership. Adoption of this proposal would require federally-qualified subsistence users to verify that wolverines harvested in February were taken on federal public lands in Unit 11.

Other Comments: No evidence is presented indicating that the proposed change (adding 28 days) is needed to provide for the continuation of subsistence uses of wolverine on federal lands by federally-qualified subsistence users. At present, lynx trapping season is longer than that for wolverines. Proponents maintain the wolverine season extension will preclude surrender of wolverines caught incidentally in lynx traps. However, lynx seasons are subject to change annually as lynx numbers fluctuate over time according to their natural cycle. Lynx populations in Units 11 and 13 are currently at their peak, and season reductions will likely follow in subsequent years. If a proposal is adopted to lengthen the federal wolverine trapping season when the state shortens the lynx season, the reverse situation will occur, with lynx taken incidentally in wolverine traps unless the Federal Subsistence Board makes parallel season adjustments at that time. Consequently, adoption of either proposal may necessitate adjustments to the trapping season dates each year outside the normal regulatory process.

Proposal WP08-04 justifies the expanded season as a predator control measure to protect Dall

sheep lambs, which would be inconsistent with the Federal Subsistence Board's predator policy adopted in 2004.

Recommendation: Oppose. Wolverines have low reproductive potential and are not abundant in Game Management Unit 11 outside of the Chitina Valley. The proposed extension to the federal season may increase the harvest of vulnerable denning females and is not necessary to provide opportunity for subsistence uses by federally-qualified subsistence users on federal lands in Unit 11. The Department supports inseason authority being delegated to either the National Park Service or to the Office of Subsistence Management to adjust the wolverine trapping season so that it matches the lynx trapping season.

WRITTEN PUBLIC COMMENTS

Support. We support WP08-03 and 04 to extend the wolverine season by 28 days. We do not see this as a conservation concern, and it is expensive to travel by airplane to this unit. *Submitted by Ahtna Inc.*

Support. We support WP08-03 and 04 to extend the wolverine season by 28 days. We do not see this as a conservation concern; furthermore, it is expensive to travel by airplane to Unit 11. *Submitted by Copper River Native Association.*

Support. Please consider this change [WP08-03 and 04] to the wolverine trapping season in Unit 11. This proposal would lengthen the season from Nov. 10–Jan. 31 to Nov. 10–Feb. 28.

> Reason for proposal:
>
> 1) Most of the off-road traplines are not accessible until late Dec. when the rivers and creeks freeze solid enough for travel. Also, snow depth generally isn't adequate for travel until this time. Therefore, the front end of the season is cut short by four to six weeks.
>
> 2) Lynx season runs until Feb. 15, marten season runs until Feb. 28. Lynx and marten sets can and do catch wolverine. As it stands now, the trapper turns the after-season wolverine over to the ADF&G. If the season was lengthened and closed Feb. 28, the trapper could realize a little more profit from his line. *Submitted by Fred Denner of Glenallen*

Support. The Alaska Trappers Association supports the proposal submitted by Keith Rowland of McCarthy [WP08-04] to extend the wolverine trapping season in the State of Alask Game Management Unit 11. Under Mr. Rowland's proposal, the season would close on February 28, rather than the current closing date of January 31. *Submitted by Randall L. Zarnke, President of the Alaska Trappers Association*

Support. Wrangell-St. Elias National Park Subsistence Resource Commission supports the proposal as written for the reasons stated in the staff analysis. The commission heard testimony from local rural residents that wolverines are common in their areas. The proposed change would not appear to be a conservation concern and would increase subsistence opportunities for local trappers. *Submitted by Wrangell-St. Elias National Park Subsistence Resource Commission*

WP08-11 Executive Summary	
General Description	Proposal WP08-11 requests that the Federal portion of the Unit 6C moose harvest be changed from 100% of the antlerless moose permits and 75% of the bull permits to 30 antlerless moose. When fewer than 30 antlerless moose are allocated, the difference will be taken from the State bull harvest to maintain a 30 moose subsistence quota. *Submitted by the Alaska Department of Fish and Game*
Proposed Regulation	*Unit 6C—*1 *antlerless moose by Federal registration permit only.* — *Sept. 1–Oct. 31* *Unit 6C—1 bull by Federal registration permit only.* — *Sept. 1–Dec. 31* *(In Unit 6C, only one moose permit may be issued per household. A household receiving a State* **Unit 6C moose** *permit* ~~*for Unit 6C moose*~~ *may not receive a Federal permit. The annual harvest quota will be announced by the U.S. Forest Service, Cordova Office, in consultation with ADF&G.* ~~*The Federal harvest allocation will be 100% of the antlerless moose permits and 75% of the bull permits*~~ ***The Federal subsistence harvest allocation will be 30 antlerless moose to be taken from Unit 6C. When fewer than 30 antlerless moose are available, the remainder will be taken from the bull harvest quota****.)* *Unit 6 remainder* — *No Federal open season*
Southcentral Regional Council Recommendation	**Oppose**
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Support**
Written Public Comments	**1 Oppose**

REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposal WP08-11. The Council heard extensive testimony against the proposal from the public, Native organizations, and the local advisory committee. The current registration hunt is a cultural and community event for the residents of Cordova. Unit 6C is the only drawing hunt in Unit 6 and there is ample opportunity for other State residents in other parts of Unit 6 to harvest moose using a State registration hunt. No conservation concern exists in the remainder of Unit 6. Adopting this proposal would be detrimental to subsistence uses for the residents of Cordova.

STAFF ANALYSIS
WP08-11

ISSUES

Proposal WP08-11, submitted by the Alaska Department of Fish and Game, requests that the Federal portion of the Unit 6C moose harvest be changed from 100% of the antlerless moose permits and 75% of the bull permits to 30 antlerless moose. When fewer than 30 antlerless moose are allocated, the difference will be taken from the State bull harvest to maintain a 30 moose subsistence quota.

DISCUSSION

This proposal would allocate all bull moose and all but 30 antlerless moose permits to State management in Unit 6C. When Federal subsistence harvest of moose in Unit 6C started in 2000, all cow moose permits were moved into Federal subsistence management. At that time, the total Federal subsistence moose harvest was 5 cow moose. In 2002, the Federal Subsistence Board amended WP02-48 and adopted an allocation of 75% of the bull moose and 100% of the cow moose harvest for Federal subsistence users in Unit 6C.

The proponent believes that with the moose population at or above the population objective stated in the management plan with historically high harvests, the number of Federal subsistence moose permits in Unit 6C (104 total permits in 2007) is greater than intended when the Federal management of moose in Unit 6C began in 2000. Since the population objective is to manage for a stable herd size, a fixed allocation that meets subsistence needs rather than a percentage would be more appropriate. They also suggest that the Subsistence harvest continue to be taken from Unit 6C as it is the most productive population in Unit 6 and Federally qualified subsistence users already take the majority of the harvest from adjacent Units 6A and 6B under existing State regulations.

Currently, all moose harvest in Unit 6A, 6B, and 6D takes place under State regulations.

Existing Federal Regulations

Unit 6–Moose

Unit 6C—1 antlerless moose by Federal registration permit only.	*Sept. 1–Oct. 31*
Unit 6C—1 bull by Federal registration permit only	*Sept. 1–Dec. 31*
(In Unit 6C, only one moose permit may be issued per household. A household receiving a State permit for Unit 6C moose may not receive a Federal permit. The annual harvest quota will be announced by the U.S. Forest Service, Cordova Office, in consultation with ADF&G. The Federal harvest allocation will be 100% of the antlerless moose permits and 75% of the bull permits.)	
Unit 6 remainder	*No Federal open season*

Proposed Federal Regulation

Unit 6–Moose

*Unit 6C—*1 *antlerless moose by Federal registration permit only.*	*Sept. 1–Oct. 31*
Unit 6C—1 bull by Federal registration permit only.	*Sept. 1–Dec. 31*
(In Unit 6C, only one moose permit may be issued per household. A household receiving a State ***Unit 6C moose*** *permit ~~for Unit 6C moose~~ may not receive a Federal permit. The annual harvest quota will be announced by the U.S. Forest Service, Cordova Office, in consultation with ADF&G. ~~The Federal harvest allocation will be 100% of the antlerless moose permits and 75% of the bull permits~~* ***The Federal subsistence harvest allocation will be 30 antlerless moose to be taken from Unit 6C. When fewer than 30 antlerless moose are available, the remainder will be taken from the bull harvest quota****.)*	
Unit 6 remainder	*No Federal open season*

Existing State Regulation

Unit 6C Moose

Residents ONLY: One bull by permit	*DM167*	*Sept. 1– Oct. 31*

Extent of Federal Public Lands

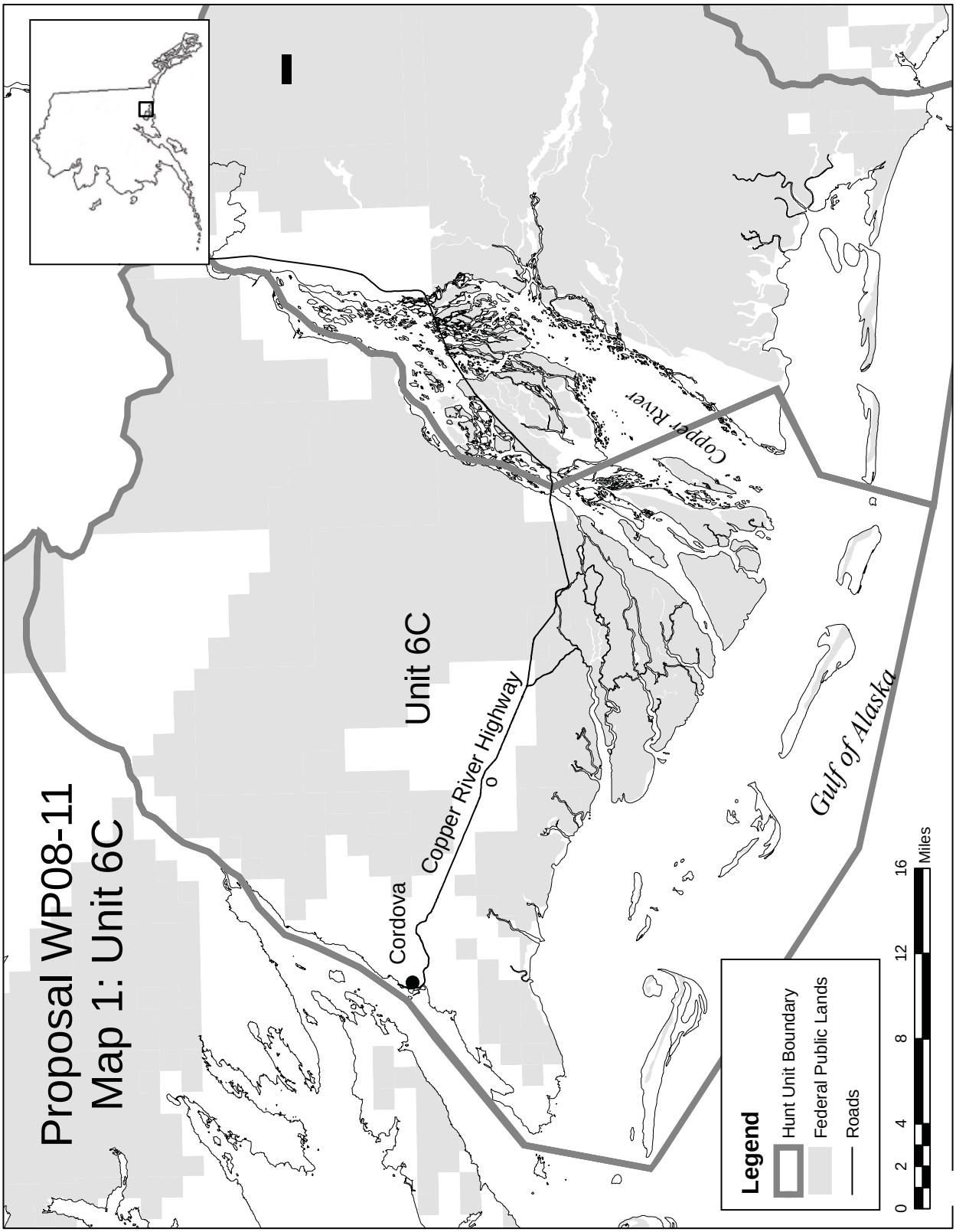
Federal public lands comprise approximately 71% of Unit 6C and consist entirely of National Forest lands (**Map 1**). Additionally, the Copper River Highway provides the primary road access to the west Copper River Delta in Unit 6C. Within moose habitat, the highway passes through approximately 12 miles of Federal public lands and 8 miles of non-Federal lands, meaning that approximately 40% of this road is closed to Federal subsistence hunting.

Customary and Traditional Use Determinations

Rural residents of Units 6A, 6B, and 6C have a positive customary and traditional use determination for moose in Units 6B and 6C.

Regulatory History

The first moose hunt in Unit 6 was held in 1960 and hunts have occurred annually since 1962. Beginning in 1984, moose harvest in Unit 6C was changed from a registration hunt to a drawing permit (Stratton 1989). Prior to 2000, under State regulation, State residents could take one moose by drawing permit in Unit 6C from September 1–October 31. In 2000, the Federal Subsistence Board (Board), acting on the recommendation of the Southcentral Subsistence Regional Advisory Council (Council), approved five Unit 6C cow permits (or 100% of the allowable harvest for cows in Unit 6C) for the Federal subsistence program (WP00-17). The rest of the State-managed moose harvest was left in place for both Units 6B and 6C. It was thought at the time that no meaningful preference would be gained for qualified rural residents,


Proposal WP08-11
Map 1: Unit 6C
Unit 6C
Cordova
Copper River Highway
Copper River
Gulf of Alaska
Legend
Hunt Unit Boundary
Federal Public Lands
Roads
0 2 4 8 12 16
Miles

since most of the State draw permits for Unit 6C were going to Cordova residents and the majority of the state registration harvest in Unit 6B was being taken by Cordova residents.

In 2002, following a season where approximately 50% of the State draw permits for moose in Unit 6C went to Alaska residents outside of Cordova, the Board received a proposal requesting 100% of the bull moose harvest in Unit 6C become Federal subsistence draw permits. The Board, again acting on recommendations of the Council, provided Federal permits for the harvest of 75% of the allowable bull moose harvest quota, in addition to the cow moose harvest allocation for Unit 6C. This harvest allocation reflects land ownership within Unit 6C which consists of approximately 30% non-Federal lands, meaning that if all moose harvest in Unit 6C was moved into Federal subsistence management, a large section of the Delta would be closed to all moose harvest, including a significant portion of the road accessible area. As a result, in Unit 6C, hunters currently have the opportunity to harvest moose on Federal public lands under both the State and Federal seasons and on private and other non-Federal lands under the State season. In 2007, a proposal to change the term "cow" moose to "antlerless" moose in Federal regulations was adopted to minimize confusion and enforcement problems.

Biological Background

The moose population in Unit 6 originated from 24 moose calves that were transplanted to the west Copper River Delta from 1949 through 1958, in a cooperative effort of the Cordova Chapter of the Isaac Walton League, other local citizens, and the USFWS (Nowlin 1998). This introduced population expanded rapidly eastward, reaching a record high of 1,600 moose in 1988 (Griese 1990).

During the 1990s, the State's Copper River-Prince William Sound Fish and Game Advisory Committee, local residents, and ADF&G developed a Cooperative Moose Management Plan. The Plan encompassed long-term needs of the community (Cordova), population biology, maximum hunting opportunity, and variable access in Unit 6. The current management strategies in Unit 6 are a direct result of this Moose Management Plan. Current cooperative moose management objectives are to maintain a post-hunting population of 400 moose by 2006 with a minimum bull:cow ratio of 15:100 for Unit 6C (Nowlin1998). Moose numbers in Unit 6C have increased since implementation of the Plan, reaching a historic high of 560 moose in 2006–07, allowing for the largest harvests ever from that unit (**Figure 1**) (Crowley 2007). Moose in Unit 6C are near the estimated carrying capacity for severe winters and the habitat generally appears to be in good condition, except in parts of the high density, core wintering area where vegetation was heavily browsed in March 2007 (Crowley 2007).

Harvest History

Because of relatively easy access to Unit 6C, especially by road and airboat, hunter success is nearly 100% for moose permit holders. Moose harvest averaged approximately 20 bull moose and 5 cow moose while the population was increasing. The harvest has been greater in the last 3 years as a result of the increased moose population. In 2006, a total of 35 bull moose permits and 40 cow moose permits were issued for Unit 6C, including a Federal subsistence allocation of 26 bulls and 40 cows. In 2007, a total of 72 bull moose permits and 50 antlerless moose permits were issued for Unit 6C including a Federal subsistence allocation of 54 bulls and 50 antlerless moose. The hunt is extremely popular with over 900 qualified rural residents applying for the 104 Federal subsistence permits in 2007.

Other Alternatives Considered

Given that the demand for moose permits by qualified subsistence users exceeds supply in Unit 6C, an alternative to WP08-11 would be to have the entire moose harvest quota for 6C allocated to Federal

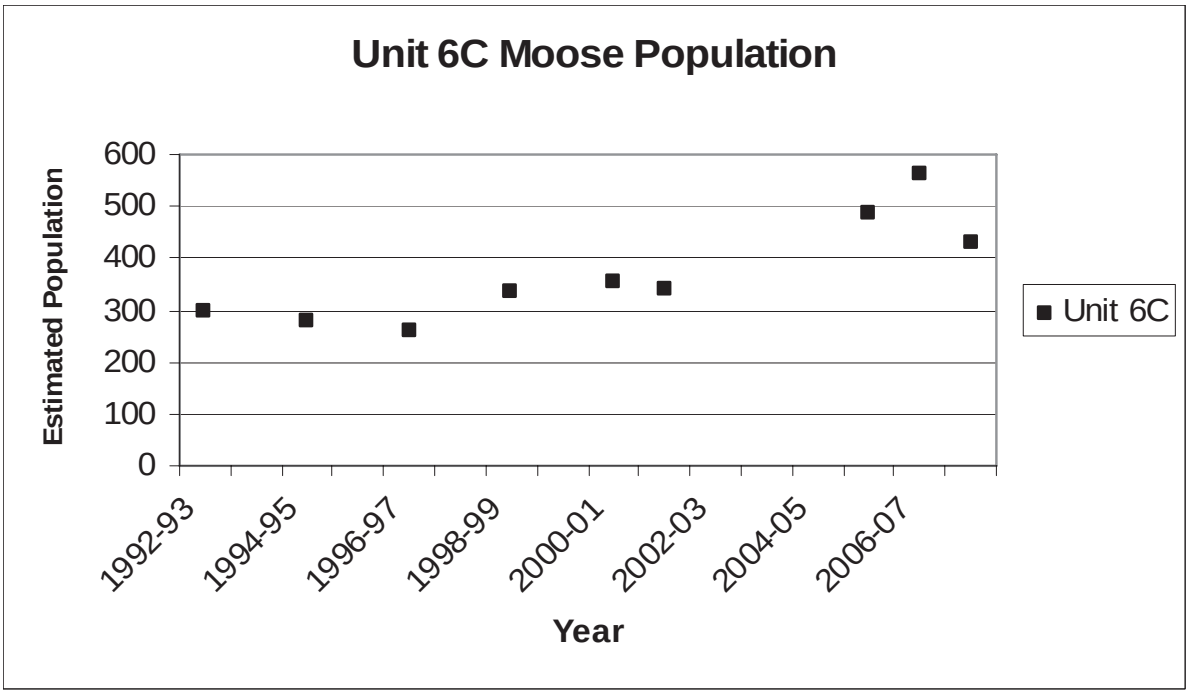


Figure 1. Moose population in Unit 6C.

subsistence users. Another alternative would be to split the antlerless moose harvest allocation in Unit 6C to 75% for the Federal Subsistence program and 25% for the State program, as is done with the bull moose harvest. This could increase harvest opportunity along the Copper River Highway.

Effects of the Proposal and Other Alternatives Considered

Currently, demand for moose in Unit 6C exceeds the number of moose that can be harvested. Proposal WP08-11 would result in fewer moose permits for qualified Federal subsistence users of Cordova. Assuming that the proposed Federal allocation of 30 moose could be met under the allowable antlerless harvest, based on previous State drawing permit results, 33% of the bull moose harvest could go to non-qualified subsistence users. For example, if the bull harvest quota was set at 50, 17 bull moose could go to non-Federally qualified users.

ANILCA Title VIII §804 states that the "...taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes". This priority is largely provided by the current allocation of Federal and State moose permits in Unit 6C. Qualified rural residents receive all of the Federal harvest allocation, and through the State's random drawing, on average, 67% of the State allocation of bull moose permits in Unit 6C. Since the State bull moose harvest allocation is currently 25% of the allowable harvest, based on previous State drawing permit results, likely 8% of the total bull moose harvest allocation (4 permits if the total allowable bull harvest is 50) would go to non-Federally qualified users.

Moving all of the Unit 6C moose harvest into the Federal Subsistence program would increase the number of moose going to Federally qualified subsistence users, but would have an undesirable effect as well. For the same reasons discussed when the Unit 6C moose proposals were considered in 2000 and 2002, this would effectively close a significant portion of the unit (non-Federal lands) to all moose harvest.

Eight miles of the Copper River Highway (or approximately 40%) pass through these non-Federal lands, limiting opportunity for those whose only form of hunting transportation is highway vehicles.

Splitting the antlerless moose harvest allocation in Unit 6C to 75% for the Federal subsistence program and 25% for the State program, as is done with the bull moose harvest quota, would ensure that the harvest is distributed across Federal and non-Federal lands, as well as continue a priority for qualified subsistence users. This would increase the opportunity to harvest an antlerless moose along the road system for those hunting under a State permit, but by reducing the Federal allocation, could open for consideration the "No Federal open season" language in other parts of Unit 6.

OSM CONCLUSION

Oppose Proposal WP08-11.

Justification

Demand for moose by Federally qualified subsistence users in Unit 6C greatly surpasses the number of moose available for harvest, even with the increased harvest quota in the last several years. Proposal WP08-11 would reduce the number of moose available to Federally qualified users and would be inconsistent with the subsistence priority required by ANILCA section 804. A fixed allocation of 30 moose, as recommended by the proponent, does not allow for fluctuations in the moose population, or increased harvest, as has occurred recently in Unit 6C.

Alternatives to the proposal have been considered but both have drawbacks. Allocating 100% of the available moose harvest allocation to Federally qualified subsistence users, thereby eliminating hunting on non-Federal lands in Unit 6C, would result in diminished hunting opportunity along the Copper River Highway. Splitting the antlerless moose harvest in Unit 6C to 75% Federal and 25% State, as is done for bull moose, would result in the ability for those hunting under a State permit to take antlerless moose along the Copper River Highway, however, could open for consideration by the Federal subsistence program, other parts of Unit 6 in the future.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-11

The Interagency Staff Committee (ISC) found the staff analysis for Proposal WP 08-11 to be a thorough and accurate evaluation of the proposal and that it provides a sufficient factual basis for the Regional Council recommendation and Federal Subsistence Board action on the proposal.

The Interagency Staff Committee has the following comments which may be helpful during Board deliberation:

Among others, the State makes two main arguments: 1) that the Board needs to determine how many moose in Unit 6 are necessary to provide for subsistence uses by Cordova residents, and 2) based on moose harvest trends among Federally qualified subsistence users and based on projected harvests under the proposed change in allocation, adoption of this proposal would have no negative impacts on subsistence users. The Interagency Staff Committee, along with the Southcentral Alaska Subsistence Regional Advisory Council (SCRAC), believes that the State's arguments are wrong.

The Federal Program is under no obligation to quantify the numbers of moose necessary for Cordova residents. ANILCA provides for a subsistence take priority on public lands over take for other purposes. There is no cap set on the amount of take. Even if there were a cap, Cordova residents request far more permits to harvest moose in Unit 6C than are available. Unit 6C moose harvest in 2007 was at an all-time high because of high moose survey counts and management's need to reduce the moose population to the habitat's long-term carrying capacity. It is unlikely that more permits will be available in the future. It is clear that when over 900 people, representing 500 or more households, apply for a Federal permit in Unit 6C, and only approximately 100 permits are available (for each of which there is almost guaranteed success to harvest a moose), that the moose available under current regulation should be provided to Federally qualified subsistence users consistent with ANILCA § 804.

The Interagency Staff Committee brings to the Board's attention that Unit 6 moose regulations are anomalous. In most areas of the State, Federal lands in Unit 6C would be closed to non-Federally qualified subsistence users because the harvestable surplus of moose is insufficient to meet subsistence demand. However, rather than close Federal lands, a workable solution has been established, based on recommendation of the SCRAC, for distributing the available moose permits. Also unusual – Units 6A and 6B are closed to Federal subsistence moose hunting, although both units include considerable Federal public land and the majority of successful hunters are Federally qualified subsistence users, but hunting moose under State regulation[1]. Federally qualified subsistence users and the SCRAC seem to be supportive of these anomalous characteristics in Unit 6 and support the status quo.

1 90% of the available quota in Unit 6B and 68% in Unit 6A-west are taken by Federally qualified subsistence users (ADF&G, 2007: this wildlife proposal, WP08-11, as received from ADF&G)

Comments WP08-11
April 2, 2008, Page 1 of 1

Alaska Department of Fish and Game
Comments to Federal Subsistence Board

Wildlife Proposal WP08-11: Adjust the number of moose allocated to the federal subsistence moose hunt in Unit 6C.

Introduction: Existing regulations allocate a high percentage of the harvestable surplus of moose in Unit 6C to the federal subsistence hunt, totaling 100% of the antlerless quota and 75% of the bull quota (about 95% of the overall harvest quota). As the moose population has grown in recent years, this formula has resulted in a growing number of moose being set aside for the federal hunt while the population of federally-qualified subsistence users remained constant. This proposal would allocate a specific number of moose (n=30) to the federal hunt instead of a percentage of the harvestable surplus.

Impact on Subsistence Users: Based on moose harvest trends among federally-qualified subsistence users in recent federal and state hunts and based on projected harvests under the proposed change in allocation, adoption of this proposal would have no negative impacts on subsistence users.

Opportunity Provided by State: The state moose hunt in Unit 6C is open to residents only and is administered by drawing permit. One bull may be taken during the September 1 – October 31 season. Federally-qualified subsistence users have obtained an average of two-thirds of the state drawing permits issued annually for this hunt over the past 10 years. Under current regulations, 75% of the harvestable surplus of bulls is allocated to the federal hunt and 25% to the state hunt.

Other Comments: The staff analysis points out several times that demand for moose in Unit 6C by federally-qualified subsistence users greatly exceeds supply. However, it is also true that moose harvests by Cordova residents in Units 6A (West), 6B, and 6C combined have grown steadily over the past 10 years, from 34 in 1997 to 102 in 2006. In Unit 6C during the same 10-year period, Cordova residents harvested a low of 15 moose in 2001 and a high of 73 in 2006.

Recommendation: Adopt. This proposal illustrates the fundamental process issue of the need for the Federal Subsistence Board to determine how many moose in Unit 6 are necessary to provide for continued subsistence uses by Cordova residents. Under the current regulatory framework, the number of moose allocated to the federal hunt in Unit 6C will continue to grow unchecked as the moose population increases (although that future growth of this population likely will be limited). This ever increasing allocation has the effect of restricting opportunities for other hunters without first determining the amount reasonably necessary for subsistence and without evaluating unnecessary restrictions on other uses.

WRITTEN PUBLIC COMMENTS

Oppose. The committee, as you may well would expect, had much discussion about this proposal as it deals with a very important subsistence species for Cordova. There was a presentation from the area biologist [ADF&G], describing the intent of the states proposal. He provided excellent data, and there was considerable debate. After hearing and considering all of the information, the committee voted 11–3 to reject the states proposal. The major concern was that there are a limited number of moose available for harvest under the current management plan, and with an extremely high proportion of Cordova residents requesting participation in this drawing hunt, the feeling was that giving back to the state would limit Cordova residents' ability to fulfill there subsistence need. *Submitted by Copper River/PWS Fish and Game Advisory Committee.*

WP08-14 Executive Summary	
General Description	Proposal WP08-14, submitted by Dean Wilson, requests a change in brown bear salvage requirements for brown bear harvested under Federal subsistence regulations in Unit 11. Proposal WP08-14 requests that only the hide and skull of a brown bear must be salvaged for the duration of the season. *Submitted by Dean Wilson*
Proposed Regulation	*§__.25(j)(2) If you take wildlife for subsistence, you must salvage the following parts for human use:* *(i) the hide of a wolf, wolverine, coyote, fox, lynx, marten, mink, weasel, or otter;* *(ii) The hide and edible meat of a brown bear, except that the hide of brown bears taken in Units 5, 9B, 17, 18, portions of 19A and 19B, 21D, 22, 23, 24, and 26A need not be salvaged.* ***In Unit 11, only the hide and the skull of a brown bear must be salvaged;***
Southcentral Regional Council Recommendation	**Support** Proposal WP08-14 **with modification** to require salvage of meat except during the Aug. 10 – Dec. 31 season, but there can still be no sale of skulls or hides, and bear parts cannot be made into handicrafts.
Eastern Interior Regional Council Recommendation	**Support**
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Oppose**
Written Public Comments	**3 Support**

REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-14 **with modification** to require salvage of meat except during the Aug. 10 – Dec. 31 season, but there can still be no sale of skulls or hides, and bear parts cannot be made into handicrafts.

The modified regulation should read:

> **Unit 11—Brown Bear**
> ***In Unit 11, only the hide and skull of a brown bear must be salvaged year round. During the Aug. 10 – Dec. 31 season, the meat does not need to be salvaged, but there can still be no sale of skulls or hides, and no sale of brown bear handicrafts.***

Harvest of brown bear during the spring is a traditional subsistence activity practiced by rural residents of Unit 11 and provides additional opportunity for qualified subsistence users.

The some Council members stated that the proposal sends a mixed message by requiring the salvage of the skin and skull of a brown bear but not allowing the sale of bear handicrafts as requested by WP08-12. Some stated that they felt the proposal was an indirect predator control proposal.

One member abstained from voting, citing there is no conservation concern.

EASTERN INTERIOR ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-14. This proposal would align with existing state regulations which would reduce confusion and the need to know Federal/State land jurisdictions. Passage of proposal 14 would provide additional opportunity under Federal regulations. Based on its action on proposal 14, the Council took no action on proposal 13.

STAFF ANALYSIS
WP08-14

ISSUES

Proposal WP08-14, submitted by Dean Wilson, requests a change in brown bear salvage requirements for brown bear harvested under Federal subsistence regulations in Unit 11. Proposal WP08-14 requests that only the hide and skull of a brown bear must be salvaged for the duration of the season.

DISCUSSION

The current Federal season for brown bear in Unit 11 runs from August 10 to June 15, with a harvest limit of one bear. The proponent of WP08-14 states that "… traditionally, the local Ahtna people have not harvested brown bear meat for…human consumption. The hide and other parts have been traditionally used for clothing, handicrafts, tools and for making other traditional items."

Section 803 of the Alaska National Interest Lands Conservation Act (ANILCA) provides the basis for Federal subsistence regulations. Section 803 specifically notes that under ANILCA, resources are to be "… harvested for consumption as food, shelter, fuel, clothing, tools, or transportation" (ANILCA Section 803). Harvesting bear for use as clothing, handicrafts, tools and other items, as suggested by the proponent of WP08-14, is consistent with ANILCA Section 803, if the uses are customary and traditional. However, in the case of Unit 11, it does not appear to be nor have been customary and traditional practice to harvest brown bears only for their skulls and hide at any time of the year.

Existing Federal Regulation

General Provisions

§__.25(j)(2) If you take wildlife for subsistence, you must salvage the following parts for human use:

(i) the hide of a wolf, wolverine, coyote, fox, lynx, marten, mink, weasel, or otter;

(ii) The hide and edible meat of a brown bear, except that the hide of brown bears taken in Units 5, 9B, 17, 18, portions of 19A and 19B, 21D, 22, 23, 24, and 26A need not be salvaged;

Proposed Federal Regulation

§__.25(j)(2) If you take wildlife for subsistence, you must salvage the following parts for human use:

(i) the hide of a wolf, wolverine, coyote, fox, lynx, marten, mink, weasel, or otter;

(ii) The hide and edible meat of a brown bear, except that the hide of brown bears taken in Units 5, 9B, 17, 18, portions of 19A and 19B, 21D, 22, 23, 24, and 26A need not be salvaged. ***In Unit 11, only the hide and the skull of a brown bear must be salvaged;***

State Regulations

State of Alaska brown bear hunting regulations in Unit 11 are more liberal than in many other areas of the state. In Unit 11, the brown bear hunting season is August 10 to June 15 for both residents and nonresidents, with a harvest limit of one brown bear every regulatory year. Brown bear hunters are not required to salvage the meat of bears taken in Unit 11, although the skull and hide must be sealed within 30 days of the kill. Brown bear sealing regulations require that a hunter keep the skin and the skull of the bear (with evidence of sex attached), and, within 30 days, have a state official stamp a seal on these parts. At sealing, the official obtains a tooth from the skull and the hunter signs the sealing certificate [5 AAC 92.165].

Extent of Federal Public Lands

Federal public lands comprise approximately 81% of Unit 11 and consist of 79% NPS lands (73% Wrangell St. Elias National Park and 27% Wrangell St. Elias National Preserve), and 2% Chugach National Forest lands (See **Unit 11 map).**

Customary and Traditional Use Determinations

Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Units 11 and 12 have a positive customary and traditional use determination for brown bear in Unit 11 north of the Sanford River. Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, Tazlina, Tonsina, and Unit 11 have a positive customary and traditional use determination for brown bear in Unit 11 remainder.

Cultural Issues

Please refer to the Cultural Issues section in WP08-13

Regulatory History

Please refer to the Regulatory History section in WP08-13.

Effects of the Proposal

It is difficult to anticipate the effects of the adoption of this proposal, although given that State regulations currently do not require the salvage of brown bear meat, if adopted, this proposal is not likely to increase harvests. However, it does not appear that this proposal reflects customary and traditional uses of brown bears in Unit 11 or the Southcentral region.

OSM CONCLUSION

Oppose Proposal WP08-14.

Justification

In reviewing the ethnographic literature and Southcentral Regional Advisory Council discussions on proposals WP02-01 and WP08-13/14, no evidence was found to suggest that it was nor is customary and traditional to harvest brown bears only for their skulls and hides in Unit 11.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-14

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Councils to be consistent with ANILCA Section 805(c).

Comments on WP08 14
April 3, 2008, Page 1 of 1

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP08-14: WP08-14 liberalizes the brown bear salvage requirements in Game Management Unit 11.

Introduction: Federal subsistence regulations require that the edible meat of harvested brown bears must be salvaged for human use. This proposal would remove this requirement in Unit 11 for the entire season, August 10 – June 15. The proponents state that brown bears traditionally were not harvested for their meat in this area and that the meat of brown bears is inedible during the fall when brown bear diet consists primarily of salmon.

Impact on Subsistence Users: Both federally-qualified and state subsistence users may harvest brown bears on state land and on federal land outside of Wrangell-St. Elias National Park in Unit 11 under state regulations from August 10 to June 15 and are not required to salvage the meat. Very few brown bears are harvested in Unit 11 under either federal or state regulations, so an exception to the statewide requirement in the federal regulations that the edible meat of brown bears be salvaged is unnecessary.

Opportunity Provided by State: State regulations do not require the salvage of meat from brown bears harvested in Unit 11, but the hide and skull must be sealed. The 10-month season and one brown bear per year harvest limit apply to all federal lands in Unit 11 except for the Wrangell-St. Elias National Park.

Recommendation: Oppose. The statewide federal subsistence regulations require that the edible meat of brown bears be salvaged in all areas of the state. If federally-qualified subsistence users want to harvest brown bears and not salvage the edible meat, state regulations provide that opportunity during a long season (August 10 – June 15) and with a one brown bear per year bag limit. The small number of brown bears harvested in Unit 11 under the federal regulations does not warrant making an exception to a statewide requirement.

WRITTEN PUBLIC COMMENTS

WP08-14

Support. The Copper River Native Association support the salvage of only the hide and skull in Unit 11 given that very few people hunt in Unit 11 due to its accessibility, in addition to the predator rate in Unit 11 upon calves of moose and caribou. *Submitted by Copper River Native Association.*

Support. We support WP08-14 to salvage only the hide and skull of brown bear in Unit 11, since very few people hunt in Unit 11 due to its accessibility, and due to the predator rate in Unit 11 upon calves of moose and caribou. *Submitted by AHTNA Inc.*

Support. Wrangell-St. Elias National Park Subsistence Resource Commission supports the proposal as written. The vote on this proposal was three in favor and two opposed with two abstentions. *Submitted by Wrangell-St. Elias National Park Subsistence Resource Commission*

WP08-16 Executive Summary	
General Description	Proposal WP08-16 requests changing the Unit 11 Federal subsistence mountain goat season dates from August 25–December 31 to August 10–December 31. *Submitted by Dean Wilson Jr.*
Proposed Regulation	**Unit 11 — Mountain goat** ~~*Aug. 25*~~ ***Aug. 10–****Dec. 31* *Unit 11 — that portion within the Wrangell-St. Elias National Park and Preserve — 1 goat by Federal registration permit only. The Wrangell-St. Elias National Park and Preserve Superintendent will close Federal public lands to the harvest of goat when a total of 45 goats have been harvested between Federal and State hunts.*
Southcentral Regional Council Recommendation	**Support**
Eastern Interior Regional Council Recommendation	**Support**
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Support** Proposal WP08-16 **with modification** to exclude the hunt area in which the mountain goat season opens on August 10 in that portion of Unit 11 north of the Chitina River and west of the Kennicott River.
Written Public Comments	**2 Support** **2 Support with modification**

REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-16. There are no biological concerns for the mountain goat population in Unit 11. Aligning the goat season with the sheep season will allow Federally qualified subsistence users additional opportunity to hunt goat and sheep in Unit 11.

EASTERN INTERIOR ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-16. There are no current conservation concerns for mountain goats in Unit 11 and current harvest levels are way below the harvest objective of less than 10 percent.

STAFF ANALYSIS
WP08-16

ISSUES

Proposal WP08-16, submitted by Dean Wilson Jr., requests changing the Unit 11 Federal subsistence mountain goat season dates from August 25–December 31 to August 10–December 31.

DISCUSSION

The proponent for WP08-16 states that beginning the mountain goat hunting season on August 10, thereby aligning it with the beginning of the sheep season, would provide more opportunity for Federally qualified subsistence hunters. The proponent also states that many subsistence hunters are in the field before August 25 to make sure they do not get caught in snowstorms. The proponent states that there is very little hunting pressure on mountain goats in Unit 11 at this time, and that if there is an increase in hunting pressure the established quota would take effect.

Existing Federal Regulation

Unit 11 — Mountain goat

Unit 11 — that portion within the Wrangell-St. Elias National Park and Preserve — 1 goat by Federal registration permit only. The Wrangell-St. Elias National Park and Preserve Superintendent will close Federal public lands to the harvest of goat when a total of 45 goats have been harvested between Federal and State hunts.	*Aug. 25–Dec. 31.*

Proposed Federal Regulation

Unit 11 — Mountain goat

Unit 11 — that portion within the Wrangell-St. Elias National Park and Preserve — 1 goat by Federal registration permit only. The Wrangell-St. Elias National Park and Preserve Superintendent will close Federal public lands to the harvest of goat when a total of 45 goats have been harvested between Federal and State hunts.	*~~Aug. 25~~* ***Aug. 10–****Dec. 31*

Existing State Regulation

Unit 11—Mountain goat

One goat by registration permit available in person in Anchorage, Fairbanks, Palmer, or Glennallen, or by mail from Glennallen beginning Aug. 2.	*Sept. 1–Nov. 30*

Extent of Federal Public Lands

Approximately 81% of the lands in Unit 11 are Federal public lands, in which Wrangell-St. Elias National Park and Preserve (WRST) administers 79%; approximately 2% of the lands are administered by the U.S. Forest Service (USFS) (**Unit 11 map**).

Customary and Traditional Use Determinations

Residents of Unit 11, Chitina, Chistochina, Copper Center, Gakona, Glennallen, Gulkana, Mentasta Lake, Slana, Tazlina, Tonsina, and Dot Lake have a positive customary and traditional use determination for mountain goats in Unit 11.

Regulatory History

The Alaska Department of Fish and Game (ADF&G) began collecting mountain goat harvest information in 1972. Harvests prior to this time were probably very low (Tobey 2004), as they are today. The season length and harvest limit were reduced in the mid-1970s because of an increase in hunting pressure and harvest. Since 1980, the State hunt has been administered by registration permits. Beginning in 1989, guides were required for all non-resident mountain goat hunters. The Federal subsistence registration permit system hunt began in 1998 when the Federal Subsistence Board determined that there was subsistence use of mountain goats by local rural residents in WRST. An August 25–December 31 season was established for residents of Unit 11 and a list of named communities, with a one goat harvest limit and harvest quota of 45 total mountain goats for the State and Federal seasons combined. The use of aircraft is prohibited by Federally qualified subsistence users hunting under Federal regulations within the park (36 CFR §13.450).

Biological Background

The ADF&G estimates that approximately 700 mountain goats inhabit the southern Wrangell and Chugach Mountains in Unit 11, which contains 12,784 mi^2 (Tobey 2004). Population information is collected annually from one aerial trend survey area located at MacColl Ridge, which lies north of the Chitina River in southeast Unit 11. Additional mountain goat population data are occasionally collected during aerial surveys for Dall sheep. The estimated mountain goat population on MacColl Ridge has ranged from 54 to 74 goats with an average of 65 from 1998–2007. Most goats are believed to be accounted for on the exposed cliffs when this trend area is flown; however, biologists acknowledge that goats often take refuge in caves or are hidden by heavy brush. The 1998–2007 average kid:adult ratio is 23 kids:100 adults; kids made up approximately 19% of the population on MacColl Ridge over this time period. There are currently no conservation concerns for mountain goats in Unit 11.

Harvest History

The ADF&G management objective is to maintain a harvest of less than 10% of the estimated mountain goat population in Unit 11. Since 1998, an average of 9.4 mountain goats has been taken annually by an average of 51 hunters during the State registration hunt (**Table 1**) (ADF&G 2007). During this same time period, an average of 2 mountain goats has been taken by an average of 29 Federally qualified subsistence users each year hunting under Federal regulations for a total combined average annual take of 11.4 mountain goats (**Table 2**) (OSM 2007). State and Federal hunters together are harvesting on average less than 2% of the total mountain goat population in Unit 11 annually, well below ADF&G's harvest

Table 1. Unit 11 State mountain goat harvest, 1998–2007. Data from ADF&G harvest ticket report on-line database (ADF&G 2007).

Regulatory Year	Permits Issued	% did not hunt	% Hunters unsuccessful	% Hunters Successful	Males	Females	Total Harvest
1998–1999	48	37	26	37	12	5	17
1999–2000	54	37	40	23	9	3	12
2000–2001	39	54	31	15	6	0	6
2001–2002	54	40	37	20	4	7	11
2002–2003	50	44	48	8	3	1	4
2003–2004	54	25	56	19	7	3	10
2004–2005	56	56	33	11	5	1	6
2005–2006	44	25	48	27	11	1	12
2006–2007	35	46	37	17	6	0	6
2007–2008	74	42	44	14	9	1	10
Total	**508**	**—**	**—**	**—**	**72**	**22**	**94**
Average	**51**	**31**	**51**	**18**	**7.2**	**2.2**	**9.4**

Table 2. Unit 11 Federal subsistence mountain goat harvest, 2003–2007. Data from OSM Federal subsistence permit database for Federal subsistence permit hunt RG110 (OSM 2007).

Regulatory Year	Permits Issued	Hunters reported that did not hunt[a]	% Hunters unsuccessful	% Hunters Successful	Males	Females	Total Harvest
1998–1999	3	2 (67)	33	0	0	0	0
1999–2000	15	3 (20)	80	0	0	0	0
2000–2001	20	12 (60)	30	10	1	1	2
2001–2002	30	11 (37)	60	3	1	0	1
2002–2003	32	8 (25)	66	9	3	0	3
2003–2004	50	21 (42)	48	10	5	0	5
2004–2005	39	21 (54)	38	8	3	0	3
2005–2006	41	22 (54)	39	7	0	3	3
2006–2007	38	19 (50)	45	5	2	0	2
2007–2008[b]	56	8 (14)	82	4	1	1	2
Total	**292**	**127 (43)**	**—**	**—**	**16**	**5**	**21**
Average	**29**	**43**	**50**	**7**	**1.6**	**0.5**	**2**

[a] Percent of hunters in parentheses.

[b]All reports not yet accounted for.

objective. The average success rate for Federally qualified subsistence mountain goat hunters has been around 7%; hunters hunting under State regulations have an average success rate of 18%.

Hunters successfully harvesting mountain goats under State regulations spend an average of four to five days in the field (Tobey 2004). Federal subsistence hunters spend on average three to four days. The primary method of access by successful hunters hunting under State regulations is by airplane (84%), most of which are non-residents (63%) hunting with guides. Over the long-term, non-local residents have taken approximately 17% of the mountain goats harvested annually, while local rural residents have taken about 18%. Approximately 6% of the successful mountain goat hunters in Unit 11 access hunting areas via highway vehicle; 5% by boat; 2% by 4-wheeler; and 1% on foot (Tobey 2004).

Effect of the Proposal

Changing the Unit 11 Federal subsistence mountain goat season dates from August 25–December 31 to August 10–December 31 would lengthen the Federal subsistence season by 15 days at the beginning of the season. It would also align the mountain goat season with the start of both the State and Federal sheep hunting seasons, allowing Federally qualified subsistence hunters to hunt mountain goats and Dall sheep at the same time and during the most accessible part of the season.

If WP08-16 is adopted, a small increase in the total harvest may result because mountain goats are typically more successfully hunted during the early part of the season when the precipitous terrain that they inhabit is easier and safer to access.

Unit 11 is remote and mountain goat habitat is difficult to access, and few individuals are eligible—and fewer still choose—to hunt under Federal subsistence regulations. On average, 29 Federally qualified subsistence users harvest an average of two mountain goats per year. The current State registration permit harvest combined with the Federal subsistence mountain goat harvest has on average taken approximately 25% of the Unit 11 annual harvest quota of 45 animals. This quota is unlikely to be exceeded at the hands of Federally qualified subsistence users because few individuals hunt mountain goats, and Federal regulations prohibit the use of aircraft for subsistence hunting in the park (CFR 36 §13.450).

OSM CONCLUSION

Support proposal WP08-16.

Justification

Mountain goats are difficult to hunt in Unit 11 because their habitat is remote and difficult to access. Consequently, few Federally qualified subsistence users pursue them. Federally qualified subsistence hunters take an average of two mountain goats per year, or 4% (2 of 45) of the total mountain goat harvest quota in Unit 11 under Federal subsistence management regulations. The average total State and Federal annual mountain goat harvest in Unit 11 is 11.4 animals per year, less than 25% of the harvest quota (n=45) established for the unit. The Federal subsistence harvest may increase a small amount if the season is lengthened as proposed. There are currently no conservation concerns for mountain goats in Unit 11.

LITERATURE CITED

ADF&G. 2007. Mountain goat harvest database. Microcomputer database, updated December 2007.

OSM. 2007. Federal subsistence permit harvest database. Microcomputer database, updated December 2007.

Tobey, R. 2004. Unit 11 Mountain goat management report. Pages 138–145 *in* C. Brown ed. Mountain goat management report of survey and inventory activities 1 July 2001–30 June 2003. ADF&G Fed. Aid in Wildl. Rest. Prog. Rep. Grants W-27-5 and W-33-1, Project 9.0 Juneau, AK. 164 pages.

INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-16

The Interagency Staff Committee (ISC) found the staff analysis to be a thorough and accurate evaluation of the proposal and provides sufficient factual basis for the Regional Council recommendations and Federal Subsistence Board actions on the proposal.

The ISC has reviewed the Wrangell-St. Elias Subsistence Resource Commission and the Alaska Department of Fish & Game comments regarding the possibility of localized overharvest occurring if this proposal were supported. More specifically, a concern about increased localized harvest in the road accessible portion of Unit 11 has been discussed. Additionally, this proposal will result in the alignment of the opening of the Mountain goat season with that of the existing Dall sheep season, thereby providing Federally qualified hunters the opportunity to take either or both species during the same hunt. Most subsistence hunters access the unit with a motor vehicle and are therefore concentrated along the McCarthy Road. Therefore the ISC suggests that the Board discuss the concept of limiting the season extension to only a portion of Unit 11, that portion being the lands south of the Chitina River and east of the Kennicott River so as to reduce the possibility of localized overharvest. The Board could also look at other alternative harvest management strategies, such as used in Subunit 6D, where a harvest quota has been established for Subunit 6D sub-areas.

Comments on WP08-16
April 10, 2008, Page 1 of 1

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP08-16: Lengthen the hunting season for mountain goat in a portion of Game Management Unit 11 by opening the federal season to coincide with the federal sheep season on August 10, which is 15 days earlier than the current federal goat season opening on August 25. The federal goat season opens a week earlier than the state season, which begins September 1.

Introduction: This proposal requests that the mountain goat season in Unit 11 be opened on August 10 instead of August 25 in order to align it with the season opening date for the state's general sheep hunt in Unit 11 and provide more hunting opportunity for federally-qualified subsistence users.

Impact on Subsistence Users: Adoption of this proposal would provide additional goat hunting opportunity in the short term for subsistence users in that portion of Unit 11-within the Wrangell-St. Elias National Park and Preserve by opening the season on August 10 instead of August 25. However, if this proposal is adopted and harvests substantially increase, restrictions on goat hunting may be necessary in the long-term.

Opportunity Provided by State: State regulations authorize the harvest of one goat by registration permit in Unit 11 during a September 1 – November 30 season.

Conservation Issues: Unit 11 supports the northernmost mountain goat population in Alaska, and conservative management is necessary. Most of the accessible goat hunting areas are marginal goat habitat, and goat numbers are low in these areas. Only about half the goats in Unit 11 are found in areas accessible to hunters. Implementing an earlier federal season would subject goat populations in some of these accessible areas, where local residents also hunt Dall sheep, to overharvest. An earlier season opening would encourage the incidental harvest of goats by federally-qualified subsistence users who fail to harvest Dall sheep and are not specifically targeting goats. Better weather conditions earlier in August also may facilitate higher harvests in easily accessible areas. For example, goat numbers are low but very accessible in the Kotsina-Kuskulana area and would be vulnerable to overharvest.

Enforcement Issues: Differences in state and federal regulations create enforcement problems in areas of mixed land ownership.

Recommendation: Adopt the proposal as modified by the Wrangell-St. Elias Subsistence Resource Commission to exclude from the hunt area in which the mountain goat season opens on August 10 that portion of Unit 11 north of the Chitina River and west of the Kennicott River. This resolves the Department's concerns about goats being taken opportunistically in areas easily accessed by sheep hunters. However, this expanded season is not necessary to provide opportunity for subsistence uses of mountain goat by federally-qualified subsistence users on federal lands in Unit 11. Oppose the original proposal, which will potentially subject goat populations in road accessible areas to overharvest and require inseason reporting, monitoring, and closures for conservation purposes.

WRITTEN PUBLIC COMMENTS

Support. We support WP08-16 to increase Unit 11 goat season by 15 days; this will allow Federally qualified subsistence users greater opportunity to hunt goat and sheep in Unit 11 at the same time. *Submitted by AHTNA Inc.*

Support. Increasing the Unit 11 goat season by 15 days, August 10–December 31, will allow the Federally qualified subsistence users greater opportunity to hunt goat and sheep in Unit 11 simultaneously. *Submitted by Copper River Native Association*

Support with modification. Wrangell-St. Elias National Park Subsistence Resource Commission supports the proposal with the modification that the season extension not apply to those lands in Unit 11 that are north of the Chitina River and west of the Kennicott River. While the SRC generally supports the interest of subsistence users in being able to harvest goats earlier in the season, it believes that the season extension would result in a conservation concern in road-accessible areas of the unit, where goat numbers are low and hunting pressure is highest. For that reason, it voted to amend the proposal to exclude such areas. *Submitted by Wrangell-St. Elias National Park Subsistence Resource Commission*

Support with modification. Support unanimously with amendment to cut out that portion of GMU 11 north of the Chitna River and West of the Kennicott River. *Submitted by Upper Tanana 40-Mile Fish & Game Advisory Committee*

WP08-17/18 Executive Summary		
General Description	Proposal WP08-17 and WP08-18 request that the late fall Federal moose season in Units 15B and 15C be eliminated. *Submitted by the Alaska Department of Fish and Game (WP08-17) and Lee A. Martin (WP08-18)*	
Proposed Regulation	*Unit 15A remainder, 15B, and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.*	*Aug. 10 – Sept. 20*
	~~*Units 15B and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only. The Kenai NWR Refuge Manager is authorized to close the October/November season based on conservation concerns, in consultation with ADF&G and the Chair of the Southcentral Alaska Subsistence Regional Advisory Council.*~~	~~*Oct. 20 – Nov. 10*~~
Southcentral Regional Council Recommendation	**Oppose**	
Interagency Staff Committee Comments	*See Comments following the analysis.*	
ADF&G Comments	**Support**	
Written Public Comments	**1 Support**	

REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposals WP08-17/18. The Federal Subsistence Board authorized the hunts in Unit 15B and 15C. The National Wildlife Refuge manager has the authority to close the hunt in consultation with the Regional Advisory Council and State of Alaska area biologist. Reporting requirements allows the refuge manager the ability to address any conservation concerns that may develop during the late hunting season.

STAFF ANALYSIS
WP08-17/18

ISSUES

Proposal WP08-17, submitted by the Alaska Department of Fish and Game (ADF&G) and Proposal WP08-18, submitted by Lee A. Martin, request that the late fall Federal moose season in Units 15B and 15C be eliminated. The proposals have been combined for analysis.

DISCUSSION

Proponents of both proposals request that the October 20–November 10 moose season, adopted by the Federal Subsistence Board in 2006, be eliminated. The proponents state that elimination of the late fall Federal hunt is necessary because it could disrupt and displace rutting bulls, causing long-term detrimental effects to the sustainability of the population. The proponents further state that elimination of the hunt would help ensure proper management of the moose populations in Units 15B and 15C.

Existing Federal Regulations

Unit 15 — Moose

Unit 15A remainder, 15B, and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.	*Aug. 10 – Sept. 20*
Units 15B and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only. The Kenai NWR Refuge Manager is authorized to close the October/November season based on conservation concerns, in consultation with ADF&G and the Chair of the Southcentral Alaska Subsistence Regional Advisory Council.	*Oct. 20 – Nov. 10*

Proposed Federal Regulation

Unit 15 — Moose

Unit 15A remainder, 15B, and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.	*Aug. 10 – Sept. 20*
~~*Units 15B and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only. The Kenai NWR Refuge Manager is authorized to close the October/November season based on conservation concerns, in consultation with ADF&G and the Chair of the Southcentral Alaska Subsistence Regional Advisory Council.*~~	~~*Oct. 20 – Nov. 10*~~

Existing State Regulations

Unit 15 — Moose

Unit 15A: Skilak Loop Management Area	*No open season*
Unit 15A: east of Mystery Creek Road and the Pipeline Road, and north of the Sterling Highway. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side, by bow and arrow only	*Aug. 10 – Aug. 17*
OR Unit 15A: east of Mystery Creek Road and the Pipeline Road, and north of the Sterling Highway. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side	*Aug. 20 – Sept. 20*
OR Unit 15A: east of Mystery Creek Road and the Pipeline Road, and north of the Sterling Highway. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side, by permit	*Oct. 10 – Nov. 10*
Unit 15A: remainder. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side, by bow and arrow only	*Aug. 10 – Aug. 17*
OR Unit 15A: remainder. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side	*Aug. 20 – Sept. 20*
Unit 15B: that portion bounded by a line running from the mouth of Shantatalik Creek on Tustumena Lake, northward to the headwaters of the west fork of Funny River; then downstream along the west fork of Funny River to the Kenai National Wildlife Refuge boundary; then east along the refuge boundary to its junction with the Kenai River; then eastward along the north side of the Kenai River and Skilak Lake; then south along the western side of Skilak River, Skilak Glacier, and Harding Icefield; then west along the Unit 15B boundary to the mouth of Shantatalik Creek. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side, by permit	*Sept. 1 – Sept. 20*
OR Unit 15B: that portion bounded by a line running from the mouth of Shantatalik Creek on Tustumena Lake, northward to the headwaters of the west fork of Funny River; then downstream along the west fork of Funny River to the Kenai National Wildlife Refuge boundary; then east along the refuge boundary to its junction with the Kenai River; then eastward along the north side of the Kenai River and Skilak Lake; then south along the western side of Skilak River, Skilak Glacier, and Harding Icefield; then west along the Unit 15B boundary to the mouth of Shantatalik Creek.One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side, by permit	*Sept. 26 – Oct. 15*

Unit 15B: remainder. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side, by bow and arrow only	*Aug. 10 – Aug. 17*
OR Unit 15B: remainder. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side	*Aug. 20 – Sept. 20*
Unit 15C: southwest of a line from Point Pogibshi to the point of land between Rocky and Windy Bays. One bull by permit — Residents	*Aug. 20 – Sept. 20*
Unit 15C: southwest of a line from Point Pogibshi to the point of land between Rocky and Windy Bays. Nonresidents	*No open season*
OR Unit 15C: south of the south fork of the Anchor River and northwest of Kachemak Bay. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side	*Aug. 20 – Sept. 20*
OR Unit 15C: south of the south fork of the Anchor River and northwest of Kachemak Bay. One antlerless moose by permit	*Aug. 20 – Sept. 20*
OR Unit 15C: remainder. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side	*Aug. 20 – Sept. 20*

Extent of Federal Public Lands

Federal public lands comprise approximately 53% of the lands In Unit 15: 52% are managed by the Kenai National Wildlife Refuge (NWR) and less than 1% are Kenai Fjords National Park lands, which are not open to subsistence uses (**Unit 15 Map**).

Customary and Traditional Use Determinations

Rural residents of Ninilchik, Nanwalek, Port Graham and Seldovia have a positive customary and traditional use determination for moose in Unit 15.

Regulatory History

In July 1995, the Federal Subsistence Board (Board) adopted a positive customary and traditional use determination for moose for Ninilchik, Nanwalek, Port Graham and Seldovia in Units 15B and 15C. At the same time, the Board authorized an August 10–September 20 season with a spike-fork, 50-inch, or three or more brow tines on at least one antler regulation restriction. This would provide a ten-day opportunity for Federally qualified subsistence hunters prior to the State season opening. At the time it authorized the hunt, the Board deferred making a decision with regard to customary and traditional uses of moose in Unit 15A "because use of this subunit by residents of Ninilchik and Seldovia is extremely low" (60 Fed. Reg. 40462).

Following Board action in 1995, the Ninilchik Traditional Council submitted three proposals dealing with moose in Unit 15. In Proposal 23, the Traditional Council sought to expand the positive customary and traditional use determination for Ninilchik, Nanwalek, Port Graham and Seldovia for moose in Unit 15A. In Proposal 24, the Traditional Council requested a September 11–30 moose season with a one cow harvest limit for all of Unit 15. In Proposal 25, the Traditional Council requested a September 11–30 moose season for all of Unit 15, with a harvest limit of one antlered bull.

The Southcentral Alaska Subsistence Regional Advisory Council supported Proposal 23—the positive customary and traditional use determination in Unit 15A for the four communities; opposed Proposal 24, allowing a cow season; and supported Proposal 25 with modification for an August 15–September 25 season and harvest limit of any bull from August 15–19 and September 21–25, with the spike-fork, 50-inch, or three or more brow tines on at least one antler regulation restriction in affect August 20–September 20. At its May 3, 1996 meeting, the Board rejected all three proposals (FSB 1996*a*).

In January 1996, the Ninilchik Traditional Council filed a complaint in the District Court for Alaska challenging the Board's decision to impose the spike-fork, 50-inch, or three or more brow tines on at least one antler rule on Federally qualified subsistence users, as well as the Board's deferral of a customary and traditional use determination in Unit 15A. On June 13, 1996, the District Court upheld the antler restriction, but remanded the customary and traditional use determination for Unit 15A back to the Board. The Court found that the Board had adequately explained its rationale for making positive customary and traditional use determinations for Units 15B and 15C, but not for Unit 15A.

In July 16, 1996, the Board took up the issue of the remand and was provided additional information on customary and traditional uses of moose in Unit 15A. The Board reversed its May 1996 decision and made a positive customary and traditional use determination for moose in Unit 15A for Nanwalek, Port Graham, Seldovia and Ninilchik. The Board also adopted a moose season in Unit 15A to run August 18–September 20 for one bull moose with the spike-fork, 50-inch, or with three or more brow tines on at least one antler restriction. The Board justified its action as follows:

> *The moose population in Unit 15A is stable at or near the carrying capacity of the habitat. The antler restrictions contained in this proposal should provide adequate protection from over harvest of breeding age bulls. The proposal is anticipated to have no significant impact on the total moose harvest in this unit, and is consistent with the conservation of a healthy moose population (FSB 1996b).*

The Board's decision to change the start of 1995 the season from August 10 to August 18 in Units 15B and 15C reduced the Federal subsistence hunt to 2 days from 10.

The Kenai Peninsula Outdoor Coalition submitted Request for Reconsideration (RFR) 96-01 on July 29, 1996, seeking a reversal of the Board's decision. Specifically, the coalition argued that the Board should abolish the Federal subsistence opportunity for moose in Unit 15A and eliminate the season. On August 14, 1996, the Board rejected the RFR (FSB 1996*c*).

Subsequent to the Board's actions, the Ninilchik Tribal Council filed an amended complaint in October 1996, re-asserting its challenge to the antler size restriction and claiming that the Board had failed to properly provide for a subsistence priority as required by ANILCA. The District Court ultimately found in favor of the Federal Subsistence Board. The Traditional Council then appealed to the Ninth Circuit Court of Appeals.

The Southcentral Alaska Subsistence Regional Advisory Council submitted a proposal to make permanent the regulations adopted for the 1996 season. This proposal (WP98-039) had the same season dates, August 18–September 20, and a harvest limit of one antlered bull with the spike-fork, 50-inch or three brow times on at least one antler restriction. This proposal was adopted by the Board at its May 1998 meeting.

The Ninth Circuit Court of Appeals rendered its decision on the Ninilchik Tribal Council lawsuit on July 31, 2000 (Ninilchik Traditional Council et al. v. U.S., 227 F.3d 1186 (9th Cir. 2000)). The Court held

that the Board's interpretation of the term "priority" as defined by ANILCA was reasonable, and meant to balance the competing aims of subsistence use, conservation, and recreation; while at the same time provide subsistence hunters with a meaningful opportunity. However, the Court also found that the Board had failed to provide support in the record for its conclusion that the two days reserved for Federally qualified subsistence users in Unit 15A constituted a priority.

Consequently, in 2001 the Office of Subsistence Management submitted Proposal WP01-50, requesting that the dates of the subsistence moose season in Unit 15A be changed from August 18–September 20 to August 10–September 20. The Board adopted this change in May 2001, providing a total of ten days to Federally qualified subsistence users before the start of the State's general season.

In 2003, Proposal WP04-87 requested that the moose season for Unit 15A remainder be shortened by ten days from August 10–September 20 to August 20–September 20. The Board rejected this proposal at its May 2004 meeting.

Based on conservation concerns raised by the Southcentral Alaska Subsistence Regional Advisory Council, at its May 3–4, 2005 meeting, the Federal Subsistence Board deferred Proposal WP05-07, and instead considered maintaining the existing August 10–September 20 season and providing more opportunity by the addition of a late season (September 26–October 15). Ultimately, the Board noted that the additional three week season was not requested by the proponent, and because it took place during the rut, it could have an adverse affect on the moose population. Finally, the Board stated that the public should have an opportunity to comment on the season recommended by the Council, as well as other alternatives that could potentially affect moose populations.

At its October 2005 meeting, the Southcentral Council recommended a compromise solution: retain the original August 10–September 20 season dates, but add a different late season to run October 20–November 10 in Units 15B and 15C (but not in Unit 15A). The harvest limit would remain one antlered bull with the spike-fork, 50-inch, or three or more brow tines on at least one antler restriction. The late season addressed the issue of avoiding the moose rut while providing more opportunity for subsistence users to harvest moose closer to the time period when they customarily and traditionally hunted. Excluding Unit 15A from the compromise eliminated the road access issues and associated conservation concerns. At its May 2006 meeting, the Board adopted the late season hunt as recommended by the Council.

In 2006, the Kenai NWR Manager made two suggestions to improve the permitting process for the Unit 15B and 15C Federal late fall moose hunt:

- *Use bold print on the permit, highlighting:* "*Successful hunters must report their harvest within 5 days of the kill to Kenai NWR in person or by phone at (262-7021). In addition, the completed harvest report must be returned within 15 days of the close of the season, whether the hunter was successful or not. Failure to report harvest or return the harvest report may result in permits not being issued the following year and/or a citation*."
- *One permit should be issued, rather than two (good for both the early and late season), stating:* "*Kenai NWR lands in Units 15A (except Skilak Wildlife Recreation Area), 15B, and 15C, August 10 – September 20; and Kenai NWR lands in Units 15B and 15C, October 20 – November 10; 1 bull moose with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler*."

In addition, permit applicants were required to sign an affidavit and provide evidence of their rural resident status.

Current events Involving Species

At its spring 2007 meeting in Anchorage, the Board again heard testimony on the Unit 15B and 15C late fall Federal moose hunting season. Proposal WP07-22 requested the elimination of the Federal late hunt or cap the number of permits at ten for Federally qualified subsistence users. The Board rejected Proposal WP07-22, not wanting to eliminate the late fall Federal subsistence moose hunt after only one season. Out of 46 permits issued, 36 hunters harvested two bulls (OSM 2007); 10 hunters did not hunt. In addition, no evidence was presented to the Board in 2006 or 2007 indicating there have been any adverse effects on the moose populations in either Units 15B or 15C.

Biological Background

Unit 15A

ADF&G's management objective for moose in Unit 15A is to maintain a minimum post-hunting season sex ratio of 15 bulls:100 cows (McDonald 2000, Selinger 2006). The Kenai NWR has established a minimum goal of 25 bulls:100 cows for most refuge lands, with the exception of the Skilak Loop Wildlife Management Area, where the management objective is set at 40 bulls:100 cows. The 2005/06 fall sex and age composition survey for Unit 15A, excluding the Skilak Loop Wildlife Management Area, revealed a bull:cow ratio of 26:100, which is slightly higher than the long-term bull:cow ratio of 24:100 (**Table 1**). The calf:cow ratio was 18 calves:100 cows in 2005/06, considerably less than the long-term calf:cow ratio of 28:100, and may indicate a continuing decline in productivity. Calves made up 12% of the 524 moose observed in 2005/06 survey compared to the long-term average of 18% (Selinger 2005, pers. comm.; Selinger 2006).

Table 1. Unit 15A Aerial moose composition counts, 1992/93–2005/06 (OSM 2007; Selinger 2005, 2006; and Spraker 2002).

Year	Bulls:100 Cows	Yearling Bulls:100 Cows	Calves:100 Cows	% Calves	Adults	Total Moose Observed
1992/93	16	5	36	23	1019	1331
1994/95	24	9	32	20	955	1199
1996/97	26	8	39	24	1120	1467
1998/99*	29	9	27	17	1248	1508
2000/01	—	—	—	20	1617	—
2001/02	21	6	31	20	620	778
2003/04[a]	23	—	26	17	628	763
2004/05[a]	24	—	16	11	544	614
2005/06[a]	26	—	18	12	?	524
Totals	189	37	225	165	7751	8184
Means	24	7	28	18	969	1023

[a] Count does not include Skilak Loop Wildlife Management Area.

The February 2001 population estimate of 1,700–2,430 animals appeared to confirm a population decline in Unit 15A. Two severe back-to-back winters in 1998/99 and 1999/00, where approximately 100 and 200 animals died from starvation was another indicator of the beginning of a population decline. In addition to severe winters, other factors that have likely contributed to this decline include predation, weather patterns, and declining availability of food. Although almost 400,000 acres burned in 1947 and 1969,

there have been few fires in recent years (~700 acres since 2000) in Unit 15A to generate new hardwood browse (Morton 2007, pers. comm.).

Unit 15B

The State's management objectives for Unit 15B west in the central Kenai Peninsula are to maintain a bull:cow ratio of 15:100, while providing maximum opportunity for sportsmen to hunt moose (McDonough 2004, Selinger 2006). The State's management objectives for Unit 15B east are to maintain a bull:cow ratio of 40:100 and the opportunity to "harvest a large antlered bull under aesthetically pleasing conditions."

In 2001, a February survey of 650 mi^2 of suitable habitat estimated a population of approximately 777–1,139 moose (McDonough 2004). Because the survey was conducted in late winter after most bulls shed their antlers, composition by sex was not determined. However, calves were estimated to comprise 21% of the population out of an estimated 885–1,200 moose observed in Unit 15B—compared to 10% observed in 1990. No aerial surveys have been conducted by ADF&G biologists in Unit 15B since 2001.

Unit 15C

The State's management objectives for Unit 15C are to maintain a minimum post-hunting season sex ratio of 15–20 bulls:100 cows (McDonough 2004, Selinger 2006).

Based on the results of aerial surveys, the moose population in Unit 15C has increased somewhat since 1993. A survey conducted during February 1993 produced a population estimate of 1,765–2,390 moose. During a classification survey in 2002, 1,207 moose were counted. The population contained 31 calves:100 cows; 19 bulls:100 cows; and an overall population estimate of 2,500–3,450 animals (McDonough 2004). In 2003/04, 1,059 moose were counted in Unit 15C, including 895 adults and 164 (15%) calves (Selinger 2006). The survey was conducted too late in the season to calculate the bull: cow and calf:cow ratios, however. It is reasonable to assume that the moose population in Unit 15C will increase in the near future as new hardwood browse is generated in response to 86,000 acres that have burned since 2000 (Morton 2007, pers. comm.).

Harvest History

Unit 15A

Approximately half of the Kenai Peninsula's moose harvest occurs in Unit 15A. From 1992–2007, the majority (97%) of hunters participating in the State's general hunting season in Unit 15A were Alaska residents (**Table 2**) (ADF&G 2007). Likewise, an average of 95% of the moose are taken by Alaska residents. The State also conducts a late season drawing hunt in Unit 15A that runs from October 10–November 10. This hunt has a low harvest success rate of 15% with about two bull moose on average harvested per year (ADF&G 2007).

In addition, the State manages an archery hunt for moose in Unit 15A. Since 1995, the archery season (August 10–17) has taken place prior to the general season (August 20–September 20) and has the same harvest regulation as the general season. Although it is not possible to precisely determine the number of archery hunters through the State harvest ticket reports, ADF&G estimates that between 200 and 250 archers participated annually from 1995 through 2000 (Spraker 2002). The harvests from the 1999 and 2000 seasons were 16 and 11 bulls respectively, representing 17% and 8% of the total season harvests.

Table 2. Residency and success of moose hunters in Unit 15A hunting under State regulations, 1992/93–2006/07 (ADF&G 2007; Selinger 2006; and Spraker 2002).

Regulatory Year	Total Hunters	# Resident Hunters	Total Moose Harvested	Resident Moose Harvest
1992/93	1217	1180	143	135
1993/94	1433	1387	232	220
1994/95	1426	1386	238	228
1995/96	1140	1121	117	112
1996/97	1425	1391	260	249
1997/98	1339	1314	192	188
1998/99	1428	1402	271	265
1999/00	1194	1168	91	87
2000/01	1164	1126	131	126
2001/02	1265	1231	228	224
2002/03	1164	1130	141	138
2003/04	1228	1176	176	164
2004/05	1047	989	131	120
2005/06	1061	1032	123	121
2006/07	1097	1054	130	118
Total	18,628	18,087	2,604	2,495
Mean (%)	1,242	1,206 (97%)	174	166 (95%)

Overall, participation in the Federal subsistence hunting season by residents of the four communities that currently have a positive customary and traditional use determination for moose in Unit 15A has been limited. Federal subsistence registration permit hunters have harvested on average less than one moose per year since 1996 in Unit 15A during the August 10–September 20 season (**Table 3**). However, two bulls were harvested in the 2007 early fall Federal subsistence season; there is no late season in Unit 15A.

The weekly chronology of the harvest, beginning with the State's archery season and continuing through the general fall season, provides a useful illustration of how altering one part of a season can affect the rest of the season. During the 1992/93 through the 1994/95 seasons, a large amount of the harvest typically occurred during the first week of the general rifle season. However, from 1995/96 through 2007/08, when an archery season took place immediately prior to the general season, the rifle harvest declined substantially during the first week of the general season (**Table 4**).

Unit 15B

About 10% of the Kenai Peninsula's total moose harvest comes from Unit 15B (Selinger 2006). In Unit 15B west, a general harvest area under State regulations, hunters took an average of 40 bull moose per year from 1998/99–2006/07 (McDonough 2004, ADF&G 2007) (**Table 5**). In Unit 15B east, a drawing permit area for trophy bulls that runs from September 1– September 20 and from September 26–October 15, approximately 35 hunters harvested an average of 15 moose each year from 1996/97–2006/07.

Federal subsistence hunters harvested an average of about one moose per year by registration permit since 1996 during the August 10–September 20 season in Unit 15B (**Table 3**).

During the first Federal late season moose hunt (October 20–November 10) in Units 15B and 15C in 2006, 62 Federal subsistence permits were issued; 39 permit holders reported that they hunted; and two moose were harvested for an overall success rate of about 3% (OSM 2007). Eighty percent of the permit

Table 3. Federal moose harvests permits issued and moose harvested 1996/97–2007/08 (OSM 2007). (Numbers in parentheses represent the percent of permit holders that reported.)

Year	Number of Permits Issued	Number of Permits Reporting*	Number of Permits Hunted	Moose Harvested in Unit 15(A)	Moose Harvested in Unit 15(B)	Moose Harvested in Unit 15(C)	Moose Harvested in Unknown Area	Total Moose Harvest in Unit 15
1996/97	54	51	40	0	1	2	0	3
1997/98	40	34	29	0	2	1	0	3
1998/99	21	21	16	0	2	2	0	4
1999/20	34	27	20	0	1	1	1	3
2000/01	22	14	12	0	2	1	0	3
2001/02	46	44	33	1	1	5	0	7
2002/03	45	41	29	0	3	5	0	8
2003/04	41	33	26	1	1	1	0	3
2004/05	31	27	20	0	1	2	0	3
2005/06	26	17	13	0	0	1	0	1
2006/07	29	29 (100%)	21	2	0	1	0	3
2006/07L	62	50 (81%)	39	—	1	1	0	2
2007/08[a]	104	87 (84%)	67	2	2	2	0	6
2007/08L[b]	—	—	—	—	0	2	0	2
Total	509	475	365	6	17	27	1	52
Mean[b]	43	39 (91%)	30	0.5	1.4	2.3	—	4.3

* = Subsistence users harvested most moose during the first ten days of the season, i.e., when the State season was still closed.
L = New, late season Federal subsistence hunt in Units 15B and 15C: October 20–November 10.
a = In regulatory year 2007/08, the Federal permit was valid for both the early and late seasons.
b = The 2006/07 early and late season permit statistics were combined to calculate the means

Table 4. Unit 15A State moose harvest[a] chronology percent by week, regulatory years 1992/93–2006/07 (ADF&G 2007; Selinger 2006; and Spraker 2002).

Regulatory Year	Harvest Periods[f]								Total Harvest
	8/10–17	8/20–25	8/26–31	9/1–5[c]	9/6–10	9/11–15	9/16–20	Unknown	
1992/93[b]	—	—	8	33	18	13	25	4	143
1993/94[d]	—	35	7	10	8	13	23	5	232
1994/95[d]	—	34	11	8	6	15	21	6	238
1995/96[b]	11	20	10	10	9	15	21	5	117
1996/97[b]	12	26	10	6	7	18	18	4	260
1997/98[e]	20	24	5	6	7	16	17	5	192
1998/99[e]	17	23	8	8	8	15	13	8	271
1999/00[e]	16	17	5	12	12	16	18	4	91
2000/01[e]	11	24	7	8	8	13	28	2	131
2001/02[e]	21	21	8	4	10	17	16	4	228
2002/03[e]	24	23	9	4	4	14	18	4	141
2003/04[e]	15	24	7	2	3	28	20	1	176
2004/05[e]	5	12	19	5	13	23	23	0	131
2005/06[e]	24	22	12	3	3	16	20	0	123
2006/07[e]	14	14	25	15	9	21	29	0	130

a Excludes permit hunt harvest.
b Archery season — 8/25–29, 1992; 8/10–17, 1995 and 1996, S/F-50".
c General open season Sept. 1–Sept. 20; S/F-50".
d General open season Aug. 20–Sept. 20. S/F-50"; archery season (Aug. 25-29) was closed in 1993 and 1994.
e State archery season Aug. 10–17, S/F-50".
f Dates are approximate

Table 5. Unit 15B West (general harvest area) and Unit 15B East (trophy management area: DM 530-539) State moose harvest, regulatory years 1998/99–2006/07 (ADF&G 2007).

Year	**15B West** (Aug. 10–Aug. 17 [archery]; and Aug. 20–Sept. 20)	**15B East** (Sept. 1–Sept. 20; and Sept. 26–Oct. 15)	**Total Unit 15B Moose Harvest**
1998/99	57	19	76
1999/00	43	17	60
2000/01	47	17	64
2001/02	50	16	66
2002/03	41	12	53
2003/04	42	15	57
2004/05	37	16	53
2005/06	47	16	63
2006/07	40	9	49
Totals	357	137	494
Means	39.6 (72.3%)	15.2 (27.7%)	54.8

holders submitted harvest reports: 11 permit holders reported they did not hunt, and 37 reported they hunted unsuccessfully.

The total number of permits issued for the combined early and late season hunts in 2006 was 91, with 60 permit holders reporting that they hunted—21 during the early season and 39 in the late season. Three moose were taken during the early season and, as already mentioned, two were taken in the late season.

Beginning in 2007/08, a single permit allowed Federal subsistence permit holders to hunt during both the early and late seasons in Units 15B and 15C (OSM 2007). A total of 108 Federal subsistence permits were issued for the combined seasons but 4 permits were returned; 67 permit holders reported that hunted moose; and 20 hunters reported that they did not hunt for a report rate of 84% (n=87 hunters reporting) (Table 3). Six moose were harvested during the early season and two were taken in the late season in 2007/08 for an overall success rate of 12%.

Unit 15C

Approximately 40% of the moose harvest on the Kenai Peninsula occurs in Unit 15C (Selinger 2006), which contains a combination of Tier II (conducted out of Homer), drawing permit and general harvest areas. Most harvest occurs during the general hunt. Only four Tier II permits have been given out per year in Unit 15C; the harvest has averaged about one bull per year. Since 2002, 50 drawing permits have been given out on an annual basis in the Homer area for cow moose and have resulted in an average harvest of around 25 cows per year (Selinger 2006). The State general moose harvest in Unit 15C has averaged 257 moose per year by approximately 1,284 hunters over the last decade for a success rate of about 20% (**Table 6**) (ADF&G 2007). The 2006/07 harvest declined 23% from 2005/06, and is about 17% below the long-term average.

Table 6. Unit 15C State moose general harvest (does not include Tier II or drawing permit hunters or harvest), regulatory years 1998/99–2006/07 (ADF&G 2007; Selinger 2006).

Year	Number of Hunters	Bulls	Cows	Unknown	Total
1998/99	1312	279	0	1	280
1999/00	1166	167	0	4	171
2000/01	1184	204	0	4	208
2001/02	1273	309	1	3	313
2002/03	1306	258	3	2	263
2003/04	1378	308	3	1	312
2004/05	1288	276	0	3	278
2005/06	1353	275	3	1	278
2006/07	1297	211	1	2	214
Totals	11,557	2,242	11	21	2,317
Means	1,284	249	~1	~2	257

Federal subsistence registration permit hunters in Unit 15C harvested an average of approximately two moose per year since 1996 (**Table 3**).

In summary, approximately 43 Federal subsistence permits were issued in Unit 15 on an annual basis from 1996–2007, with an average of 30 permit holders reporting that they hunted. An average of 4.3 moose was harvested each year since the Federal subsistence moose hunt began (**Table 3**). The highest

harvests occurred during regulatory years 2001/02, 2002/03 and 2007/08, where either seven or eight bull moose were taken. Approximately 90% of all hunters returned harvest reports.

Effects of the Proposal

The October 20–November 10 Federal subsistence moose hunting season has been in place in Units 15B and 15C for two years (2006 and 2007). The number of permits issued for the combined early and late season hunts increased by 16% between 2006 and 2007, but the number of permit holders that hunted remained about the same. If WP08-17/18 is adopted, it would eliminate the late season hunt and decrease moose hunting opportunities for Federally qualified subsistence users. During the two years that the late season Federal moose hunt has been in place, only four moose have been harvested by the four communities that have a positive customary and traditional use determination for moose in Units 15B and 15C—two in 2006 and two in 2007. No adverse impacts on post-rut bulls, or the moose population as a whole, have been documented as a result of the late Federal subsistence hunt in Units 15B and 15C.

It is important to note that there are other late season moose hunts that occur both during and after the rut on the Kenai Peninsula. For example, there is a State drawing permit hunt in Unit 15A that takes place from October 10–November 10 that has the same antler restrictions as the Federal late season hunt in Units 15B and 15C. The State drawing hunt in Unit 15A has a low rate of success (6%–7%) with only one bull moose on average being taken per year (ADF&G 2007), a success rate similar to that seen in the late Federal subsistence hunt in Units 15B and 15C. In addition, since 1996 the State has conducted a drawing hunt in Unit 15B east that runs from September 1– September 20 and from September 26–October 15, annually giving out 50 permits that has resulted in a harvest about 15 bulls per year by approximately 35 permit holders. Permit holders in this hunt had the opportunity to hunt for up to 21 days during the height of the rut for large bulls under State regulations.

The small harvest and low number of subsistence hunters participating in the Federal late season moose hunt in Units 15B and 15C suggests that elimination of the hunt is not necessary to protect the Kenai Peninsula moose population. It does, however, provide Federally qualified users an additional opportunity to meet their subsistence needs. If a conservation concern arises, the Kenai NWR Manager is authorized to close the October 20–November 10 late season. Further changes in the permitting process can be implemented without regulatory action by the Federal Subsistence Board.

OSM CONCLUSION

Oppose Proposals WP08-17/18.

Justification

There have been no documented adverse impacts on post-rutting bulls or the moose population in Units 15B and 15C as a result of the October 20–November 10 Federal subsistence moose hunting season. Only two moose were harvested during the late Federal hunt in 2006/07 and two in 2007/08. A similar number of permit holders hunted in 2006 and 2007 during the combined early and late seasons. State managed moose hunts are held during the height of the rut in Unit 15B and after the rut in Unit 15A with no negative impacts documented to rutting bulls or the moose populations. The moose population appears to be stable in Units 15B and 15C under the current management regime.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-17/18

The Interagency Staff Committee (ISC) found the staff analysis for Proposal WP 08-17/18 to be a thorough and accurate evaluation of the proposal and that it provides a sufficient factual basis for the Regional Council recommendation and Federal Subsistence Board action on the proposal.

The ISC felt that it is important to note that the Kenai National Wildlife Refuge manager does plan to consult with the ADF&G area biologist if the harvest exceeds 2 big bulls in Unit 15B or 3 big bulls in Unit 15C as suggested by ADF&G. It should also be noted that prior to issuing a permit for this hunt, that hunters are asked to sign an affidavit verifying that they are a Federally qualified rural resident. In addition, the Federal permits will be modified this year to better track the number of hunters who are in the field during this late season hunt.

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP08-17/18: Eliminate the late fall moose hunting season in Game Management Units 15B and 15C.

Introduction: These proposals address the Alaska Department of Fish and Game's continuing concern about the potential effects of the late fall, post-rut (October 20 – November 10) moose hunt on the long-term sustainability of moose populations in Units 15B and 15C.

Impacts on Subsistence Users: Federally-qualified subsistence users would still have a 42-day early fall season, which is 10 days longer than the corresponding state seasons in these subunits.

Other Comments: The Alaska Department of Fish and Game reconsidered its original proposal and recommends consideration of this alternative proposal:

1. ***How should the new regulation read?***

Units 15B, and 15C- 1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by federal registration permit only. The Oct. 20 – Nov. 10 season is limited to 30 permits in 15B and 30 permits in 15C. The Kenai National Wildlife Refuge Manager will close the hunt if the harvest exceeds 2 big bulls (50-inch antlers or with 3 or more brow tines on either antler) in 15B and 3 big bulls in 15C. Federal permit holders must sign a residency affidavit verifying that they are eligible to participate in this hunt.

2. ***Why should this regulation change be made?***

The Department of Fish and Game continues to have conservation concerns regarding the potential negative impacts the unlimited post-rut portion (Oct. 20 – Nov. 10) of the current federal season may have on moose populations in Units 15B and 15C. State moose hunts on the Kenai Peninsula that take place after the Aug. 20- Sept. 20 general season dates are limited and highly restricted, in contrast to the current late season federal hunt. For example, the Sept. 26 – Oct. 15 state drawing permit hunts (DM531– 539) in the eastern portion of Unit 15B are limited to 50 total permits; hunters are separated into five large areas that span over more than 30,000 acres to reduce localized impacts. Since 1996, on average 35 of the 50 permittees have participated in this hunt each year and harvested an average of fewer than 11 bulls per year.

Moose conservation concerns in Units 7 and 15 compelled the Department to reduce late season hunting pressure on these moose populations. The Department intends to reduce the number of permits issued for the five late season hunts in Unit 15B from 50 to 10 next fall. In addition, no permits will be issued for the late season drawing permit hunts (DM 522) in portions of Unit 7 and Unit 15A.

The state's Sept. 26 – Oct. 15 hunt in the eastern part of Unit 15B has a unique management structure. There is no general season in this area, which results in a much higher bull:cow ratio in this area compared to that found on adjacent lands open to general season moose hunters.

Impacts of a relatively unrestricted late season federal hunt could have much greater negative impacts in Unit 15C, where bull:cow ratios are lower than in Unit 15B due to a long general season (Aug. 20 – Sept. 20).

Additionally, and of paramount importance, is the fact that the post-rut period for bulls is a stressful period physiologically. Bulls typically have exhausted their body reserves during the rut and are in poor condition. After the rut, bulls are often at high elevations, grouped into large congregations, and are highly visible and accessible to hunters. Hunting that disrupts and displaces bulls during the Oct. 20 – Nov. 10 federal season could be detrimental to the long-term sustainability of these populations. ***Even if the harvest remains relatively low,*** a large number of hunters can disrupt these post-rut congregations and reduce bull survival, which could have potentially long-term negative effects on the sustainability of these populations. By limiting the permits for the Oct. 20 – Nov. 10 portion of the federal season, the potential for this disruption of post-rut bulls would be reduced.

From 1996 to 2005, the federal subsistence season was Aug. 10 – Sept. 20. During those years, the average number of permits issued was fewer than 37 per year, with only 24 of those permit holders hunting each year (Figure 1), resulting in an average harvest of fewer than 4 moose each year. In the first year of the early fall and late fall Federal seasons (Aug. 10 – Sept. 20; Oct. 20 – Nov. 10) in 2006, more permits were issued (96) and more permittees hunted (61) than ever before. We anticipate that the number of permits issued and used will continue to increase, particularly if Cooper Landing is determined to have customary and traditional uses of moose in Unit 15B, where a late season is open. Even though the 2006 harvest remained somewhat low (5 bulls), an unlimited number of late season hunters and the potential negative impact they could cause to post-rut concentrations of bulls is contrary to the best long-term management of the moose populations.

During the first year of the federal Oct. 20 – Nov. 10 season some additional problems occurred that exacerbate our conservation concerns as described above. The Alaska Maritime National Wildlife Refuge issued permits to hunters who did not reside in communities eligible to participate in this hunt; and neither the Alaska Maritime Refuge nor the Kenai National Wildlife Refuge required applicants to sign an affidavit to attest to their community of residence. This makes enforcement and management of the hunt difficult. Requiring that federal permittees sign a residency affidavit would alleviate this concern.

In addition to the recommended regulatory changes, the presence of federal enforcement personnel during the hunt is essential to ensure participants are hunting only on federal public lands.

3. What impact will this change have on wildlife populations?

Limiting participation in the Oct. 20 – Nov. 10 federal hunts will ensure that the highly visible and often densely congregated post-rut concentrations of moose will not be overly disturbed and disrupted during a physiologically stressful period. This would help to ensure the long-term and sustainable management of moose populations for both subsistence and non-subsistence users.

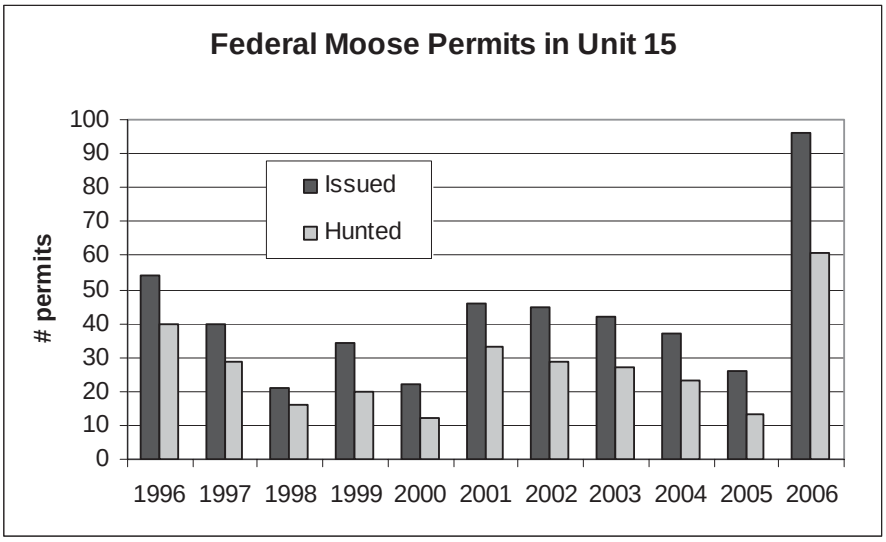
4. How will this change affect subsistence uses?

Federally-qualified subsistence users hunting under federal regulations would still have a 42-day early fall season (Aug. 10 – Sept. 20), which is 10 days longer than the state general season, as well as a limited late fall hunt. This is a reasonable compromise between providing opportunity for federally-qualified subsistence users and ensuring the sustainable management of the moose populations. Retaining an unlimited post-rut season will provide additional short term subsistence hunting opportunity that will be detrimental to both sound wildlife management and satisfaction of subsistence needs over the long term.

5. How will this change affect other uses, i.e., sport/recreational and commercial?

This proposed regulation change would have no known impact on other uses. The proposed change will help to ensure sustained yield management of the moose populations in Units 15B and 15C, which will benefit both federally-qualified subsistence users and other hunters in the long term.

Figure 1



Recommendation. Adopt. This proposal emphasizes our conservation concerns for the late season federal moose hunts in Units 15B and 15C. Although hunter have reported harvesting only four moose during the two years in these late season federal hunts, we anticipate that

interest will increase over time and draw more hunters into the field during the stressful post-rut period when bulls are congregating at high elevations and vulnerable to disruption.

Several steps can be taken to strengthen the administration of this hunt and ensure that relevant information is available to evaluate its effects over time to support closures for conservation purposes. First, federal hunt administrators need to ensure that permits are issued only to eligible rural residents of Ninilchik, Nanwalek, Port Graham, and Seldovia. Second, if a single permit continues to be used for administration of the early season and late season hunts, we request a place on the permit for hunters to indicate if they participated in the early season hunt or late season hunt, or both, regardless of whether they harvested a moose. Finally, the harvest guidelines in our proposal need confirmation that they are the guidelines that the Kenai Refuge Manager would use to represent "conservation concerns" and to initiate discussions with the Department and the Regional Advisory Council Chair in order to close the late season hunt in Units 15B if the harvest exceeds two large bulls and in Unit 15C if the harvest exceeds three large bulls.

WRITTEN PUBLIC COMMENTS

Support. The Homer Fish and Game Advisory Committee voted unanimously in favor of proposals WP08-17-18.

The Cooper Landing Fish and Game Advisory Committee voted: 5 opposed-late season hunt would have minimal negative effect if any and is out weighed by the benefits it offers; 3 in support; 2 abstained.

1. Public comment. Ben Romig told committee that he had harvested Moose in the late season before when the State had a late hunt. The liver of moose was in poor condition.
2. Committee discussion of proposal. Chairman Romig pointed out that we covered much of this issue in the previous proposal; proposal 17 is wordy and makes many assumptions with very little fact. Heim felt he should way [weigh] on the side of caution and would support the proposal. *Submitted by the Cooper Landing Fish and Game Advisory Committee*

WP08-19/20/21 Executive Summary	
General Description	Proposal WP08-19 requests that antlers of moose harvested in Unit 15C under Federal subsistence regulations be turned in to the Alaska Department of Fish and Game (ADF&G) to be disposed of. *Submitted by Robert M. Haynes* Proposal WP08-20 requests that antlers of moose harvested during the late fall Federal moose season in Units 15B and 15C be taken to the Kenai National Wildlife Refuge (NWR) manager where the palm of the antler will be cut to destroy any trophy value. *Submitted by Dan Presley* Proposal WP08-21 requests that antlers of moose harvested under Federal subsistence regulations in Unit 15 be taken to ADF&G and cut in half with the top half remaining with ADF&G. *Submitted by Keith Presley*
Proposed Regulation	*See the analysis for the proposed regulations.*
Southcentral Regional Council Recommendation	**Oppose** Proposals WP08-19/20/21
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Support** Proposals WP08-19/20/21
Written Public Comments	**1 Support** Proposals WP08-19/20/21 **1 Oppose** Proposal WP08-21

REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposals WP08-19/20/21. The Council found no justification to support the proposals and no conservation concerns exist for the moose population in Unit 15. Requiring antlers to be cut will be a burdensome regulation and is against subsistence practices.

STAFF ANALYSIS
WP08-19/20/21

ISSUES

Proposal WP08-19, submitted by Robert M. Haynes, requests that antlers of moose harvested in Unit 15C under Federal subsistence regulations be turned in to the Alaska Department of Fish and Game (ADF&G) to be disposed of.

Proposal WP08-20, submitted by Dan Presley, requests that antlers of moose harvested during the late fall Federal moose season in Units 15B and 15C be taken to the Kenai National Wildlife Refuge (NWR) manager where the palm of the antler will be cut to destroy any trophy value.

Proposal WP08-21, submitted by Keith Presley, requests that antlers of moose harvested under Federal subsistence regulations in Unit 15 be taken to ADF&G and cut in half with the top half remaining with ADF&G. Because of the similarities in these proposals, the analyses have been combined.

DISCUSSION

Proponents of each of the three proposals request the destruction of the trophy value of moose harvested under Federal subsistence regulations in Unit 15C (WP08-19), in Units 15B and 15C (WP08-20), or in Unit 15 (WP08-21). All three proponents state that people hunting under Federal subsistence regulations should be hunting for meat only and not for trophies. The proponent for WP08-20 states that, "There will be a huge impact on the survivability of large breeding bulls because there are horse hunters that are going to take advantage of the subsistence season to go after large bulls for trophy value rather than for meat." The proponent for WP08-21 states that trophy antler destruction regulation would allow, "…the large antlered bulls a chance to make it as they won't be much of a target."

In Unit 15 and elsewhere in Alaska, moose populations—breeding age bulls in particular—are protected from over-harvest by the spike/fork or 50-inch or 3 or more brow tines on one antler regulation. Not only is this regulation a conservative approach to moose management, it focuses the harvest on a portion of the yearling bulls or, occasionally, a fully mature, large male. When Federal regulations have antler restrictions such as these in place, antlers must be removed from the field intact §___.26(g)(3). In addition, Federal regulations allow the sale of moose antlers once they are detached from the skull of a legally harvested animal or not made to represent a big game trophy §___.25(j)(10). Under the proposed regulations, however, moose antlers would either have to be destroyed—by cutting the palms in half—or left with the ADF&G or Kenai NWR; thereby diminishing or eliminating any value that could be gained through the creation of handicrafts.

Existing Federal Regulations

Unit 15 — Moose

Unit 15A Skilak Loop Wildlife Management Area	*No Federal open season*

Unit 15A remainder, 15B, and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.	*Aug. 10 – Sept. 20*
Units 15B and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only. The Kenai NWR Refuge Manager is authorized to close the October/November season based on conservation concerns, in consultation with ADF&G and the Chair of the Southcentral Alaska Subsistence Regional Advisory Council.	*Oct. 20 – Nov. 10*

Proposed Federal Regulation (WP08-19)

Unit 15 — Moose

Unit 15A Skilak Loop Wildlife Management Area	*No Federal open season*
Unit 15A remainder, 15B, and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.	*Aug. 10 – Sept. 20*
Units 15B and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only. The Kenai NWR Refuge Manager is authorized to close the October/November season based on conservation concerns, in consultation with ADF&G and the Chair of the Southcentral Alaska Subsistence Regional Advisory Council.	*Oct. 20 – Nov. 10*

Unit 15C— Special Provision

Antlers harvested under these regulations must be turned in at the Alaska Department of Fish and Game to be disposed of.*

* Note: the proponent incorrectly referred to the Alaska Department of Fish and Game as the Alaska Fish and Wildlife.

Proposed Federal Regulation (WP08-20)

Unit 15 — Moose

Skilak Loop Wildlife Management Area	*No open season*
Unit 15A remainder, 15B, and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.	*Aug. 10 – Sept. 20*

Units 15B and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only. The Kenai NWR Refuge Manager is authorized to close the October/November season based on conservation concerns, in consultation with ADF&G and the Chair of the Southcentral Alaska Subsistence Regional Advisory Council. ***The harvested animals' antlers must be taken to the Kenai National Wildlife Refuge manager where the palm of the antler will be cut to destroy any trophy value.***	*Oct. 20 – Nov. 10*

Proposed Federal Regulation (WP08-21)

Unit 15 — Moose

Unit 15A remainder, 15B, and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.	*Aug. 10 – Sept. 20*
Units 15B and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only. The Kenai NWR Refuge Manager is authorized to close the October/November season based on conservation concerns, in consultation with ADF&G and the Chair of the Southcentral Alaska Subsistence Regional Advisory Council.	*Oct. 20 – Nov. 10*

Unit 15— Special Provision

All antlers from moose harvested under these regulations must taken to the Alaska Department of Fish and Game to be cut in half with the top half remaining with the Alaska Department of Fish and Game.

Existing State Regulations

Unit 15 — Moose

Unit 15A: Skilak Loop Management Area	*No open season*
Unit 15A: east of Mystery Creek Road and the Pipeline Road, and north of the Sterling Highway. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side, by bow and arrow only	*Aug. 10 – Aug. 17*
OR Unit 15A: east of Mystery Creek Road and the Pipeline Road, and north of the Sterling Highway. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side	*Aug. 20 – Sept. 20*

OR Unit 15A: east of Mystery Creek Road and the Pipeline Road, and north of the Sterling Highway. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side, by permit	*Oct. 10 – Nov. 10*
Unit 15A: remainder. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side, by bow and arrow only	*Aug. 10 – Aug. 17*
OR Unit 15A: remainder. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side	*Aug. 20 – Sept. 20*
Unit 15B: that portion bounded by a line running from the mouth of Shantatalik Creek on Tustumena Lake, northward to the headwaters of the west fork of Funny River; then downstream along the west fork of Funny River to the Kenai National Wildlife Refuge boundary; then east along the refuge boundary to its junction with the Kenai River; then eastward along the north side of the Kenai River and Skilak Lake; then south along the western side of Skilak River, Skilak Glacier, and Harding Icefield; then west along the Unit 15B boundary to the mouth of Shantatalik Creek. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side, by permit	*Sept. 1 – Sept. 20*
OR Unit 15B: that portion bounded by a line running from the mouth of Shantatalik Creek on Tustumena Lake, northward to the headwaters of the west fork of Funny River; then downstream along the west fork of Funny River to the Kenai National Wildlife Refuge boundary; then east along the refuge boundary to its junction with the Kenai River; then eastward along the north side of the Kenai River and Skilak Lake; then south along the western side of Skilak River, Skilak Glacier, and Harding Icefield; then west along the Unit 15B boundary to the mouth of Shantatalik Creek.One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side, by permit	*Sept. 26 – Oct. 15*
Unit 15B: remainder. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side, by bow and arrow only	*Aug. 10 – Aug. 17*
OR Unit 15B: remainder. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side	*Aug. 20 – Sept. 20*
Unit 15C: southwest of a line from Point Pogibshi to the point of land between Rocky and Windy Bays. One bull by permit — Residents	*Aug. 20 – Sept. 20*
Unit 15C: southwest of a line from Point Pogibshi to the point of land between Rocky and Windy Bays. Nonresidents	*No open season*
OR Unit 15C: south of the south fork of the Anchor River and northwest of Kachemak Bay. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side	*Aug. 20 – Sept. 20*

OR Unit 15C: south of the south fork of the Anchor River and northwest of Kachemak Bay. One antlerless moose by permit	*Aug. 20 – Sept. 20*
OR Unit 15C: remainder. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side	*Aug. 20 – Sept. 20*

Extent of Federal Public Lands

Federal public lands comprise approximately 53% of the lands In Unit 15: 52% are managed by the Kenai National Wildlife Refuge (NWR) and less than 1% are Kenai Fjords National Park lands, which are not open to subsistence uses (**Unit 15 Map**).

Customary and Traditional Use Determinations

Rural residents of Ninilchik, Nanwalek, Port Graham and Seldovia have a positive customary and traditional use determination for moose in Unit 15.

Regulatory History

In July 1995, the Federal Subsistence Board (Board) adopted a positive customary and traditional use determination for moose for Ninilchik, Nanwalek, Port Graham and Seldovia in Units 15B and 15C. At the same time, the Board authorized an August 10–September 20 season with a spike-fork, 50-inch, or three or more brow tines on at least one antler regulation restriction. This would provide a ten-day opportunity for Federally qualified subsistence hunters prior to the State season opening. At the time it authorized the hunt, the Board deferred making a decision with regard to customary and traditional uses of moose in Unit 15A "because use of this subunit by residents of Ninilchik and Seldovia is extremely low" (60 Fed. Reg. 40462).

Following Board action in 1995, the Ninilchik Traditional Council submitted three proposals dealing with moose in Unit 15. In Proposal 23, the Traditional Council sought to expand the positive customary and traditional use determination for Ninilchik, Nanwalek, Port Graham and Seldovia for moose in Unit 15A. In Proposal 24, the Traditional Council requested a September 11–30 moose season with a one cow harvest limit for all of Unit 15. In Proposal 25, the Traditional Council requested a September 11–30 moose season for all of Unit 15, with a harvest limit of one antlered bull.

The Southcentral Alaska Subsistence Regional Advisory Council supported Proposal 23—the positive customary and traditional use determination in Unit 15A for the four communities; opposed Proposal 24, allowing a cow season; and supported Proposal 25 with modification for an August 15–September 25 season and harvest limit of any bull from August 15–19 and September 21–25, with the spike-fork, 50-inch, or three or more brow tines on at least one antler regulation restriction in affect August 20–September 20. At its May 3, 1996 meeting, the Board rejected all three proposals (FSB 1996a).

In January 1996, the Ninilchik Traditional Council filed a complaint in the District Court for Alaska challenging the Board's decision to impose the spike-fork, 50-inch, or three or more brow tines on at least one antler rule on Federally qualified subsistence users, as well as the Board's deferral of a customary and traditional use determination in Unit 15A. On June 13, 1996, the District Court upheld the antler restriction, but remanded the customary and traditional use determination for Unit 15A back to the Board. The Court found that the Board had adequately explained its rationale for making positive customary and traditional use determinations for Units 15B and 15C, but not for Unit 15A.

In July 16, 1996, the Board took up the issue of the remand and was provided additional information on customary and traditional uses of moose in Unit 15A. The Board reversed its May 1996 decision and made a positive customary and traditional use determination for moose in Unit 15A for Nanwalek, Port Graham, Seldovia and Ninilchik. The Board also adopted a moose season in Unit 15A to run August 18–September 20 for one bull moose with the spike-fork, 50-inch, or with three or more brow tines on at least one antler restriction. The Board justified its action as follows:

> *The moose population in Unit 15A is stable at or near the carrying capacity of the habitat. The antler restrictions contained in this proposal should provide adequate protection from over harvest of breeding age bulls. The proposal is anticipated to have no significant impact on the total moose harvest in this unit, and is consistent with the conservation of a healthy moose population (FSB 1996b).*

The Board's decision to change the start of 1995 the season from August 10 to August 18 in Units 15B and 15C reduced the Federal subsistence hunt to 2 days from 10.

The Kenai Peninsula Outdoor Coalition submitted Request for Reconsideration (RFR) 96-01 on July 29, 1996, seeking a reversal of the Board's decision. Specifically, the coalition argued that the Board should abolish the Federal subsistence opportunity for moose in Unit 15A and eliminate the season. On August 14, 1996, the Board rejected the RFR (FSB 1996c).

Subsequent to the Board's actions, the Ninilchik Tribal Council filed an amended complaint in October 1996, re-asserting its challenge to the antler size restriction and claiming that the Board had failed to properly provide for a subsistence priority as required by ANILCA. The District Court ultimately found in favor of the Federal Subsistence Board. The Traditional Council then appealed to the Ninth Circuit Court of Appeals.

The Southcentral Alaska Subsistence Regional Advisory Council submitted a proposal to make permanent the regulations adopted for the 1996 season. This proposal (WP98-039) had the same season dates, August 18–September 20, and a harvest limit of one antlered bull with the spike-fork, 50-inch or three brow times on at least one antler restriction. This proposal was adopted by the Board at its May 1998 meeting.

The Ninth Circuit Court of Appeals rendered its decision on the Ninilchik Tribal Council lawsuit on July 31, 2000 (Ninilchik Traditional Council et al. v. U.S., 227 F.3d 1186 (9th Cir. 2000)). The Court held that the Board's interpretation of the term "priority" as defined by ANILCA was reasonable, and meant to balance the competing aims of subsistence use, conservation, and recreation; while at the same time provide subsistence hunters with a meaningful opportunity. However, the Court also found that the Board had failed to provide support in the record for its conclusion that the two days reserved for Federally qualified subsistence users in Unit 15A constituted a priority.

Consequently, in 2001 the Office of Subsistence Management submitted Proposal WP01-50, requesting that the dates of the subsistence moose season in Unit 15A be changed from August 18–September 20 to August 10–September 20. The Board adopted this change in May 2001, providing a total of ten days to Federally qualified subsistence users before the start of the State's general season.

In 2003, Proposal WP04-87 requested that the moose season for Unit 15A remainder be shortened by ten days from August 10–September 20 to August 20–September 20. The Board rejected this proposal at its May 2004 meeting.

Based on conservation concerns raised by the Southcentral Alaska Subsistence Regional Advisory Council, at its May 3–4, 2005 meeting, the Federal Subsistence Board deferred Proposal WP05-07, and instead considered maintaining the existing August 10–September 20 season and providing more opportunity by the addition of a late season (September 26–October 15). Ultimately, the Board noted that the additional three week season was not requested by the proponent, and because it took place during the rut, it could have an adverse affect on the moose population. Finally, the Board stated that the public should have an opportunity to comment on the season recommended by the Council, as well as other alternatives that could potentially affect moose populations.

At its October 2005 meeting, the Southcentral Council recommended a compromise solution: retain the original August 10–September 20 season dates, but add a different late season to run October 20–November 10 in Units 15B and 15C (but not in Unit 15A). The harvest limit would remain one antlered bull with the spike-fork, 50-inch, or three or more brow tines on at least one antler restriction. The late season addressed the issue of avoiding the moose rut while providing more opportunity for subsistence users to harvest moose closer to the time period when they customarily and traditionally hunted. Excluding Unit 15A from the compromise eliminated the road access issues and associated conservation concerns. At its May 2006 meeting, the Board adopted the late season hunt as recommended by the Council.

In 2006, the Kenai NWR Manager made two suggestions to improve the permitting process for the Unit 15B and 15C Federal late fall moose hunt:

! *Use bold print on the permit, highlighting:* "*Successful hunters must report their harvest within 5 days of the kill to Kenai NWR in person or by phone at (262-7021). In addition, the completed harvest report must be returned within 15 days of the close of the season, whether the hunter was successful or not. Failure to report harvest or return the harvest report may result in permits not being issued the following year and/or a citation*."

! *One permit should be issued, rather than two (good for both the early and late season), stating:* "*Kenai NWR lands in Units 15A (except Skilak Wildlife Recreation Area), 15B, and 15C, August 10 – September 20; and Kenai NWR lands in Units 15B and 15C, October 20 – November 10; 1 bull moose with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler*."

In addition, permit applicants were required to sign an affidavit and provide evidence of their rural resident status.

Current events Involving Species

At its spring 2007 meeting in Anchorage, the Board again heard testimony on the Unit 15B and 15C late fall Federal moose hunting season. Proposal WP07-22 requested the elimination of the Federal late hunt or cap the number of permits at ten for Federally qualified subsistence users. The Board rejected Proposal WP07-22, not wanting to eliminate the late fall Federal subsistence moose hunt after only one season. Out of 46 permits issued, 36 hunters harvested two bulls (OSM 2007); 10 hunters did not hunt. In addition, no evidence was presented to the Board in 2006 or 2007 indicating there have been any adverse effects on the moose populations in either Units 15B or 15C as a result of the late season Federal subsistence moose hunt.

Biological Background

Unit 15A

ADF&G's management objective for moose in Unit 15A is to maintain a minimum post-hunting season sex ratio of 15 bulls:100 cows (McDonald 2000, Selinger 2006). The Kenai NWR has established a minimum goal of 25 bulls:100 cows for most refuge lands, with the exception of the Skilak Loop Wildlife Management Area, where the management objective is set at 40 bulls:100 cows. The 2005/06 fall sex and age composition survey for Unit 15A, excluding the Skilak Loop Wildlife Management Area, revealed a bull:cow ratio of 26:100, which is slightly higher than the long-term bull:cow ratio of 24:100 (**Table 1**). The calf:cow ratio was 18 calves:100 cows in 2005/06, considerably less than the long-term calf:cow ratio of 28:100, and may indicate a continuing decline in productivity. Calves made up 12% of the 524 moose observed in 2005/06 survey compared to the long-term average of 18% (Selinger 2005, pers. comm.; Selinger 2006).

Table 1. Unit 15A Aerial moose composition counts, 1992/93–2005/06 (OSM 2007; Selinger 2005, 2006; and Spraker 2002).

Year	Bulls:100 Cows	Yearling Bulls:100 Cows	Calves:100 Cows	% Calves	Adults	Total Moose Observed
1992/93	16	5	36	23	1019	1331
1994/95	24	9	32	20	955	1199
1996/97	26	8	39	24	1120	1467
1998/99*	29	9	27	17	1248	1508
2000/01	—	—	—	20	1617	—
2001/02	21	6	31	20	620	778
2003/04[a]	23	—	26	17	628	763
2004/05[a]	24	—	16	11	544	614
2005/06[a]	26	—	18	12	?	524
Totals	189	37	225	165	7751	8184
Means	24	7	28	18	969	1023

[a] Count does not include Skilak Loop Wildlife Management Area.

The February 2001 population estimate of 1,700–2,430 animals appeared to confirm the population decline in Unit 15A. Two severe back-to-back winters in 1998/99 and 1999/00, where approximately 100 and 200 animals died from starvation was another indicator of the beginning of a population decline. In addition to severe winters, other factors that have likely contributed to this decline include predation, weather patterns, and declining availability of food. Although almost 400,000 acres burned in 1947 and 1969, there have been few fires in recent years (~700 acres since 2000) in Unit 15A to generate new hardwood browse (Morton 2007, pers. comm.).

Unit 15B

The State's management objectives for Unit 15B west in the central Kenai Peninsula are to maintain a bull:cow ratio of 15:100, while providing maximum opportunity for sportsmen to hunt moose (McDonough 2004, Selinger 2006). The State's management objectives for Unit 15B east are to maintain a bull:cow ratio of 40:100 and the opportunity to "harvest a large antlered bull under aesthetically pleasing conditions."

In 2001, a February survey of 650 mi^2 of suitable habitat estimated a population of approximately 777–1,139 moose (McDonough 2004). Because the survey was conducted in late winter after most bulls shed their antlers, composition by sex was not determined. However, calves were estimated to comprise 21% of the population out of an estimated 885–1,200 moose observed in Unit 15B—compared to 10% observed in 1990. No aerial surveys have been conducted by ADF&G biologists in Unit 15B since 2001.

Unit 15C

The State's management objectives for Unit 15C are to maintain a minimum post-hunting season sex ratio of 15–20 bulls:100 cows (McDonough 2004, Selinger 2006).

Based on the results of aerial surveys, the moose population in Unit 15C has increased somewhat since 1993. A survey conducted during February 1993 produced a population estimate of 1,765–2,390 moose. During a classification survey in 2002, 1,207 moose were counted. The population contained 31 calves:100 cows; 19 bulls:100 cows; and an overall population estimate of 2,500–3,450 animals (McDonough 2004). In 2003/04, 1,059 moose were counted in Unit 15C, including 895 adults and 164 (15%) calves (Selinger 2006). The survey was conducted too late in the season to calculate the bull: cow and calf:cow ratios, however. It is reasonable to assume that the moose population in Unit 15C will increase in the near future as new hardwood browse is generated in response to 86,000 acres that have burned since 2000 (Morton 2007, pers. comm.).

Harvest History

Unit 15A

Approximately half of the Kenai Peninsula's moose harvest occurs in Unit 15A. From 1992–2007, the majority (97%) of hunters participating in the State's general hunting season in Unit 15A were Alaska residents (**Table 2**) (ADF&G 2007). Likewise, an average of 95% of the moose are taken by Alaska residents. The State also conducts a late season drawing hunt in Unit 15A that runs from October 10–November 10. This hunt has a harvest success rate of 15% with about two bull moose on average harvested per year (ADF&G 2007).

In addition, the State manages an archery hunt for moose in Unit 15A. Since 1995, the archery season (August 10–17) has taken place prior to the general season (August 20–September 20) and has the same harvest regulation as the general season. Although it is not possible to precisely determine the number of archery hunters through the State harvest ticket reports, ADF&G estimates that between 200 and 250 archers participated annually from 1995 through 2000 (Spraker 2002). The harvests from the 1999 and 2000 seasons were 16 and 11 bulls respectively, representing 17% and 8% of the total season harvests.

Overall, participation in the Federal subsistence hunting season by residents of the four communities that currently have a positive customary and traditional use determination for moose in Unit 15A has been limited. Federal subsistence registration permit hunters have harvested on average less than one moose per year since 1996 in Unit 15A during the August 10–September 20 season (**Table 3**). However, two bulls were harvested in the 2007 early fall Federal subsistence season; there is no late season in Unit 15A.

The weekly chronology of the harvest, beginning with the State's archery season and continuing through the general fall season, provides a useful illustration of how altering one part of a season can affect the rest of the season. During the 1992/93 through the 1994/95 seasons, a large amount of the harvest typically occurred during the first week of the general rifle season. However, from 1995/96 through

Table 2. Residency and success of moose hunters in Unit 15A hunting under State regulations, 1992/93–2006/07 (ADF&G 2007; Selinger 2006; and Spraker 2002).

Regulatory Year	Total Hunters	# Resident Hunters	Total Moose Harvested	Resident Moose Harvest
1992/93	1217	1180	143	135
1993/94	1433	1387	232	220
1994/95	1426	1386	238	228
1995/96	1140	1121	117	112
1996/97	1425	1391	260	249
1997/98	1339	1314	192	188
1998/99	1428	1402	271	265
1999/00	1194	1168	91	87
2000/01	1164	1126	131	126
2001/02	1265	1231	228	224
2002/03	1164	1130	141	138
2003/04	1228	1176	176	164
2004/05	1047	989	131	120
2005/06	1061	1032	123	121
2006/07	1097	1054	130	118
Total	18,628	18,087	2,604	2,495
Mean (%)	1,242	1,206 (97%)	174	166 (95%)

2007/08, when an archery season took place immediately prior to the general season, the rifle harvest declined substantially during the first week of the general season (**Table 4**).

Unit 15B

About 10% of the Kenai Peninsula's total moose harvest comes from Unit 15B (Selinger 2006). In Unit 15B west, a general harvest area under State regulations, hunters took an average of 40 bull moose per year from 1998/99–2006/07 (McDonough 2004, ADF&G 2007) (**Table 5**). In Unit 15B east, a drawing permit area for trophy bulls that runs from September 1– September 20 and from September 26–October 15, approximately 35 hunters harvested an average of 15 moose each year from 1996/97–2006/07.

Federal subsistence hunters harvested an average of about one moose per year by registration permit since 1996 during the August 10–September 20 season in Unit 15B (**Table 3**).

During the first Federal late season moose hunt (October 20–November 10) in Units 15B and 15C in 2006, 62 Federal subsistence permits were issued; 39 permit holders reported that they hunted; and two moose were harvested for an overall success rate of about 3% (OSM 2007). Eighty percent of the permit holders submitted harvest reports: 11 permit holders reported they did not hunt, and 37 reported they hunted unsuccessfully.

The total number of permits issued for the combined early and late season hunts in 2006 was 91, with 60 permit holders reporting that they hunted—21 during the early season and 39 in the late season. Three moose were taken during the early season and, as already mentioned, two were taken in the late season.

Beginning in 2007/08, a single permit allowed Federal subsistence permit holders to hunt during both the early and late seasons in Units 15B and 15C (OSM 2007). A total of 108 Federal subsistence permits were issued for the combined seasons but 4 permits were returned; 67 permit holders reported that hunted

Table 3. Federal moose harvests permits issued and moose harvested 1996/97–2007/08 (OSM 2007). (Numbers in parentheses represent the percent of permit holders that reported.)

Year	Number of Permits Issued	Number of Permits Reporting*	Number of Permits Hunted	Moose Harvested in Unit 15(A)	Moose Harvested in Unit 15(B)	Moose Harvested in Unit 15(C)	Moose Harvested in Unknown Area	Total Moose Harvest in Unit 15
1996/97	54	51	40	0	1	2	0	3
1997/98	40	34	29	0	2	1	0	3
1998/99	21	21	16	0	2	2	0	4
1999/20	34	27	20	0	1	1	1	3
2000/01	22	14	12	0	2	1	0	3
2001/02	46	44	33	1	1	5	0	7
2002/03	45	41	29	0	3	5	0	8
2003/04	41	33	26	1	1	1	0	3
2004/05	31	27	20	0	1	2	0	3
2005/06	26	17	13	0	0	1	0	1
2006/07	29	29 (100%)	21	2	0	1	0	3
2006/07L	62	50 (81%)	39	—	1	1	0	2
2007/08[a]	104	87 (84%)	67	2	2	2	0	6
2007/08L[b]	—	—	—	—	0	2	0	2
Total	509	475	365	6	17	27	1	52
Mean[b]	43	39 (91%)	30	0.5	1.4	2.3	—	4.3

* = Subsistence users harvested most moose during the first ten days of the season, i.e., when the State season was still closed.
L = New, late season Federal subsistence hunt in Units 15B and 15C: October 20–November 10.
a = In regulatory year 2007/08, the Federal permit was valid for both the early and late seasons.
b = The 2006/07 early and late season permit statistics were combined to calculate the means

Table 4. Unit 15A State moose harvest[a] chronology percent by week, regulatory years 1992/93–2006/07 (ADF&G 2007; Selinger 2006; and Spraker 2002).

Regulatory Year	Harvest Periods[f]								Total Harvest
	8/10–17	8/20–25	8/26–31	9/1–5[c]	9/6–10	9/11–15	9/16–20	Unknown	
1992/93[b]	—	—	8	33	18	13	25	4	143
1993/94[d]	—	35	7	10	8	13	23	5	232
1994/95[d]	—	34	11	8	6	15	21	6	238
1995/96[b]	11	20	10	10	9	15	21	5	117
1996/97[b]	12	26	10	6	7	18	18	4	260
1997/98[e]	20	24	5	6	7	16	17	5	192
1998/99[e]	17	23	8	8	8	15	13	8	271
1999/00[e]	16	17	5	12	12	16	18	4	91
2000/01[e]	11	24	7	8	8	13	28	2	131
2001/02[e]	21	21	8	4	10	17	16	4	228
2002/03[e]	24	23	9	4	4	14	18	4	141
2003/04[e]	15	24	7	2	3	28	20	1	176
2004/05[e]	5	12	19	5	13	23	23	0	131
2005/06[e]	24	22	12	3	3	16	20	0	123
2006/07[e]	14	14	25	15	9	21	29	0	130

a Excludes permit hunt harvest.
b Archery season — 8/25–29, 1992; 8/10–17, 1995 and 1996, S/F-50".
c General open season Sept. 1–Sept. 20; S/F-50".
d General open season Aug. 20–Sept. 20. S/F-50"; archery season (Aug. 25-29) was closed in 1993 and 1994.
e State archery season Aug. 10–17, S/F-50".
f Dates are approximate

Table 5. Unit 15B West (general harvest area) and Unit 15B East (trophy management area: DM 530-539) State moose harvest, regulatory years 1998/99–2006/07 (ADF&G 2007).

Year	15B West (Aug. 10–Aug. 17 [archery]; and Aug. 20–Sept. 20)	15B East (Sept. 1–Sept. 20; and Sept. 26–Oct. 15)	Total Unit 15B Moose Harvest
1998/99	57	19	76
1999/00	43	17	60
2000/01	47	17	64
2001/02	50	16	66
2002/03	41	12	53
2003/04	42	15	57
2004/05	37	16	53
2005/06	47	16	63
2006/07	40	9	49
Totals	357	137	494
Means	39.6 (72.3%)	15.2 (27.7%)	54.8

moose; and 20 hunters reported that they did not hunt for a report rate of 84% (n=87 hunters reporting) (**Table 3**). Six moose were harvested during the early season and two were taken in the late season in 2007/08 for an overall success rate of 12%.

Unit 15C

Approximately 40% of the moose harvest on the Kenai Peninsula occurs in Unit 15C (Selinger 2006), which contains a combination of Tier II (conducted out of Homer), drawing permit and general harvest areas. Most harvest occurs during the general hunt. Only four Tier II permits have been given out per year in Unit 15C; the harvest has averaged about one bull per year. Since 2002, 50 drawing permits have been given out on an annual basis in the Homer area for cow moose and have resulted in an average harvest of around 25 cows per year (Selinger 2006). The State general moose harvest in Unit 15C has averaged 257 moose per year by approximately 1,284 hunters over the last decade for a success rate of about 20% (**Table 6**) (ADF&G 2007). The 2006/07 harvest declined 23% from 2005/06, and is about 17% below the long-term average.

Federal subsistence registration permit hunters in Unit 15C harvested an average of approximately two moose per year since 1996 (**Table 3**).

In summary, approximately 43 Federal subsistence permits were issued in Unit 15 on an annual basis from 1996–2007, with an average of 30 permit holders reporting that they hunted. An average of 4.3 moose was harvested each year since the Federal subsistence moose hunt began (**Table 3**). The highest harvests occurred during regulatory years 2001/02, 2002/03 and 2007/08, where either seven or eight bull moose were taken. Approximately 90% of all hunters returned harvest reports.

Effects of the Proposal

Since 1996, an average of 30 Federally qualified subsistence hunters from four communities have harvested fewer than 1 moose per year in Unit 15A; 1.4 moose in Unit 15B; and 2.3 moose in 15C for a total of 4.3 moose per year during the August 10–September 20 season. There is no late season in Unit 15A. Two moose were harvested in 2006 and two in 2007 during the October 20–November 10 late Federal subsistence moose hunting season in Units 15B and 15C.

No negative impacts to post-rut bulls, or the moose population as a whole, have been documented as a result of either the early or the late Federal subsistence hunts in Units 15A, 15B and 15C. The spike/fork, or 50 inch or 3+ brow times on one antler restriction is a conservative regulation designed specifically to protect breeding bulls and the moose population as a whole. In the case of the October 20–November 10 late season, if a conservation concern arises, the Kenai NWR Manager is authorized to close the season. Further changes in the permitting process can be implemented without regulatory action by the Federal Subsistence Board.

If any of the current proposals are adopted, it would not likely reduce harvest opportunities for Federally qualified subsistence users. The small harvest and low number of subsistence hunters participating in the Federal subsistence moose hunting seasons in Units 15A, 15B and 15C suggests that destroying the trophy value of harvested animals is not warranted to protect the Kenai Peninsula moose population. However, it could potentially keep Federally qualified subsistence users from making full use of the resources they harvest, including their utilizing the antlers of moose harvested to make handicrafts.

In addition, current Federal regulations require that antlers be removed from the field intact. Federal regulations also allow for the sale of moose antlers once they are detached from the skull of a legally harvested bull moose as long as they are not made to represent a trophy.

OSM CONCLUSION

Oppose Proposals WP08-19/20/21.

Justification

There have been no documented adverse impacts to the moose population in Units 15A, 15B or 15C as a result of the Federal subsistence moose hunting seasons. On average, 4.3 moose were harvested annually during the combined early and late Federal subsistence moose hunting seasons in Units 15A, 15B and 15C. Only two moose were harvested during the late Federal hunt in 2006/07 and two in 2007/08. Requiring Federally qualified subsistence users turn in or have the antlers of the moose they harvest destroyed will have no effect on moose populations; and would keep Federally qualified subsistence users from making full use of the animals they harvest. The moose populations in Units 15A, 15B and 15C appear to be relatively stable under the current management regime.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-19/20/21

The Interagency Staff Committee (ISC) found the staff analysis for Proposal WP 08-19/20/21 to be a thorough and accurate evaluation of the proposal and that it provides a sufficient factual basis for the Regional Council recommendation and Federal Subsistence Board action on the proposal.

The ISC noted that the Board may want to consider a modification to align with State regulations in this area to require that the antlers and lower jaw be taken to ADF&G. The antlers would be measured and the lower jaw collected to help monitor the status of the moose population. An alternative would be to add this to the permit as a voluntary provision if the Board does not feel it is necessary to require subsistence users to do so.

Comments WP08-19, 20, and 21
April 2, 2008, Page 1 of 2

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

WP08-19/20/21: Require modification of antlers from moose harvested in all or parts of Game Management Unit 15 so the antlers may not be used for trophy purposes.

Introduction: The intent of these proposals is to remove the incentive for federally-qualified subsistence users to treat some or all of the moose hunts in Unit 15 as trophy hunts.

Impact on Subsistence Users: None are anticipated. For example, the primary purpose of the late season hunt in Units 15B and 15C is to provide another opportunity for federally-qualified subsistence users who were unsuccessful during the early fall hunt to obtain moose meat for personal and family consumption. Removing the trophy value of antlers can be accomplished without destroying their value for other uses.

Opportunity Provided by State: State regulations do not require destruction of antlers from moose harvested in Unit 15. However, this has been an effective tool in other areas of the state and does not affect use of moose antlers for subsistence purposes.

Enforcement Issues: All federal subsistence moose hunts in Unit 15 are administered by a federal registration permit, making it easy to distinguish between individuals hunting under the federal and state regulations. However, if one or more of these proposals are adopted and if state and federal seasons are open at the same time, some federally-qualified subsistence users might attempt to hunt under state regulations to avoid having to adhere to the antler modification requirements. This is not expected to be a significant issue.

Other Comments: The Office of Subsistence Management Conclusion indicates that federal subsistence moose seasons in Unit 15 have not caused any documented adverse impacts to the moose populations in that unit. This assertion misses the goal of these proposals, which is to discourage federally-qualified subsistence users from targeting trophy moose in the federal moose hunts in Unit 15. The small number of moose harvested under the federal regulations in Unit 15 means that antler modification will impact only a few hunters. Antler modification destroys the trophy value but not the use of antlers for making handicrafts.

Requiring antler modification also would enable managers to measure the size of antlers taken in the federal hunts and collect important wildlife management information, especially for late season hunts.

Adoption of Proposal WP08-22a would add Cooper Landing to the list of eligible communities for some of the federal moose hunts in Unit 15. This increases the potential for more moose to be harvested in Unit 15 federal hunts and the need for improved harvest monitoring of these hunts for conservation purposes. Antler modification is one low-cost and effective monitoring tool that merits careful consideration and would help reduce conflicts among users who perceive this late subsistence hunt a guise for a trophy hunt.

Recommendation: Adopt. The trophy value of antlers can be modified in such a way as to not

destroy their value for subsistence uses, while reducing the potential incentive to take only large bulls in the late season federal moose hunts in Unit 15.

WRITTEN PUBLIC COMMENTS

Support. The Homer Board of Game Advisory Committee voted unanimously in favor of proposals WP08-19, 20 and 21. If there is a Federal moose season for subsistence users, the trophy value of the antlers should be destroyed or the antlers should be surrendered. *Submitted by the Homer Board of Game Advisory Committee.*

Oppose. The Cooper Landing Fish and Game Advisory Committee voted to oppose Proposal WP08-21. No action was taken on Proposals WP08-19 and WP08-20 based on action on WP08-21.

1. Public comment. Ben Romig told committee that he did not support this proposal. He felt that antler destruction was unnecessary and should be a choice of the subsistence hunter.
2. Committee discussion of proposal. Gibson did not believe that this was the right thing to due [do] and said it appeared to be a directed as a penalty because they are subsistence hunters. From his experience he could not thing of anywhere else world wide where they would suggest destroying or making a hunter destroy the antlers. Lowe also thought the proposal was punitive regulation directed at subsistence hunters. *Submitted by Cooper Landing Fish and Game Advisory Committee*

WP08-22a Executive Summary		
General Description	Proposal WP08-22a requests a positive customary and traditional use determination for residents of Cooper Landing for moose in Units 7, 15A, and 15B. *Submitted by Karl W. J. Romig*	
Proposed Regulation		**Customary and Traditional Use Determination**
	Unit 7—Moose	
	Unit 7, that portion draining into Kings Bay	*Residents of Chenega Bay and Tatitlek.*
	Unit 7 ~~remainder~~	*~~No Federal subsistence priority.~~* ***Rural residents of Cooper Landing.***
	Unit 15—Moose	
	Unit 15A and B	*Rural residents of* ***Cooper Landing,*** *Ninilchik, Nanwalek, Port Graham, and Seldovia.*
	Unit 15C	*Rural residents of Ninilchik, Nanwalek, Port Graham, and Seldovia.*
Southcentral Regional Council Recommendation	**Support** Proposal WP08-22a.	
Interagency Staff Committee Comments	*See comments following the analysis.*	
ADF&G Comments	**Defer**. *See comments following the analysis.*	
Written Public Comments	**4 Oppose** **1 No position stated**	

REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-22a. Analysis of subsistence uses by residents of Cooper Landing for moose demonstrated customary and traditional uses of moose by Cooper Landing residents in Units 7, 15A, and 15B.

STAFF ANALYSIS
WP08-22a

ISSUES

Proposal WP08-22a, submitted by Karl W. J. Romig, requests a positive customary and traditional use determination for residents of Cooper Landing for moose in Units 7, 15A, and 15B. The proposal also requested seasons and harvest limits, which are analyzed in the analysis for Proposal WP08-22b.

DISCUSSION

The proponent is requesting a positive customary and traditional use determination for moose in Units 7, 15A, and 15B for Cooper Landing residents because it would "re-establish the customary and traditional use of this resource for the residents of Cooper Landing."

Existing Federal Regulations

	Customary and Traditional Use Determination
Unit 7—Moose	
Unit 7, that portion draining into Kings Bay	*Residents of Chenega Bay and Tatitlek.*
Unit 7 remainder	*No Federal subsistence priority.*
Unit 15—Moose	
Unit 15	*Rural residents of Ninilchik, Nanwalek, Port Graham, and Seldovia.*

Proposed Federal Regulations

	Customary and Traditional Use Determination
Unit 7—Moose	
Unit 7, that portion draining into Kings Bay	*Residents of Chenega Bay and Tatitlek.*
Unit 7 ~~remainder~~	*~~No Federal subsistence priority.~~* ***Rural residents of Cooper Landing.***
Unit 15—Moose	
*Unit 15A and B**	*Rural residents of* ***Cooper Landing,*** *Ninilchik, Nanwalek, Port Graham, and Seldovia.*
Unit 15C	*Rural residents of Ninilchik, Nanwalek, Port Graham, and Seldovia.*

*** NOTE**: Discussion with the proponent clarified that the intent of the proposal was for a customary and traditional use determination in Unit 15A and 15B and not in the entire Unit 15, as was indicated in the proposal book.

Extent of Federal Public Lands

Approximately 78% of the lands in Unit 7 are comprised of Federal public lands, consisting of 50% Chugach National Forest lands managed by the U.S. Forest Service (USFS), 23% are Kenai Fjords National Park lands managed by the National Park Service, and 5% of the lands are managed by the Kenai National Wildlife Refuge (NWR). The Kenai Fjords National Park lands are not open to subsistence uses. Federal public lands in Unit 15A comprise approximately 67% of the lands, consisting of slightly less than 100% managed by the Kenai NWR and less than 1% managed by the USFS. Federal public lands in Unit 15B comprise approximately 88% of the lands, consisting of slightly less than 100% managed by the Kenai NWR, less than 1% managed are Kenai Fjords National Park lands managed by the National Park Service, and less than 1% managed by the USFS (see **Units 7 and 15 maps**).

Regulatory History

When the Federal Subsistence Management Program was established in 1990, the State's customary and traditional use determinations were adopted. At the time, the State recognized the communities of Nanwalek and Port Graham as having customary and traditional use of moose in an area in the extreme southwest of Unit 15C, but the road-connected portion of the Kenai Peninsula—which is most of Units 7 and 15—was determined by the State of Alaska to be a nonsubsistence area. As a result, Units 7, 15A and 15B had "no subsistence" determinations for moose. On April 12, 1994, the Federal Subsistence Board (Board) addressed customary and traditional use determinations for all large mammals on the Kenai Peninsula, but they deferred these proposals until a process and schedule for making customary and traditional use determinations statewide could be established (FSB 1994). In July 1995, the Board made a positive customary and traditional use determination for moose for Unit 15 for residents of Port Graham, Nanwalek, Seldovia, and Ninilchik, but the Board deferred customary and traditional use determinations for Hope and Cooper Landing. After an extensive Federal process involving data gathering, public hearings, and court decisions, on May 3, 1996, the Board made the current customary and traditional use determinations for Unit 15 moose for Nanwalek, Ninilchik, Port Graham and Seldovia. Decisions on the remaining species and communities were deferred until rural determinations on the Kenai Peninsula could be made (FSB 1996). In 1997, the Board adopted Proposal 18B that provided a customary and traditional use determination for moose for the residents of Chenega Bay and Tatitlek in the Kings Bay drainage in Unit 7. The Board addressed customary and traditional use determinations for moose in Unit 15 again in 2003, but again deferred making customary and traditional use determinations until the completion of a report by the Institute for Social and Economic Research on rural determination and methodology and the subsequent review of rural determinations as required by regulation on a 10-year basis (FSB 2003:102). The Board made its final rural determinations in 2006, but has not yet considered these deferred issues. Through this proposal, the customary and traditional use determination status of Cooper Landing is addressed.

Community Characteristics

Cooper Landing is a small, unincorporated community within the Kenai Peninsula Borough with an estimated permanent year-round population 357 in 2006 (ADCRA 2008). It is located in the northern part of the Kenai Peninsula on the banks of the Kenai River and Kenai Lake along the Sterling Highway about 101 miles by road from Anchorage and about 57 road miles from the City of Kenai. The community is near the western edge of the Chugach National Forest (ADCRA 2008).

The Dena'ina inhabited the Cooper Landing area long before Russian explorers arrived. They would move to the area to hunt sheep and then spend the winter hunting and trapping before moving to coastal areas in the spring (Holmes 1985).

Between the late 1830s and 1918, the Dena'ina living in the Cooper Landing area were struck by a series of introduced diseases including influenza, measles, and syphilis. The Dena'ina also were affected by declining fur prices, forest fires, and reduced salmon runs due to cannery operated fish traps at the mouth of the Kenai River. By 1919, the Dena'ina had moved from the Cooper Landing area (Seitz et al. 1992).

Around 1850, Russian explorers from the Russian-American Company in search of gold were the first nonindigenous people in what today is known as the Cooper Landing area. In the 1880s, Joseph Cooper, along with others, came to the area from Ninilchik seeking gold. He established a trading post and worked some mining claims. The area was eventually named for him (Barry 1973).

Big game guiding, fox farming, and trapping eventually replaced gold mining as the primary economic activities in the area (Painter 1983). It was not until the 1920s that the general area became known as Cooper Landing. It became connected by road to Seward in 1938 and to Kenai in 1948. The road to Anchorage was not officially opened until 1951 and by 1962 the community had commercial electricity (Painter 1983). This road system greatly enhanced the opportunity for tourists to enjoy the wildlife, scenery, and sport fishing (including guiding, boat rentals, campgrounds, lodging, and restaurants) available in the Cooper Landing area and has been a major factor in the area's development.

Eight Factors for Determining Customary and Traditional Uses

A community or area's customary and traditional use is generally exemplified through the 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 Federal Subsistence 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 Subsistence Regional Advisory Council regarding customary and traditional use of subsistence resources (50 CFR 100.16(b) and 36 CFR 242.16(b)).

The Dena'ina of the Kenai Peninsula utilized the wild resources available to them (Osgood 1976 [1937], Ackerman 1975, and Holmes 1985). Long-time residents of Cooper Landing state that their families utilized moose at least as far back as 1920 (Seitz et al. 1992) and that they often went hunting for moose. Moose were among the most sought after wildlife by the early settlers on the Kenai Peninsula (Barry 1973).

In a household survey conducted in Cooper Landing from August 1990 through July 1991, Seitz et al. (1992) found that moose were the most widely used land mammal. Forty-two percent of the households used moose, 28 percent hunted moose, and 10 percent harvested moose. In 1990, the Cooper Landing population was estimated to be 243; the estimated community take of moose was about 10 animals

averaging 19 pounds of meat per capita. The ADF&G harvest ticket database from 1983 to 2006 recorded a total of 147 moose reported harvested in the entire State by Cooper Landing residents, with a range of 3 to 13 moose a year and averaging about 6 moose per year (**Table 1**). An average of 3 moose were harvested a year in Unit 7 and in Units 15A and 15B less than 1 a year harvested (**Table 2**) (ADF&G 2006).

Table 1. Percent of Cooper Landing total reported moose harvest in Units 7, 15A, and 15B, 1983 – 2006 (ADF&G 2006).

Year	Total Harvested in Alaska	% Harvested in Unit 7	% Harvested in Unit 15a	% Harvested in Unit 15b
1983	13	23%	38%	23%
1984	10	40%	29%	20%
1985	7	43%	30%	0%
1986	4	25%	0%	0%
1987	5	40%	0%	0%
1988	9	22%	0%	0%
1989	5	40%	20%	0%
1990	8	38%	13%	0%
1991	4	50%	0%	0%
1992	4	25%	0%	0%
1993	5	60%	0%	0%
1994	3	100%	0%	0%
1995	3	33%	0%	0%
1996	12	58%	8%	0%
1997	6	50%	0%	0%
1998	8	75%	13%	0%
1999	6	50%	0%	17%
2000	5	100%	0%	0%
2001	4	50%	25%	0%
2002	5	80%	0%	0%
2003	5	40%	0%	0%
2004	5	20%	0%	0%
2005	5	40%	0%	0%
2006	6	66%	0%	0%
Total	**147**	**47%**	**10%**	**8%**

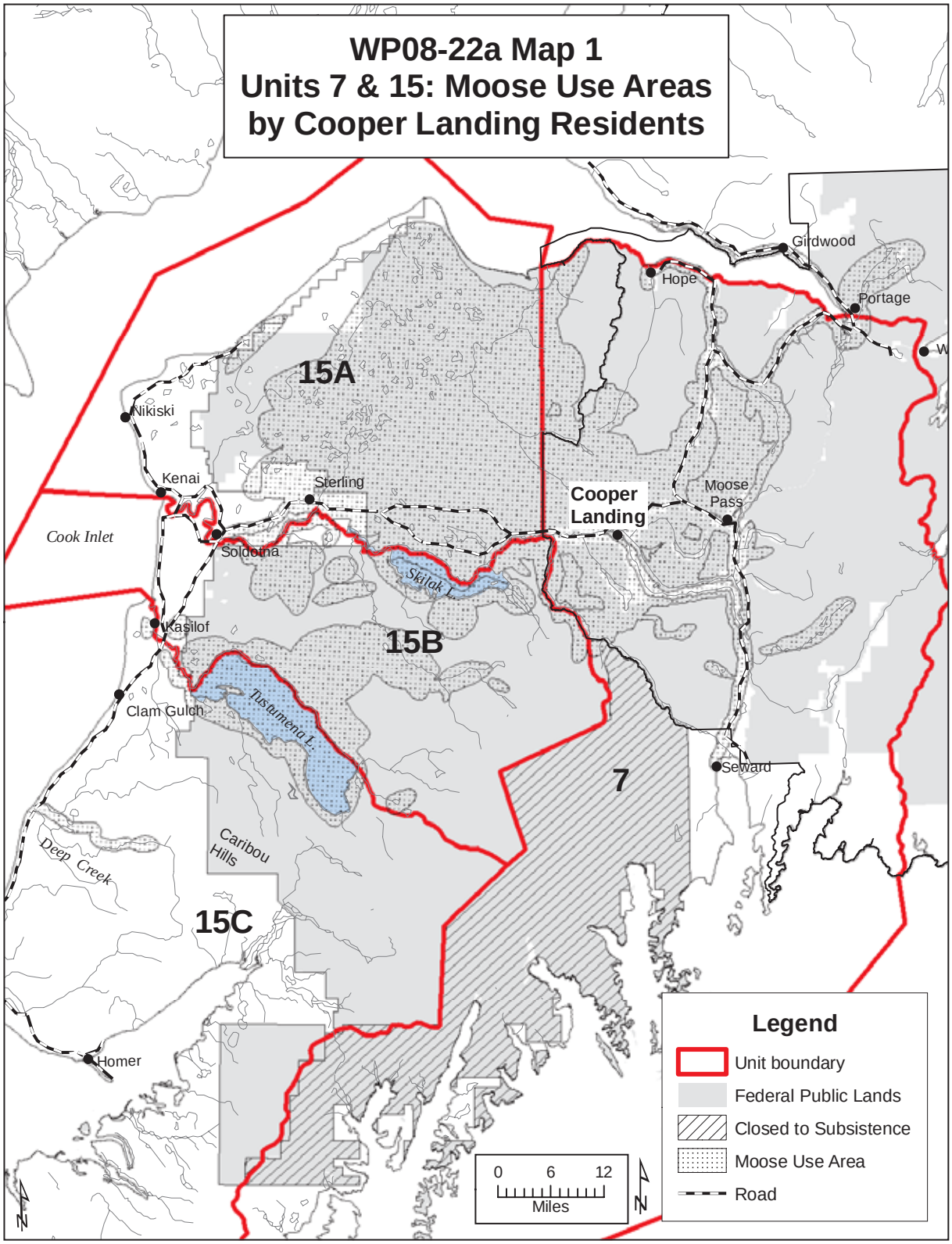
Prior their departure from the Cooper Landing area, the Dena'ina likely hunted moose in the fall (Ford 1984) and the winter (Seitz et al. 1992). Little information is available concerning the specific seasons that early residents of the Kenai Peninsula harvested moose, but generally moose were harvested when needed and according to the seasonal conditions (O'Brien 2003, pers. comm.). Under State and Federal management of moose, harvests are restricted by regulations and the availability of resources. The primary month to harvest moose is September, with some hunting also occurring in August (Seitz et al. 1992). Moose have been hunted with rifles on the Kenai Peninsula since the end of the 19th century, replacing Dena'ina technologies of bow and arrow, spear, and snares.

Table 2. Cooper Landing reported moose harvests and hunters in Units 7, 15A, and 15B, 1983 – 2006 (ADF&G 2006).

	Unit 7		Unit 15a		Unit 15b	
Year	Total Harvested	Total Hunters	Total Harvested	Total Hunters	Total Harvested	Total Hunters
1983	3	18	5	14	3	3
1984	4	20	2	12	2	2
1985	3	34	3	7	0	3
1986	1	28	0	4	0	2
1987	2	16	0	2	0	3
1988	2	17	0	2	0	1
1989	2	19	1	5	0	2
1990	3	16	1	2	0	1
1991	2	26	0	2	*	*
1992	1	21	0	1	*	*
1993	3	20	0	4	*	*
1994	3	25	0	1	*	*
1995	1	14	0	3	0	1
1996	7	16	1	1	*	*
1997	3	20	0	3	*	*
1998	6	20	1	6	0	2
1999	3	18	0	2	1	4
2000	5	23	0	1	0	1
2001	2	18	1	2	0	1
2002	4	25	0	1	0	1
2003	2	14	0	2	0	1
2004	1	20	0	1	0	1
2005	2	14	0	2	*	*
2006	4	16	0	1	0	3
Total	**69**	**478**	**15**	**81**	**6**	**32**
Annual Average	**3**	**20**	**<1**	**3**	**<1**	**1**

Currently hunters use a variety of transportation methods to harvest moose. Some households use automobiles and boats for access to the general area of their hunt and proceed by foot. A few households have reported using an aircraft for reconnaissance, followed by actual hunting on foot (O'Brien 2003, pers. comm.). In Unit 7, moose are generally harvested by accessing hunting areas by automobile. Planes were used 8 to 11% of the time (ADF&G 1991a).

Cooper Landing residents harvest moose on the Kenai Peninsula generally from Tustemena Lake north to Turnagain Arm (in Units 15A, 15B, and 7). The area along the Seward Highway all the way to Portage and up Twenty Mile River (in Unit 7) is also used (USFWS 1993:VIII-21; ADF&G 1991b) (**see Map 1**). ADF&G harvest database reports show that 47% of moose harvested by Cooper Landing residents from 1983 to 2006 were from Unit 7, 10% were from Unit 15A and 8% from Unit 15B (**Table 1**). The remaining recorded harvests were outside of Units 7 and 15A and 15B. Cooper Landing residents harvested an average of approximately three moose a year from Unit 7 from 1983 to 2006, and an average of less than one moose a year in Units 15A and 15B (**Table 2**).


WP08-22a Map 1
Units 7 & 15: Moose Use Areas
by Cooper Landing Residents
15A
15B
15C
7
Girdwood
Hope
Portage
Nikiski
Kenai
Sterling
Cooper
Landing
Moose
Pass
Cook Inlet
Soldotna
Skilak L.
Kasilof
Tustumena L.
Clam Gulch
Seward
Caribou
Hills
Deep Creek
Homer
Legend
Unit boundary
Federal Public Lands
Closed to Subsistence
Moose Use Area
Road
0 6 12
Miles
N

In the past, Dena'ina ate moose meat fresh or preserved it by a variety of methods, including smoking, hanging in caches, drying into jerky, or freezing outdoors. Almost all parts of the moose were utilized, including the head, heart, liver, and parts of the intestines (Stanek 1985:177). Hanging meat in a storage shed in the winter was an efficient way to preserve meat prior to the availability of electricity (Seitz et al. 1992). These methods of preservation continue to be utilized in current times with some variation, i.e., with the introduction of electricity and freezers, meat is frozen in freezers rather than outdoors. In a study conducted in 1990–1991, most moose meat in Cooper Landing was eaten fresh or frozen, while some was smoked or dried (Fall and Seitz 1991:112).

Intergenerational transmission of knowledge, skills, and values are passed down from hunter to hunter in the Kenai Peninsula: "hunters learned to hunt from family members or friends, either in Alaska or in other states before moving to a Kenai Peninsula community" (Fall and Seitz 1991:112).

In the household survey conducted in 1990 to 1991 (Seitz et al. 1992), most households in Cooper Landing were involved in giving or receiving wild resources. About 81 percent of the households received at least one kind of wild resource from another household. Seventy-two percent of the households gave away wild resources to someone else. Cooper Landing residents received an average of 3.8 kinds of wild resources and gave away an average of 2.8 kinds. The most commonly given resource was fish (53%). Moose was given by about 11% of households, 39% of households reported receiving moose meat, 11% gave moose meat to someone else, while only 10% of the households harvested moose (Seitz et al. 1992, ADF&G 2001).

Residents of Cooper Landing depend on a wide diversity of fish and wildlife resources, harvesting an average of 8.3 different kinds of resources, similar to other road-connected communities on the Kenai Peninsula (Fall et al. 2000:240–245). From August 1990 through July 1991, all households in Cooper Landing were estimated to have used at least one wild resource (Seitz et al. 1992). Ninety-four percent harvested some kind of wild resource. The average number of wild resources used in the communities and areas in the Kenai Peninsula ranged from 7.6 (North Fork Road) to 21.5 (Nanwalek), with Ninilchik and Voznesenka harvesting 8.6 wild resources, Hope and Nikolaevsk 9.1 (Fall et al. 2000:240–245).

In Cooper Landing the per capita harvest of wild resources, measured in pounds of useable weight, was 91.5 pounds while the mean household harvest was 238 pounds. Salmon made up 43 percent of the total wild resources harvested. The next most frequently taken resources were land mammals (32%), other fish (16%), and wild plants, eggs, and marine invertebrates (10%) (Seitz et al. 1992).

The most commonly used resource by residents of Cooper Landing was sockeye salmon with 77% of the households using it. Berries were used by 71% of the households, followed by halibut (65%), Dolly Varden (57%), coho salmon (53%), moose (43%), other plants (35%), grouse (33%), Chinook salmon (30%), and lake trout (25%) (Seitz et al. 1992). An estimated 10 moose were harvested providing about 4,823 pounds of usable meat. This was an average of 49 pounds per household or 19 pounds per capita (Seitz et al. 1992).

Effects of the Proposal

If the proposal were adopted, a positive customary and traditional use determination for the residents of Cooper Landing for moose in Units 7, 15A, and 15B would qualify them to harvest moose under Federal subsistence regulations. If the proposal were rejected, Cooper Landing residents would only be allowed to harvest moose under State regulations.

If there are conservation concerns, these would be addressed in Proposal WP08-22b through the implementation of seasons, harvest limits, methods and means of the harvest, but are not a factor in making customary and traditional use determinations.

OSM CONCLUSION

Support Proposal WP08-22a.

Justification

Patterns of use of moose by Cooper Landing residents generally exhibit the eight factors of customary and traditional use determinations for using moose in Units 7, 15A, and 15B. The ADF&G harvest ticket database demonstrates that 47% of moose reported harvested by Cooper Landing residents is from Unit 7 with 10% from Unit 15A and 8% from Unit 15B. Mapping of subsistence use areas confirms that these areas are used by Cooper Landing residents.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-22a

The Interagency Staff Committee (ISC) found the staff analysis for Proposal WP 08-22a to be a thorough and accurate evaluation of the proposal and that it provides a sufficient factual basis for the Regional Council recommendation and Federal Subsistence Board action on the proposal.

The majority of the ISC found that the Regional Council recommendation was supported by the evidence presented in the staff analysis.

An alternative view is that the evidence may not support a positive C&T finding for moose by residents of Cooper Landing in Units 15A or 15B. Unit 15 is less than 10 miles from Cooper Landing. During the period 1983-2006, the reported number of Cooper Landing residents hunting moose in Units 15A or 15B averaged less than 1% of the population of the community for each unit. This level of reported hunting effort for a subsistence resource such as moose may not sufficiently demonstrate a pattern of use for the community.

Comments WP08-22
April 10, 2008, Page 1 of 2

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP08-22a: Establish a customary and traditional use for moose in a portion of Game Management Unit 7 and in Unit 15 for residents of Cooper Landing.

Wildlife Proposal WP08-22b: Open the moose season in Unit 7 Remainder, adjust the season dates and harvest limits in parts of Unit 15.

Introduction: The proponent seeks approval for residents of Cooper Landing to be recognized in federal regulations as having customary and traditional use of moose in Units 7 and 15. The proponent seeks additional hunting opportunity under federal regulations.

Impact on Subsistence Users: If both proposals are adopted, the number of rural residents eligible for federal subsistence moose hunts in Units 7 and 15 increases. It is unclear how or if moose hunting patterns in Cooper Landing would be affected in practice, but additional harvests on low-density moose populations could eventually require more restrictive regulations.

Opportunity Provided by State: State regulations allow moose hunting by residents and nonresidents in Unit 7 and in most parts of Unit 15. The Portage Glacier and Resurrection Creek closed areas in Unit 7 are not open to moose hunting.

Conservation Issues: The Remainder of Unit 7 has a low density moose population, and bull:cow ratios are presently at desired levels for long-term management. Establishing new federal hunts, increasing the number of rural residents eligible for these hunts, and allowing harvest of any bull may detrimentally affect this moose population and jeopardize sustained yield management.

Other Comments: The affected moose populations in Units 7 and 15 are low density and subject to high winter mortality. The State hunts in Unit 15 in which Cooper Landing residents typically participate occur before the rut and have antler restrictions that protect the middle age class of bulls. Some Cooper Landing residents may opt for the more liberal federal hunts if Proposal WP08-22b is adopted, and their success rates may improve as a result. Adoption of WP08-22b also would open a federal season in Unit 7 Remainder, which presently is closed. Existing State regulations allow hunting in this area, but limit harvest to bulls with spike-fork or 50-inch antlers or antlers with 3 or more brow tines on at least one side. The proposed federal season would be for any bull. This more liberal federal harvest limit has the potential to increase harvest levels in a low-density moose population.

The federal staff analysis in the Office of Subsistence Management Conclusion addresses some but not all of these concerns.

Recommendation: WP08-22a: Defer. While available evidence presented in the Office of Subsistence Management analysis may support finding that residents of Cooper Landing have a customary and traditional use of moose in Unit 7, the evidence is less compelling for Units 15A and 15B. The Federal Board should discuss on the record whether or not sufficient evidence to

generally demonstrate the eight federal regulatory factors is presented in the federal staff analysis to support a positive finding of use by Cooper Landing of moose populations in each of these units. Whether there is sufficient evidence also needs to be clarified given the Federal Board's inconsistent application of its regulations and lack of clear, objective standards for making determinations.

Recommendation WP08-22b: Oppose. The proposal as modified by the Southcentral Regional Advisory Council and in the Office of Subsistence Management Conclusion excludes the late fall season requested by the proponent in the Unit 7 Remainder and in Units 15A and 15B. (If WP08-22a is adopted, residents of Cooper Landing would be eligible for the existing late fall season hunt in Unit 15B.) This is an important first step in reducing the potential for moose conservation issues to arise if this proposal is adopted.

The Department opposes opening the proposed early fall season in Unit 7 Remainder on August 10, which is ten days earlier than the corresponding state season. Part of the basis for finding that Cooper Landing residents have a customary and traditional use of moose in Unit 7 presumably is based on their participation in existing state hunting seasons. The State season in Unit 7 has never opened before August 20 and in some years did not open until September 1, so any possible customary and traditional pattern of use could not include a time period during which moose hunting has not been authorized by regulation.

WRITTEN PUBLIC COMMENTS

Oppose. It was the unanimous judgement of the Homer Fish and Game Advisory Committee that adequate opportunity for Federally qualified subsistence moose hunters can be achieved under the current State moose season in GMUs 7 and 15. The current State season provides over 30 days of moose hunting opportunity. It was the unanimous judgement of the Homer AC that sustainable management of our wildlife resources should be the guiding principle of wildlife management. The Federal moose season that currently exists in GMUs 15B and 15C from October 2–November 10 and the proposed Federal season in GMU 7 is not in the best interest of sustainable moose management and could ultimately hurt subsistence hunting opportunities. The spike-fork/50-inch antler management system now in place has increased opportunities for all users but the beneficial effects are undermined by exposing large breeding bulls to late rut pressures. *Submitted by the Homer Fish and Game Advisory Committee*

Oppose. I am writing to express my disagreement with the current proposal number WP08-22B or any modification thereof that would give the residents of Cooper Landing or any other community on the Kenai Peninsula a legal right to harvest any bull moose. As a fellow hunter, interested in the long-term viability of the moose population, my objections to this proposal are two-fold: First, regardless of Federal or State harvest level standards, I believe that any objective analysis of the moose harvest history for the Kenai Peninsula, particularly Units 7 & 15A & 15B, will conclude that our moose population has been on the decline in these units and rapidly trending downward. There should be no modifications whatsoever to the current harvest restrictions until the general moose population is demonstrably proven to have increased to levels of say, 15-20 years ago. Every effort must be made to re-establish the herd, including not only managing the hunt, but also improved predator control. Second, both as a local business owner and resident of neighboring Moose Pass, I have nothing but respect for the residents of Cooper Landing and consider many of them friends and business associates. I have long questioned however, whether the community of Cooper Landing is justified in being given a subsistence community rating under any truly impartial and objective guidelines. When measured in terms of total average per-capita business revenues and real property values alone, Cooper Landing is arguably on-par or even economically above many other communities here on the Kenai Peninsula that do not qualify for subsistence status, including larger communities such as Seward. Conversely, a strong argument could be made that the community members residing in Moose Pass should also be open for subsistence hunting due to the average per-capita income of the majority of its residents, however I know of no-one within the community of Moose Pass, including myself, attempting to make this argument. Although there are many moose hunters residing in this community, the general attitude in my estimation is that the moose population needs to be managed in a long-term manner that yields a significant increase to the herd, not to obliterate it in the short-term. The preservation and long-term viability of the herd far outweighs any short-term personal convenience or gain. I would further argue that regardless of the outcome of this particular proposal, anyone taking advantage of their personal community subsistence hunting status to harvest animals of any kind, in or out of season, be required to substantiate their personal economic need. There should be a process that qualifies them based on a weighted-average of their annual income as well as their assessed property values, not simply their community of residence alone. *Submitted by Paul Wiest of Moose Pass*

Oppose. I wish to file a comment on proposal WP08-22b and WP08-22a, for a special subsistence harvest in unit 7 for Cooper landing residents only. Reading through the proposal it appears that there are no current population numbers for moose in this area, that latest estimates I saw appeared to be from around 2003 and the harvest estimate from 2001 through 2004 of 42 legal bulls does not reflect the steep decline of legal bulls taken in recent years. If the numbers are taken on a year by year basis, it appears

that animals harvested have gone from around 70, a few years ago, to 11 in 2007. If those numbers are accurate it would seem to indicate a population crash has taken place, and to allow a harvest of any bull at this time, even by a small number of resident hunters, would only damage the resource more and greatly prolong any possible recovery. I believe that the system in place for estimating moose populations in unit 7 is flawed, using estimates over a course of several years for harvest numbers does not reflect accurately the harvest trend. As a resident of Moose Pass I object to Cooper Landing residents being given priority access to the resource over me. The subsistence status of Moose Pass residents is in review and is likely to change this year, until that has been determined no action should be taken on this proposal. Regardless of the subsistence status of any area in unit 7, the moose population is in serious decline at this time, due to undetermined factors, and no additional pressure should be put on the breeding stock until the resource has had time to recover. I wish to go on record as being strongly opposed to proposal WP08-22b and WP08-22a. *Submitted by Shawn McDonald of Moose Pass*

Oppose. Reference the application for special season/restriction Moose Hunt (WP08-22b) for the area in and around Cooper Landing. This application to establish a true subsistence hunt should be tabled at this time. The data and science referred therein is questionable. Statements regarding the stability of the local Moose population are not borne out by other available data. Harvest numbers are falling, suggesting that the local population is facing challenges and is not in a current condition to extend additional harvest pressure. It is undetermined to the cause of the easily recognized drop in Moose population. Potential causes, reduction or degradation of habituate, predation, illness, climate have not been adequately analyzed. Statements in the application (effects of proposal) that additional pressure by a relatively small local hunting population would have little impact are not based on conclusive data. No definitive or substantive study of the area moose population has ever been performed. Aerial observation in the area from Skilak Glacier to Lake Nellie Juan offer far more wolf and bear spotting than moose. An hours flight 5 years ago would find half a dozen or more moose. This years (2007) same flight might find one or two in the same general area. Further the community of Moose Pass has an active challenge to the current nonrural subsistences designation of its residents. Until this issue is resolved the further potential erosion of the game population in the Moose Pass area by special seasons is unfair. *Submitted by Bruce Jaffa of Moose Pass*

No position stated. The Kenai/Soldotna Fish and Game Advisory Committee would like to direct our concerns in particular to Proposal WP08-22 and in general to late season, Oct.10th–Nov.20th. , Subsistence Moose harvests in Game Management Units 7 and 15.

In 1963/64 moose harvest through 1985/86 any bull moose was permitted. Harvest levels dropped from over 1900 bulls harvested to below 300 bulls harvested in Game Units 7 & 15. Harvest levels swung wildly from year to year due to the harvest of moose, late season or second season hunts, weather, habitat food conditions, and disease or parasites.

Forest fires in 1949, 1969, and clear cutting in the Kenai Moose Range, before the Moose Range became the Kenai National Wildlife Refuge, help supply a bountiful food habitat to support a larger moose population.

In 1987/8 the spike-fork, 50 inch spread or 3 brow tines on one side came into effect. Although the moose population never returned to the numbers that were prior to 1963, the harvest has remained consistent with 400–600 Bull Moose harvested per season. When the habitat supported a good food supply and the predator population was low, harvests reached up to 800 animals harvested.

Alaska Fish & Game Laws and Regulations evolved to identify big game prey populations that are important for providing high levels of human consumptive use on the moose population. 5 AAC 92.106 established harvest size by historic harvest levels, accessibility to harvest the population, utilization or primarily used for human consumption, and level of hunter demand reflected by hunting effort, permits and tags applied for, animals harvested, and other indicators.

The regulations considered criteria when establishing population objectives, harvest objectives, consistent with maintaining near maximum sustainable yield from the population.

5 AAC 92.108 lists the game population or portion of those populations in game management units as to what populations are identified as populations that can support a high level of human consumptive use and what the population and harvest objectives are.

Unit 7 had no findings of a population that could sustain a high level of harvest for human consumptive use.

Unit 15A has a population objective of 3000–3500 and a harvest objective of 180–350

Unit 15B had no findings of a population that could support a high level of human consumptive use

Unit 15C has a population objective 2500–3500 animals and a harvest objective of 200–350

When numbers fall below the population levels and harvest levels, an intensive management plan can be initiated by the criteria of over harvest, non abundant food source, accessibility to the population, over predation by bears, wolves, vehicle-train collisions.

Unit 7 is unique in that it doesn't have a large amount of habitat area for feeding due to mountainous conditions, low lands that are old growth forest for forage, and during the rut congregate in large groups in areas visible and accessible from the highway, railroad tracks, and rivers such as Bear Valley along the railroad tracks, Placer River, also Snow River Valley where it empties out of Kenai Lake. October 10th is the end of the first rut when the moose congregate in these visible areas. This could disturb cows being bred in the first rut and the survival rate is very low for calves bred in the second rut due to their small size going into winter and old growth forage that is too high for them to reach!

Unit 7 in 2005/06 a total of 460 moose was counted in the areas that were counted, this was not a census. 2006/07 was a bad weather year for counting and an estimated population level has never been projected. There were 23 bulls per 100 cows and 11 calves per 100 cows which show a acceptable bull to cow ratio and a low calf survivability rate due to high predation rate and or old growth forest that is too high for the calves to reach and forage on.

Unit 7: 5 year average harvest report 1980 – 2006 36 animals were harvested, 30 were harvested in 2006 and 14 were harvested in 2007, harvest fell by half! Weather coming as deep snow winter killed a lot of animals in 1998 / 2000 as we saw along the highway near portage. A late season hunt in this population, where breeding populations are in visible sight of the highway, an old growth forest food supply leading to a low calf survivability rate, could be a total devastation on this population.

Unit 15 A would be under an intense management program, had not the majority of the land fallen under Federal jurisdiction, because of the sustainable population level desired is 3000–3500 animals now is estimated at 1704–2431 animals. With a high level of predator population, and the lack of good habitat to support a calf population, recovery of this population doesn't look to recover soon. The verified harvest

rate of 180 to 350 has fallen from 176 in 2003/04 to 130 in 2006/07. Again late fall hunts in Oct.10th to Nov. 20th, , when the end of the first rut is taking place, lower bull to cow ratios and low calf survivability and high predation, could drastically harm this population.

Unit 15A 2005/06 total moose counted 614, in the composition of areas counted, 106 bulls 438 cows 70 calves, 24 bulls per 100 cows and 16 calves per 100 cows.

Alaska Department of Fish and Game use these tools to maintain a sustainable yield as their part of the Management of Agreement in the Federal Subsistence program. To maintain the sustainable yield of moose harvested for human consumption and subsistence. The spike-fork, over 50 inches or three brow tines on one side is a proven tool in maintaining a sustainable yield and not reverting back to any bull!

Canceling the late winter hunts has been another tool used to maintain a sustainable yield. Although the moose populations have never recovered to the levels harvested in the 1960' and 70's, it has been beneficial to maintaining a consistent harvest.

The Management of Agreement between the Federal and the State of Alaska for management of federal subsistence in Alaska has to be a two way agreement. If The State is to provide a sustainable yield for a harvest of natural resources, then they must be allowed to use the tools necessary to do so.

Weather, habitat food supply, disease, parasites, predators, car-train and moose collisions, are factors that deeply effect the populations harvested by the Federal and State harvest programs, and cannot be quickly changed to boost or maintain a sustainable yield!

Current state regulations allows for a 32 day harvest season (Aug. 20th–Sept. 20th) with the 10 day earlier start for rurally qualified individuals, provides an adequate advantage for a meaningful subsistence harvest. Accessibility to state and federal land not forded to state subsistence users and hunters, and given priority for road killed moose in and around Ninilchik, Cooper Landing, more than gives preference to the Federal Subsistence member for a meaningful subsistence harvest.

In 2007 Cooper Landing was given 4 road killed moose and Ninilchik was given 13 and already in 2008, Cooper Landing has received 2 moose and Ninilchik has received 2 road killed moose.

The State Department of Fish & Game must be allowed to use the tools necessary to maintain a sustainable yield as their part of the Management of Agreement and the Federal agencies need to continue to work using the Management of Agreement to continue a subsistence harvest for the future of Federal Subsistence users. *Submitted by Kenai/Soldotna Fish and Game Advisory Committee*

The Cooper Landing Fish and Game Advisory Committee voted: 7 in support; 2 opposed—Federal Subsistence hunting should be non-existent; 1 abstained—wanted more information before making decision. Chairman Romig began discussion by explaining his proposal WP08-22. Proposal asked that residents of Cooper Landing be provided customary and traditional use of its moose resource in GMU 7, 15B and 15A. As compared to the current State regulations the proposal would add an additional 10 days to the beginning of the season (August 10-20), provide a late season hunt (Oct. 10-Nov. 10) and allow the harvest of one bull as compared to spike/fork-50 inch State regulation. Currently residents of Ninilchik, Nanwalek, Port Graham and Seldovia have a subsistence moose hunt in Unit 15. Romig pointed out that a large portion of Unit 15B as regulated by the State is designated as a drawing permit trophy hunt with 2 harvest seasons. The first season is pre-rut and the second season is during the rut. In 15A the State offers

a late season (Oct. 10-Nov10) drawing permit hunt. For GMU 7 in the Cooper Landing area the State offers a spike/fork-50" from August 20 to September 20.

1. **Public comment**. Ben Romig spoke in support of proposal. B. Romig pointed out that he felt that the spike/ fork, 50" reg. is a good option as a management tool verse the proposed one bull. The proposed late season hunt may not be a good option because he felt that the condition of the meat poor. B. Romig spoke to previous experience he had with proposing a subsistence moose hunt for Cooper Landing. His experience was stressful and received undue pressure for supporting previous proposal. Also B. Romig read portion of letter from the Wildlife Refuge Manager- Robin West that addressed the proposal and the effects it may have in the refuge area.

2 **Committee discussion of proposal**. Givens asked why the proposal is not for any moose seeing how it is a subsistence proposal. Romig replied that he felt that this proposal offered the best solution and would be more accepted amongst other agencies. Gibson pointed out that proposal 17 by the Alaska Fish & Game is asking that the late season hunt of Oct.10-Nov.10 be eliminated. Proposal 17 sited that the post rut hunt may be stressful on bulls and leave them in a venerable [vulnerable] position that could have a negative effect to the resource. Wilkes pointed out that the number of hunters is small enough that the effect would be minimal and that AK. Fish & game position seems to be contrary to their drawing permit hunt they offer in GMU 15A during this same period of time Oct.10-Nov.10. Siter said he would oppose proposal based on philosophical belief that subsistence should not be offered in this area, Overman agreed with Siter. *Submitted by the Cooper Landing Fish and Game Advisory Committee*

WP08-22b Executive Summary	
General Description	Proposal WP08-22b requests: (1) establishing a moose season with special provisions in Unit 7 remainder from Aug. 10–Sept. 20 and Oct. 10–Nov. 10 by Federal registration permit; (2) requests opening an Oct. 10–Nov. 10 season in Unit 15A with a one bull harvest limit by Federal registration permit; (3) changes the antlered bull restriction during the Aug. 10–Sept. 20 season in Units 15A and 15B to one bull; (4) changes the late season dates in Unit 15B from Oct. 20–Nov. 10 to Oct. 10–Nov. 10; and (5) changes the antlered bull restriction in Unit 15B during the Oct. 10–Nov. 10 season to any bull. In addition, the proponent requests opening the Skilak Loop Wildlife Management Area for moose hunting in Unit 15A to Federally qualified subsistence users from Aug. 10–Sept. 20 for one bull by Federal registration permit. *Submitted by Karl Romig of Cooper Landing*
Proposed Regulation	**Units 7—Moose** *Unit 7—that portion draining into Kings Bay—Federal public lands are closed to the taking of moose by all users* — *No Federal open season* *Unit 7 remainder—**1 bull by Federal registration permit only*** — *~~No Federal open season~~* ***Aug. 10–Sept. 20 Oct. 10–Nov. 10*** **Special Provisions** ***Resurrection Creek Closed Area: Drainages of Resurrection Creek down stream from Rimrock and Highland Creeks including Palmer Creek is closed to the taking of moose.*** ***Portage Glacier Closed Area: Portage Creek drainages between Anchorage-Seward Railroad and Placer Creek in Bear Valley, Portage Lake, the mouth of Byron Creek, Glacier Creek and Byron Glacier is closed to the taking of moose.*** **Unit 15—Moose** *~~Unit 15A—Skilak Loop Wildlife Management Area~~* — *~~No open season~~* ***Aug. 10–Sept. 20*** *Unit ~~15A remainder, 15B, and~~ 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only* — *Aug. 10–Sept. 20* ***Units 15A and 15B—1 bull, by Federal registration permit only*** — *Aug. 10–Sept. 20* ***Oct. 10–Nov. 10***

continued on next page

WP08-22b Executive Summary (continued)		
	~~Units 15B and~~ **Unit** *15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only. The Kenai NWR Refuge Manager is authorized to close the October/November season based on conservation concerns, in consultation with ADF&G and the Chair of the Southcentral Alaska Subsistence Regional Advisory Council*	*Oct. 20–Nov. 10*
Southcentral Regional Council Recommendation	**Support** Proposal WP08-22b **with modification** to establish only an Aug. 10 – Sept. 20 season with antler restrictions in Unit 7 remainder; maintain the no open season in the Skilak Loop Wildlife Management Area; and retain the current antler restrictions and seasons in Units 15A and 15B.	
Interagency Staff Committee Comments	*See comments following the analysis.*	
ADF&G Comments	**Oppose.** *See WP08-22a analysis for full ADF&G comments.*	
Written Public Comments	*See WP08-22a analysis for public comments.*	

REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

SOUTHCENTRAL ALASKA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-22b **with modification** to establish only an Aug. 10 – Sept. 20 season with antler restrictions in Unit 7 remainder; maintain the no open season in the Skilak Loop Wildlife Management Area; and retain the current antler restrictions and seasons in Units 15A and 15B.

The modified regulation should read:

Unit 7—Moose

Unit 7, that portion draining into Kings Bay—Federal public lands	*No Federal open season*
*Unit 7 remainder—**1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.***	*~~No Federal openseason~~* ***Aug. 10–Sept. 20***

Special Provisions

Resurrection Creek Closed Area: Drainages of Resurrection Creek down stream from Rimrock and Highland Creeks including Palmer Creek is closed to the taking of moose.

Portage Glacier Closed Area: Portage Creek drainages between Anchorage-Seward Railroad and Placer Creek in Bear Valley, Portage Lake, the mouth of Byron Creek, Glacier Creek and Byron Glacier are closed to the taking of moose.

Unit 15A—Skilak Loop Wildlife Management Area.	*No open season*
Unit 15A, 15B, and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.	*Aug. 10–Sept. 20*
Units 15B and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only. The Kenai NWR Refuge Manager is authorized to close the Oct./Nov. season based on conservation concerns, in consultation with ADF&G and the Chair of the Southcentral Alaska Subsistence Regional Advisory Council.	*Oct. 20–Nov. 10*

Additional harvest of moose for subsistence will not affect the moose population but will enhance subsistence opportunity for the residents of Cooper Landing.

One Council member noted that the low numbers of moose in Unit 7 are a potential conservation concern.

STAFF ANALYSIS
WP08-22b

ISSUES

Proposal WP08-22, submitted by Karl Romig of Cooper Landing, is divided into two parts. The first part is addressed in Proposal WP08-22a, which requests a positive customary and traditional use determination for moose in Units 7, 15A, and 15B for residents of Cooper Landing. The second part is addressed in Proposal WP08-22b and requests: (1) establishing a moose season with special provisions in Unit 7 remainder from Aug. 10–Sept. 20 and Oct. 10–Nov. 10 by Federal registration permit; (2) requests opening an Oct. 10–Nov. 10 season in Unit 15A with a one bull harvest limit by Federal registration permit; (3) changes the antlered bull restriction during the Aug. 10–Sept. 20 season in Units 15A and 15B to one bull; (4) changes the late season dates in Unit 15B from Oct. 20–Nov. 10 to Oct. 10–Nov. 10; and (5) changes the antlered bull restriction in Unit 15B during the Oct. 10–Nov. 10 season to any bull. In addition, the effect of the proponent's request is to open the Skilak Loop Wildlife Management Area for moose hunting in Unit 15A to Federally qualified subsistence users from Aug. 10–Sept. 20 for one bull by Federal registration permit.

DISCUSSION

The proponent states that this regulation would reestablish the customary and traditional subsistence use of this resource for the residents of Cooper Landing. The adoption of Proposal WP08-22b is contingent on the Federal Subsistence Board (Board) recognizing a customary and traditional use determination for moose for the residents of Cooper Landing, addressed in Proposal WP08-22a. If Proposal WP08-22b is adopted, the harvest regulation for moose in Units 15A and 15B would change, affecting the communities of Ninilchik, Nanwalek, Port Graham, and Seldovia, who already have a positive customary and traditional use determination for moose in Units 15A and 15B.

Note: In the *Federal Subsistence 2008-2010 Wildlife Proposals* book, the proposed regulations inadvertently omitted the proponent's intent to include an Oct. 10–Nov. 10 moose season in Units 15A and 15B. This correction is included in the proposed Federal regulation listed below.

Existing Federal Regulations

Units 7—Moose	
Unit 7— that portion draining into Kings Bay—Federal public lands are closed to the taking of moose by all users.	*No Federal open season*
Unit 7 remainder	*No Federal open season*
Unit 15—Moose	
Unit 15A—Skilak Loop Wildlife Management Area	*No open season*
Unit 15A remainder, 15B, and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.	*Aug. 10–Sept. 20*

Units 15B and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only. The Kenai NWR Refuge Manager is authorized to close the October/November season based on conservation concerns, in consultation with ADF&G and the Chair of the Southcentral Alaska Subsistence Regional Advisory Council.	*Oct. 20–Nov. 10*

Proposed Federal Regulations

Units 7—Moose

Unit 7—that portion draining into Kings Bay—Federal public lands are closed to the taking of moose by all users	*No Federal open season*
*Unit 7 remainder—**1 bull by Federal registration permit only***	*~~No Federal open season~~* ***Aug. 10–Sept. 20*** ***Oct. 10–Nov. 10***

Special Provisions

Resurrection Creek Closed Area: Drainages of Resurrection Creek down stream from Rimrock and Highland Creeks including Palmer Creek is closed to the taking of moose.

Portage Glacier Closed Area: Portage Creek drainages between Anchorage-Seward Railroad and Placer Creek in Bear Valley, Portage Lake, the mouth of Byron Creek, Glacier Creek and Byron Glacier is closed to the taking of moose.

Unit 15—Moose

~~Unit 15A—Skilak Loop Wildlife Management Area~~	*~~No Federal open season~~*
Unit ~~15A remainder, 15B, and~~ 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only	*Aug. 10–Sept. 20*
Units 15A and 15B—1 bull, by Federal registration permit only	*Aug. 10–Sept. 20* ***Oct. 10–Nov. 10***
~~Units 15B and~~ **Unit** *15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only. The Kenai NWR Refuge Manager is authorized to close the October/November season based on conservation concerns, in consultation with ADF&G and the Chair of the Southcentral Alaska Subsistence Regional Advisory Council*	*Oct. 20–Nov. 10*

Existing State Regulations

Unit 7—Moose

Unit 7 within Resurrection Creek Closed Area	*No open season*
Unit 7 west of the Resurrection Creek Trail, north of the Sterling Highway and outside the Resurrection Creek Closed Area:	
One bull with spike-fork or 50-inch antlers or antlers with 3 or more brow tines on at least one side	*Aug. 20–Sept. 20*
OR: One bull with spike-fork or 50-inch antlers or antlers with 3 or more brow tines on at least one side by permit	*Oct.10–Nov. 10*
Unit 7 Placer River drainages, and that portion of Placer Creek drainages (Bear Valley) outside the Portage Glacier Closed Area:	
One bull by permit	*Aug 20–Sept 30*
Unit 7 remainder:	
One bull with spike-fork or 50-inch antlers or antlers with 3 or more brow tines on at least one side	*Aug 20–Sept 20*

State restricted areas:

Portage Glacier Closed Area: Portage Creek drainages between the Anchorage-Seward Railroad and Placer Creek in Bear Valley, Portage Lake, the mouth of Byron Creek, Glacier Creek and Byron Glacier is closed to hunting, except migratory birds, small game and fur animals may be hunted with shotguns from Sept. 1-April 30. Discharging firearms prohibited within 150 yards of all developed facilities on USDA Forest Service land south of Portage Creek.

Resurrection Creek Closed Area: drainages of Resurrection Creek downstream from Rimrock and Highland Creeks including Palmer Creek is closed to taking of moose.

Unit 15—Moose

Unit 15A: Skilak Loop Management Area	*No open season*
Unit 15A: east of Mystery Creek Road and the Pipeline Road, and north of the Sterling Highway. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side, by bow and arrow only	*Aug. 10–Aug. 17*
OR Unit 15A: east of Mystery Creek Road and the Pipeline Road, and north of the Sterling Highway. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side	*Aug. 20–Sept. 20*
OR Unit 15A: east of Mystery Creek Road and the Pipeline Road, and north of the Sterling Highway. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side, by permit	*Oct. 10–Nov. 10*

Unit 15A: remainder. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side, by bow and arrow only	*Aug. 10–Aug. 17*
OR Unit 15A: remainder. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side	*Aug. 20–Sept. 20*
Unit 15B: that portion bounded by a line running from the mouth of Shantatalik Creek on Tustumena Lake, northward to the headwaters of the west fork of Funny River; then downstream along the west fork of Funny River to the Kenai National Wildlife Refuge boundary; then east along the refuge boundary to its junction with the Kenai River; then eastward along the north side of the Kenai River and Skilak Lake; then south along the western side of Skilak River, Skilak Glacier, and Harding Icefield; then west along the Unit 15B boundary to the mouth of Shantatalik Creek. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side, by permit	*Sept. 1–Sept. 20*
OR Unit 15B: that portion bounded by a line running from the mouth of Shantatalik Creek on Tustumena Lake, northward to the headwaters of the west fork of Funny River; then downstream along the west fork of Funny River to the Kenai National Wildlife Refuge boundary; then east along the refuge boundary to its junction with the Kenai River; then eastward along the north side of the Kenai River and Skilak Lake; then south along the western side of Skilak River, Skilak Glacier, and Harding Icefield; then west along the Unit 15B boundary to the mouth of Shantatalik Creek.One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side, by permit	*Sept. 26–Oct. 15*
Unit 15B: remainder. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side, by bow and arrow only	*Aug. 10–Aug. 17*
OR Unit 15B: remainder. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side	*Aug. 20–Sept. 20*
Unit 15C: southwest of a line from Point Pogibshi to the point of land between Rocky and Windy Bays. One bull by permit — Residents	*Aug. 20–Sept. 20*
Unit 15C: southwest of a line from Point Pogibshi to the point of land between Rocky and Windy Bays. Nonresidents	*No open season*
OR Unit 15C: south of the south fork of the Anchor River and northwest of Kachemak Bay. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side	*Aug. 20–Sept. 20*
OR Unit 15C: south of the south fork of the Anchor River and northwest of Kachemak Bay. One antlerless moose by permit	*Aug. 20–Sept. 20*
OR Unit 15C: remainder. One bull with spike-fork or 50-inch antlers or with 3 or more brow tines on at least one side	*Aug. 20–Sept. 20*

Extent of Federal Public Lands

Federal public lands comprise approximately 77% of the lands in Unit 7. Those lands available for subsistence uses in Unit 7 include the Chugach National Forest (50%) and Kenai National Wildlife Refuge (NWR) (5%). Other Federal public lands in Unit 7 are in the Kenai Fjords National Park (22%), which is closed to subsistence uses (**Unit 7 Map**).

Federal public lands comprise approximately 53% of the lands In Unit 15: 52% are managed by the Kenai NWR and less than 1% are Kenai Fjords National Park lands, which are not open to subsistence uses (**Unit 15 Map**).

Customary and Traditional Use Determinations

Please refer to Proposal WP08-22a.

Regulatory History

Unit 7

A Federal subsistence moose season in the Kings Bay portion of Unit 7 was established by the Federal Subsistence Board (Board) in 1997 (FSB 1997) based on a proposal submitted by the Chenega Bay IRA Council. Prior to that, only a State general harvest was allowed in the area.

In 2000, the Chugach National Forest, USDA Forest Service, submitted Special Action WSA01-02, requesting the closure of the Kings Bay Federal subsistence moose hunt in Unit 7 for the Aug. 10–Sept. 20, 2001 season. The Board adopted this Special Action at its spring 2001 meeting. Proposal WP02-18, also submitted by the Chugach National Forest, sought to implement the Special Action into permanent regulations, permanently closing the Kings Bay Federal subsistence moose season in Unit 7. The proposal was withdrawn by the proponent, however, noting that future management decisions affecting this moose herd would be made on a unit-wide basis rather than on a watershed basis.

Proposal WP06-16, submitted by a Chenega Bay resident, and WP06-17, submitted by the ADF&G, requested changing the harvest limits and season dates for the Kings Bay Federal subsistence moose hunt. Proposals WP06-16/17 also proposed eliminating the closure of Federal public lands to non-Federally qualified subsistence users in the Kings Bay drainage. Based on conservation concerns, the Board opposed the proposal, and closed Federal public lands to the taking of moose to all users.

There has been no Federal open season in Unit 7 remainder since the inception of the Federal subsistence Management Program in 1990.

Unit 15

In July 1995, the Federal Subsistence Board adopted a positive customary and traditional use determination for moose for Ninilchik, Nanwalek, Port Graham and Seldovia in Units 15B and 15C. At the same time, the Board authorized an August 10–September 20 season with a spike-fork, 50-inch, or three or more brow tines on at least one antler regulation restriction. This would provide a ten-day opportunity for Federally qualified subsistence hunters prior to the State season opening. At the time it authorized the hunt, the Board deferred making a decision with regard to customary and traditional uses of moose in Unit 15A “because use of this subunit by residents of Ninilchik and Seldovia is extremely low” (60 Fed. Reg. 40462).

Following Board action in 1995, the Ninilchik Traditional Council submitted three proposals dealing with moose in Unit 15. In Proposal 23, the Traditional Council sought to expand the positive customary and traditional use determination for Ninilchik, Nanwalek, Port Graham and Seldovia for moose in Unit 15A. In Proposal 24, the Traditional Council requested a September 11–30 moose season with a one cow harvest limit for all of Unit 15. In Proposal 25, the Traditional Council requested a September 11–30 moose season for all of Unit 15, with a harvest limit of one antlered bull.

The Southcentral Alaska Subsistence Regional Advisory Council supported Proposal 23—the positive customary and traditional use determination in Unit 15A for the four communities; opposed Proposal 24, allowing a cow season; and supported Proposal 25 with modification for an August 15–September 25 season and harvest limit of any bull from August 15–19 and September 21–25, with the spike-fork, 50-inch, or three or more brow tines on at least one antler regulation restriction in affect August 20–September 20. At its May 3, 1996 meeting, the Board rejected all three proposals (FSB 1996a).

In January 1996, the Ninilchik Traditional Council filed a complaint in the District Court for Alaska challenging the Board's decision to impose the spike-fork, 50-inch, or three or more brow tines on at least one antler rule on Federally qualified subsistence users, as well as the Board's deferral of a customary and traditional use determination in Unit 15A. On June 13, 1996, the District Court upheld the antler restriction, but remanded the customary and traditional use determination for Unit 15A back to the Board. The Court found that the Board had adequately explained its rationale for making positive customary and traditional use determinations for Units 15B and 15C, but not for Unit 15A.

In July 16, 1996, the Board took up the issue of the remand and was provided additional information on customary and traditional uses of moose in Unit 15A. The Board reversed its May 1996 decision and made a positive customary and traditional use determination for moose in Unit 15A for Nanwalek, Port Graham, Seldovia and Ninilchik. The Board also adopted a moose season in Unit 15A to run August 18–September 20 for one bull moose with the spike-fork, 50-inch, or with three or more brow tines on at least one antler restriction. The Board justified its action as follows:

> *The moose population in Unit 15A is stable at or near the carrying capacity of the habitat. The antler restrictions contained in this proposal should provide adequate protection from over harvest of breeding age bulls. The proposal is anticipated to have no significant impact on the total moose harvest in this unit, and is consistent with the conservation of a healthy moose population (FSB 1996b).*

The Board's decision to change the start of the 1995 season from August 10 to August 18 in Units 15B and 15C reduced the Federal subsistence hunt to 2 days from 10.

The Kenai Peninsula Outdoor Coalition submitted Request for Reconsideration (RFR) 96-01 on July 29, 1996, seeking a reversal of the Board's decision. Specifically, the coalition argued that the Board should abolish the Federal subsistence opportunity for moose in Unit 15A and eliminate the season. On August 14, 1996, the Board rejected the RFR (FSB 1996c).

Subsequent to the Board's actions, the Ninilchik Tribal Council filed an amended complaint in October 1996, re-asserting its challenge to the antler size restriction and claiming that the Board had failed to properly provide for a subsistence priority as required by ANILCA. The District Court ultimately found in favor of the Federal Subsistence Board. The Traditional Council then appealed to the Ninth Circuit Court of Appeals.

The Southcentral Alaska Subsistence Regional Advisory Council submitted a proposal to make permanent the regulations adopted for the 1996 season. This proposal (WP98-039) had the same season dates, August 18–September 20, and a harvest limit of one antlered bull with the spike-fork, 50-inch or three brow times on at least one antler restriction. This proposal was adopted by the Board at its May 1998 meeting.

The Ninth Circuit Court of Appeals rendered its decision on the Ninilchik Tribal Council lawsuit on July 31, 2000 (Ninilchik Traditional Council et al. v. U.S., 227 F.3d 1186 (9th Cir. 2000)). The Court held that the Board's interpretation of the term "priority" as defined by ANILCA was reasonable, and meant to balance the competing aims of subsistence use, conservation, and recreation; while at the same time provide subsistence hunters with a meaningful opportunity. However, the Court also found that the Board had failed to provide support in the record for its conclusion that the two days reserved for Federally qualified subsistence users in Unit 15A constituted a priority.

Consequently, in 2001 the Office of Subsistence Management submitted Proposal WP01-50, requesting that the dates of the subsistence moose season in Unit 15A be changed from August 18–September 20 to August 10–September 20. The Board adopted this change in May 2001, providing a total of ten days to Federally qualified subsistence users before the start of the State's general season.

In 2003, Proposal WP04-87 requested that the moose season for Unit 15A remainder be shortened by ten days from August 10–September 20 to August 20–September 20. The Board rejected this proposal at its May 2004 meeting.

Based on conservation concerns raised by the Southcentral Alaska Subsistence Regional Advisory Council, at its May 3–4, 2005 meeting, the Federal Subsistence Board deferred Proposal WP05-07, and instead considered maintaining the existing August 10–September 20 season and providing more opportunity by the addition of a late season (September 26–October 15). Ultimately, the Board noted that the additional three week season was not requested by the proponent, and because it took place during the rut, it could have an adverse affect on the moose population. Finally, the Board stated that the public should have an opportunity to comment on the season recommended by the Council, as well as other alternatives that could potentially affect moose populations.

At its October 2005 meeting, the Southcentral Council recommended a compromise solution: retain the original August 10–September 20 season dates, but add a different late season to run October 20–November 10 in Units 15B and 15C (but not in Unit 15A). The harvest limit would remain one antlered bull with the spike-fork, 50-inch, or three or more brow tines on at least one antler restriction. The late season addressed the issue of avoiding the moose rut while providing more opportunity for subsistence users to harvest moose closer to the time period when they customarily and traditionally hunted. Excluding Unit 15A from the compromise eliminated the road access issues and associated conservation concerns. At its May 2006 meeting, the Board adopted the late season hunt as recommended by the Council.

In 2006, the Kenai NWR Manager made two suggestions that were implemented to improve the permitting process for the Unit 15B and 15C Federal late fall moose hunt:

! *Use bold print on the permit, highlighting:* "*Successful hunters must report their harvest within 5 days of the kill to Kenai NWR in person or by phone at (262-7021). In addition, the completed harvest report must be returned within 15 days of the close of the season, whether the hunter was successful or not. Failure to report harvest or return the harvest report may result in permits not being issued the following year and/or a citation*."

! *One permit should be issued, rather than two (good for both the early and late season), stating: "Kenai NWR lands in Units 15A (except Skilak Wildlife Recreation Area), 15B, and 15C, August 10 – September 20; and Kenai NWR lands in Units 15B and 15C, October 20 – November 10; 1 bull moose with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler*."

In addition, permit applicants were required to sign an affidavit and provide evidence of their rural resident status.

Current wildlife proposals (WP08-17, 18, 19, 20 and 21) address various aspects of the late fall hunt in Unit 15B and/or Unit 15C.

Current events Involving Species

At its spring 2007 meeting in Anchorage, the Board again heard testimony on the Unit 15B and 15C late fall Federal moose hunting season. Proposal WP07-22 requested the elimination of the Federal late hunt or cap the number of permits at ten for Federally qualified subsistence users. The Board rejected Proposal WP07-22, deciding not to eliminate the late fall Federal subsistence moose hunt after only one season. Out of 46 permits issued, 36 hunters harvested two bulls (OSM 2007); 10 hunters did not hunt. In addition, no evidence was presented to the Board in 2006 or 2007 indicating there have been any adverse effects on the moose populations in either Units 15B or 15C.

Biological Background

Unit 7

The ADF&G management objective for Unit 7 is to maintain a healthy population of moose with a minimum bull-to-cow ratio of 15:100. Though there has been little monitoring or research on moose in this unit, the moose population in Unit 7 is known to be at a low density relative to the other units on the Kenai Peninsula (McDonough 2006). Winters with deep snow are typical for this area and probably contribute to the mortality and/or low reproduction of the moose population in the unit.

A comprehensive survey has never been done in Unit 7, but based on limited composition surveys by the ADF&G, along with harvest reports, indications are that the moose population has remained relatively stable during the past decade. Composition counts in 2003 showed 24 bulls:100 cows and 27 calves:100 cows. There are an estimated 700-1000 moose in the Unit (McDonough 2006).

Unit 15A

ADF&G's management objective for moose in Unit 15A is to maintain a minimum post-hunting season sex ratio of 15 bulls:100 cows (McDonald 2000, Selinger 2006). The Kenai NWR has established a minimum goal of 25 bulls:100 cows for most refuge lands, with the exception of the Skilak Loop Wildlife Management Area, where the management objective is set at 40 bulls:100 cows. The 2005/06 fall sex and age composition survey for Unit 15A, excluding the Skilak Loop Wildlife Management Area, revealed a bull:cow ratio of 26:100, which is slightly higher than the long-term bull:cow ratio of 24:100 (**Table 1**). The calf:cow ratio was 18 calves:100 cows in 2005/06, considerably less than the long-term calf:cow ratio of 28:100, and may indicate a continuing decline in productivity. Calves made up 12% of the 524 moose observed in 2005/06 survey compared to the long-term average of 18% (Selinger 2005, pers. comm.; Selinger 2006).

Table 1. Unit 15A Aerial moose composition counts, 1992/93–2005/06 (OSM 2007; Selinger 2005, 2006; and Spraker 2002).

Year	Bulls:100 Cows	Yearling Bulls:100 Cows	Calves:100 Cows	% Calves	Adults	Total Moose Observed
1992/93	16	5	36	23	1019	1331
1994/95	24	9	32	20	955	1199
1996/97	26	8	39	24	1120	1467
1998/99*	29	9	27	17	1248	1508
2000/01	—	—	—	20	1617	—
2001/02	21	6	31	20	620	778
2003/04[a]	23	—	26	17	628	763
2004/05[a]	24	—	16	11	544	614
2005/06[a]	26	—	18	12	?	524
Totals	189	37	225	165	7751	8184
Means	24	7	28	18	969	1023

[a] Count does not include Skilak Loop Wildlife Management Area.

The February 2001 population estimate of 1,700–2,430 animals appeared to confirm the start of a population decline in Unit 15A. Two severe back-to-back winters in 1998/99 and 1999/00, where approximately 100 and 200 animals died from starvation was another indicator of the beginning of a population decline. In addition to severe winters, other factors that have likely contributed to this decline include predation, weather patterns, and declining availability of food. Although almost 400,000 acres burned in 1947 and 1969, there have been few fires in recent years (~700 acres since 2000) in Unit 15A to generate new hardwood browse (Morton 2007, pers. comm.).

Unit 15B

The State's management objectives for Unit 15B west in the central Kenai Peninsula are to maintain a bull:cow ratio of 15:100, while providing maximum opportunity for sportsmen to hunt moose (McDonough 2004, Selinger 2006). The State's management objectives for Unit 15B east are to maintain a bull:cow ratio of 40:100 and the opportunity to "harvest a large antlered bull under aesthetically pleasing conditions."

In 2001, a February survey of 650 mi^2 of suitable habitat estimated a population of approximately 777–1,139 moose (McDonough 2004). Because the survey was conducted in late winter after most bulls shed their antlers, composition by sex was not determined. However, calves were estimated to comprise 21% of the population out of an estimated 885–1,200 moose observed in Unit 15B—compared to 10% observed in 1990. No aerial surveys have been conducted by ADF&G biologists in Unit 15B since 2001.

Unit 15C

The State's management objectives for Unit 15C are to maintain a minimum post-hunting season sex ratio of 15–20 bulls:100 cows (McDonough 2004, Selinger 2006).

Based on the results of aerial surveys, the moose population in Unit 15C has increased somewhat since 1993. A survey conducted during February 1993 produced a population estimate of 1,765–2,390

moose. During a classification survey in 2002, 1,207 moose were counted. The population contained 31 calves:100 cows; 19 bulls:100 cows; and an overall population estimate of 2,500–3,450 animals (McDonough 2004). In 2003/04, 1,059 moose were counted in Unit 15C, including 895 adults and 164 (15%) calves (Selinger 2006). The survey was conducted too late in the season to calculate the bull: cow and calf:cow ratios, however. It is reasonable to assume that the moose population in Unit 15C will increase in the near future as new hardwood browse is generated in response to 86,000 acres that have burned since 2000 (Morton 2007, pers. comm.).

Harvest History

Unit 7

The average total State harvest reported from 1996/97 through 2006/07 in Unit 7 was 46 moose per year (ADF&G 2007) (**Table 2**). Annually, approximately 19 Cooper Landing residents have taken an average of 3.5 moose per year in Unit 7 during this time period (ADF&G 2007). Residents of Cooper Landing have harvested about 7.7% (3.5 of 45.6) of the total moose in Unit 7 on an annual basis.

The State also issues 25 permits for a late season drawing permit hunt (DM522), which includes the northwestern portion of Unit 7 and the northeastern portion of Unit 15A, from Oct. 10–Nov. 10. The annual reported harvest for this permit hunt is one or two bulls from each unit, respectively (OSM 2008; Lieb 2008, pers. comm.):

Table 2. Unit 7 moose harvest, 1996/97–2006/07 (ADF&G 2007).

Regulatory Year	Total Hunters	Cooper Landing Residents (%)[a]	Total Moose Harvest	Moose Harvest by Cooper Landing Residents
1996/97	358	16 (4%)	61	7
1997/98	364	20 (5%)	70	3
1998/99	392	20 (5%)	47	6
1999/00	301	18 (6%)	40	3
2000/01	345	23 (7%)	51	5
2001/02	328	18 (5%)	55	2
2002/03	332	25 (8%)	51	4
2003/04	333	14 (4%)	29	2
2004/05	342	20 (6%)	32	1
2005/06	333	15 (5%)	38	2
2006/07	327	16 (5%)	30	4
Total	3,755	205	504	39
Mean	341	18.6 (5.4%)	45.6	3.5

[a] (%) represents % of total number of hunters in Unit 7 that are Cooper Landing residents.

Unit 15A

Approximately half of the Kenai Peninsula's moose harvest occurs in Unit 15A. From 1992–2007, the majority (97%) of hunters participating in the State's general hunting season in Unit 15A were Alaska residents (**Table 3**) (ADF&G 2007). Likewise, an average of 95% of the moose are taken by Alaska residents. The State also conducts a late season drawing hunt in the northeastern portion of Unit 15A that runs from October 10–November 10 (see above). This hunt has a low harvest success rate (6–7%) with only one bull moose on average harvested per year (ADF&G 2007).

In addition, the State manages an archery hunt for moose in Unit 15A. Since 1995, the archery season (August 10–17) has taken place prior to the general season (August 20–September 20) and has the same harvest regulation as the general season. Although it is not possible to precisely determine the number of archery hunters through the State harvest ticket reports, ADF&G estimates that between 200 and 250 archers participated annually from 1995 through 2000 (Spraker 2002). The harvests from the 1999 and 2000 seasons were 16 and 11 bulls respectively, representing 17% and 8% of the total season harvests.

Overall, participation in the Federal subsistence hunting season by residents of the four communities that currently have a positive customary and traditional use determination for moose in Unit 15A has been limited. Federal subsistence registration permit hunters have harvested on average less than one moose per year since 1996 in Unit 15A during the August 10–September 20 season (**Table 4**). However, two bulls were harvested in the 2007 early fall Federal subsistence season; there is no late season in Unit 15A.

The weekly chronology of the harvest, beginning with the State's archery season and continuing through the general fall season, provides a useful illustration of how altering one part of a season can affect the rest of the season. During the 1992/93 through the 1994/95 seasons, a large amount of the harvest typically occurred during the first week of the general rifle season. However, from 1995/96 through

Table 3. Residency and success of moose hunters in Unit 15A hunting under State regulations, 1992/93–2006/07 (ADF&G 2007; Selinger 2006; and Spraker 2002).

Regulatory Year	Total Hunters	# Resident Hunters	Total Moose Harvested	Resident Moose Harvest
1992/93	1217	1180	143	135
1993/94	1433	1387	232	220
1994/95	1426	1386	238	228
1995/96	1140	1121	117	112
1996/97	1425	1391	260	249
1997/98	1339	1314	192	188
1998/99	1428	1402	271	265
1999/00	1194	1168	91	87
2000/01	1164	1126	131	126
2001/02	1265	1231	228	224
2002/03	1164	1130	141	138
2003/04	1228	1176	176	164
2004/05	1047	989	131	120
2005/06	1061	1032	123	121
2006/07	1097	1054	130	118
Total	18,628	18,087	2,604	2,495
Mean (%)	1,242	1,206 (97%)	174	166 (95%)

Table 4. Federal moose harvests permits issued and moose harvested 1996/97–2007/08 (OSM 2007). (Numbers in parentheses represent the percent of permit holders that reported.)

Year	Number of Permits Issued	Number of Permits Reporting*	Number of Permits Hunted	Moose Harvested in Unit 15(A)	Moose Harvested in Unit 15(B)	Moose Harvested in Unit 15(C)	Moose Harvested in Unknown Area	Total Moose Harvest in Unit 15
1996/97	54	51	40	0	1	2	0	3
1997/98	40	34	29	0	2	1	0	3
1998/99	21	21	16	0	2	2	0	4
1999/20	34	27	20	0	1	1	1	3
2000/01	22	14	12	0	2	1	0	3
2001/02	46	44	33	1	1	5	0	7
2002/03	45	41	29	0	3	5	0	8
2003/04	41	33	26	1	1	1	0	3
2004/05	31	27	20	0	1	2	0	3
2005/06	26	17	13	0	0	1	0	1
2006/07	29	29 (100%)	21	2	0	1	0	3
2006/07L	62	50 (81%)	39	—	1	1	0	2
2007/08[a]	104	87 (84%)	67	2	2	2	0	6
2007/08L[b]	—	—	—	—	0	2	0	2
Total	509	475	365	6	17	27	1	52
Mean[b]	43	39 (91%)	30	0.5	1.4	2.3	—	4.3

* = Subsistence users harvested most moose during the first ten days of the season, i.e., when the State season was still closed.
L = New, late season Federal subsistence hunt in Units 15B and 15C: October 20–November 10.
a = In regulatory year 2007/08, the Federal permit was valid for both the early and late seasons.
b = The 2006/07 early and late season permit statistics were combined to calculate the means

2007/08, when an archery season took place immediately prior to the general season, the rifle harvest declined substantially during the first week of the general season (**Table 5**).

Unit 15B

About 10% of the Kenai Peninsula's total moose harvest comes from Unit 15B (Selinger 2006). In Unit 15B west, a general harvest area under State regulations, hunters took an average of 40 bull moose per year from 1998/99–2006/07 (McDonough 2004, ADF&G 2007) (**Table 6**). In Unit 15B east, a drawing permit area for trophy bulls that runs from September 1–September 20 and from September 26–October 15, approximately 35 hunters harvested an average of 15 moose each year from 1996/97–2006/07.

Federal subsistence hunters harvested an average of about one moose per year by registration permit since 1996 during the August 10–September 20 season in Unit 15B (**Table 4**).

During the first Federal late season moose hunt in Units 15B and 15C in October 20–November 10, 2006, 62 Federal subsistence permits were issued; 39 permit holders reported that they hunted; and two moose were harvested for an overall success rate of about 3% (OSM 2007). Eighty percent of the permit holders submitted harvest reports: 11 permit holders reported they did not hunt, and 37 reported they hunted unsuccessfully.

The total number of permits issued for the combined early and late season hunts in 2006 was 91, with 60 permit holders reporting that they hunted—21 during the early season and 39 in the late season. Three moose were taken during the early season and, as already mentioned, two were taken in the late season.

Beginning in 2007/08, a single permit allowed Federal subsistence permit holders to hunt during both the early and late seasons in Units 15B and 15C (OSM 2007). A total of 108 Federal subsistence permits were issued for the combined seasons but 4 permits were returned before being hunted; 67 permit holders reported that hunted moose; and 20 hunters reported that they did not hunt for a report rate of 84% (n=87 hunters reporting) (**Table 3**). Six moose were harvested during the early season and two were taken in the late season in 2007/08 for an overall success rate of 12%.

Unit 15C

Approximately 40% of the moose harvest on the Kenai Peninsula occurs in Unit 15C (Selinger 2006), which contains a combination of Tier II (conducted out of Homer), drawing permit and general harvest hunts. Most harvest occurs during the general hunt. Only four Tier II permits have been given out per year in Unit 15C; the harvest has averaged about one bull per year. Since 2002, 50 drawing permits have been given out on an annual basis in the Homer area for cow moose and have resulted in an average harvest of around 25 cows per year (Selinger 2006). The State general moose harvest in Unit 15C has averaged 257 moose per year by approximately 1,284 hunters over the last decade for a success rate of about 20% (**Table 7**) (ADF&G 2007). The 2006/07 harvest declined 23% from 2005/06, and is about 17% below the long-term average.

Federal subsistence registration permit hunters in Unit 15C harvested an average of approximately two moose per year since 1996 (**Table 4**).

In summary, approximately 43 Federal subsistence permits were issued in Unit 15 on an annual basis from 1996–2007, with an average of 30 permit holders reporting that they hunted. An average of 4.3 moose was harvested each year since the Federal subsistence moose hunt began (**Table 4**). The highest

Table 5. Unit 15A State moose harvest[a] chronology percent by week, regulatory years 1992/93–2006/07 (ADF&G 2007; Selinger 2006; and Spraker 2002).

Regulatory Year	Harvest Periods[f]								Total Harvest
	8/10–17	8/20–25	8/26–31	9/1–5[c]	9/6–10	9/11–15	9/16–20	Unknown	
1992/93[b]	—	—	8	33	18	13	25	4	143
1993/94[d]	—	35	7	10	8	13	23	5	232
1994/95[d]	—	34	11	8	6	15	21	6	238
1995/96[b]	11	20	10	10	9	15	21	5	117
1996/97[b]	12	26	10	6	7	18	18	4	260
1997/98[e]	20	24	5	6	7	16	17	5	192
1998/99[e]	17	23	8	8	8	15	13	8	271
1999/00[e]	16	17	5	12	12	16	18	4	91
2000/01[e]	11	24	7	8	8	13	28	2	131
2001/02[e]	21	21	8	4	10	17	16	4	228
2002/03[e]	24	23	9	4	4	14	18	4	141
2003/04[e]	15	24	7	2	3	28	20	1	176
2004/05[e]	5	12	19	5	13	23	23	0	131
2005/06[e]	24	22	12	3	3	16	20	0	123
2006/07[e]	14	14	25	15	9	21	29	0	130

a Excludes permit hunt harvest.
b Archery season — 8/25–29, 1992; 8/10–17, 1995 and 1996, S/F-50".
c General open season Sept. 1–Sept. 20; S/F-50".
d General open season Aug. 20–Sept. 20. S/F-50"; archery season (Aug. 25-29) was closed in 1993 and 1994.
e State archery season Aug. 10–17, S/F-50".
f Dates are approximate

Table 6. Unit 15B West (general harvest area) and Unit 15B East (trophy management area: DM 530-539) State moose harvest, regulatory years 1998/99–2006/07 (ADF&G 2007).

Year	15B West (Aug. 10–Aug. 17 [archery]; and Aug. 20–Sept. 20)	15B East (Sept. 1–Sept. 20; and Sept. 26–Oct. 15)	Total Unit 15B Moose Harvest
1998/99	57	19	76
1999/00	43	17	60
2000/01	47	17	64
2001/02	50	16	66
2002/03	41	12	53
2003/04	42	15	57
2004/05	37	16	53
2005/06	47	16	63
2006/07	40	9	49
Totals	357	137	494
Means	39.6 (72.3%)	15.2 (27.7%)	54.8

Table 7. Unit 15C State moose general harvest (does not include Tier II or drawing permit hunters or harvest), regulatory years 1998/99–2006/07 (ADF&G 2007; Selinger 2006).

Year	Number of Hunters	Bulls	Cows	Unknown	Total
1998/99	1312	279	0	1	280
1999/00	1166	167	0	4	171
2000/01	1184	204	0	4	208
2001/02	1273	309	1	3	313
2002/03	1306	258	3	2	263
2003/04	1378	308	3	1	312
2004/05	1288	276	0	3	278
2005/06	1353	275	3	1	278
2006/07	1297	211	1	2	214
Totals	11,557	2,242	11	21	2,317
Means	1,284	249	~1	~2	257

harvests occurred during regulatory years 2001/02, 2002/03 and 2007/08, where either seven or eight bull moose were taken. Approximately 90% of all hunters returned harvest reports.

Skilak Loop Wildlife Management Area

The Skilak Loop Wildlife Management Area in Unit 15A was set aside as a special management area by the Kenai NWR. Since 1986, when the first management plan was completed, the Preferred Alternative in the NEPA analysis identified and ultimately dedicated the area as a wildlife viewing and recreation area; and millions of dollars have since been spent to build campgrounds, picnic areas, boat launches and other public use areas (West 2007, pers. comm.). In addition to the provisions in the management plan, there are many safety concerns about discharging a firearm in the area. In fact, it is illegal to discharge a firearm within 1/4 mile of developed areas (campgrounds, trailheads, waysides, buildings, or the Sterling Highway from the eastern refuge boundary to the east junction of Skilak Loop Road) (West 2007, pers. comm.). As many as 2000 cars per day pass by the Skilak Loop Wildlife Management Area in the summer months (West 2007, pers. comm.).

A joint management objective developed for this area by the ADF&G and the U.S. Fish and Wildlife Service calls for a fall population of approximately two moose per square mile or approximately 130 moose counted during the November survey. The Skilak Loop Wildlife Management Area was counted in December 2005 and found 79 moose, the lowest count in over 20 years (ADF&G 2008). The ratios observed were 12 bulls:100 cows and 9:calves:100 cows. Since the Skilak Loop Management Area is managed primarily for wildlife viewing, a second management objective requires that the area maintains a minimum bull:cow ratio of 40 bulls:100 cows. However, there is a provision in the refuge management plan that allows for the harvest of cow moose or spike/fork bulls when the population has ample surplus. The large bulls are protected at all times under the management plan because they offer an important viewing opportunity. No permit hunt has been held in the area since 1999 when 40 permits were issued for antlerless and 20 for spike-fork antlered moose. ADF&G recommends no permits be issued for the fall 2008 season (ADF&G 2008).

Effects of the Proposal

The effect of the proponent's request would be to change a number of regulations for the harvest of moose in Units 7 and 15. These changes include: (1) establishing a Federal open season in Unit 7 remainder; (2) allowing an "any bull" hunt in Units 7, 15A, and 15B; (3) opening the Skilak Loop Wildlife Management Area to hunting; (4) establishing an early fall season in Unit 7 (Aug. 10–Sept. 20); (5) establishing the Resurrection Creek and Portage Glacier Closed areas in Federal regulations; (6) starting the late season hunt in Unit 15B on Oct. 10 instead of Oct. 20; and (7) establishing a late season hunt in Unit 7 remainder and in Unit 15A (Oct. 10–Nov. 10).

There has been "No Federal open season" for moose in Unit 7 remainder. If Proposals WP08-22a and WP08-22b are adopted, Cooper Landing residents would have the opportunity to take "any bull" moose in Unit 7 remainder by Federal Registration permit from Aug. 10–Sept. 20 and Oct. 10–Nov. 10. The "any bull" aspect of this part of the proposal is of biological concern in Unit 7 given the limited moose population, the limited moose habitat, and low bull:cow ratio. The population of Cooper Landing is about 357 people (**Table 8**). Each year, an average of 19 Cooper Landing residents harvest on average 3.5 moose per year in Unit 7 under State regulations (**Table 2**). With the proposed moose season and an "any bull" opportunity, it is expected that there would be an increase in the number of Cooper Landing residents that hunt moose in Unit 7. Likewise, it is expected that the success rate of Cooper Landing residents hunting in Unit 7 under an any bull regulation would increase.

The proposal seeks to establish an Aug. 10–Sept. 20 moose season on Federal public lands by Federal registration permit in Unit 7. A season starting August 10 is ten days before the State general harvest season and would provide a meaningful priority to Federally qualified subsistence users. Such a change would be consistent with modifications that have been made by the Federal Subsistence Board for other areas of the Kenai Peninsula in Unit 15. The proposal seeks to establish Resurrection Creek and Portage Glacier Closed Areas (**Map 1**). The descriptions of closed areas in the proposal are consistent with those already closed in State regulations for Unit 7.

Adopting WP08-22b would require significant changes to the Skilak Loop Wildlife Management Area management plan, updated in 2007, and would be (1) inconsistent with the refuge management plan and (2) of concern because of the low numbers of moose in 15A (West 2007, pers. comm.).

If Proposal WP08-22a is adopted, Copper Landing would be added to the four communities (Nanwalek, Port Graham, Seldovia, Ninilchik) that already are eligible to hunt moose in 15A and 15B (**Appendix 1**). Approximately 1,792 people live in these five communities (**Table 8**). From 1990 to 2006, the population in these communities has increased 25% (**Table 9**). Though harvest trends by Federally qualified subsistence users, plus Cooper Landing residents, have been steady in Unit 15 (**Figure 1**), this proposal would change the antler restrictions in Units 15A and 15B from one antlered bull with spike-fork or 50-inch antlers, or with three or more brow tines on either antler, to "any bull". With an "any bull" opportunity, it is expected that most Federally qualified subsistence users would choose to hunt on Federal public lands with a Federal permit. An "any bull" opportunity would thus result in an increase in the number of individuals from all five communities that hunt moose in Units 15A and 15B **(Table 10**) and a subsequent increase in the overall moose harvest. The success rate of Federally qualified subsistence hunters would also be expected to increase because of the more liberal "any bull" regulation.

The spike-fork, 50-inch or three brow tines on at least one antler restrictions were put in place to protect the over-harvest of breeding age bulls. As noted in the "Regulatory History" section of this analysis, there is a record on this issue from 1995–2001 from the Council and Board with review by the District Court and Ninth Circuit Court of Appeals. The Ninth Circuit Court of Appeals held that "In deciding to apply

Table 8. Recent population changes in the communities that have a positive customary and traditional use determination for moose in Units 15A, 15B and 15C, plus Cooper Landing (DCA 2007).

Community	1990 Population	2000 Population	Current Population*
Cooper Landing	243	369	357
Nanwalek	158	177	228
Ninilchik	456	772	784
Port Graham	166	141	136
Seldovia	316	286	287
Totals	1,339	1,745	1,792

* The combined, overall population of these five communities increased 25.3% from 1990–2007.

Table 9. Comparison of the overall change in population to the change in numbers of hunters and moose harvest in the communities that have a positive customary and traditional use determination for moose in Units 15A, 15B and 15C, plus Cooper Landing (ADF&G 2007, DCA 2007).

1990			2000			2006		
Population	C&T Hunters	C&T Moose Harvest	Population	C&T Hunters	C&T Moose Harvest	Population	C&T Hunters	C&T Moose Harvest
1,339	124	24	1,745	188	28	1,792	183	35

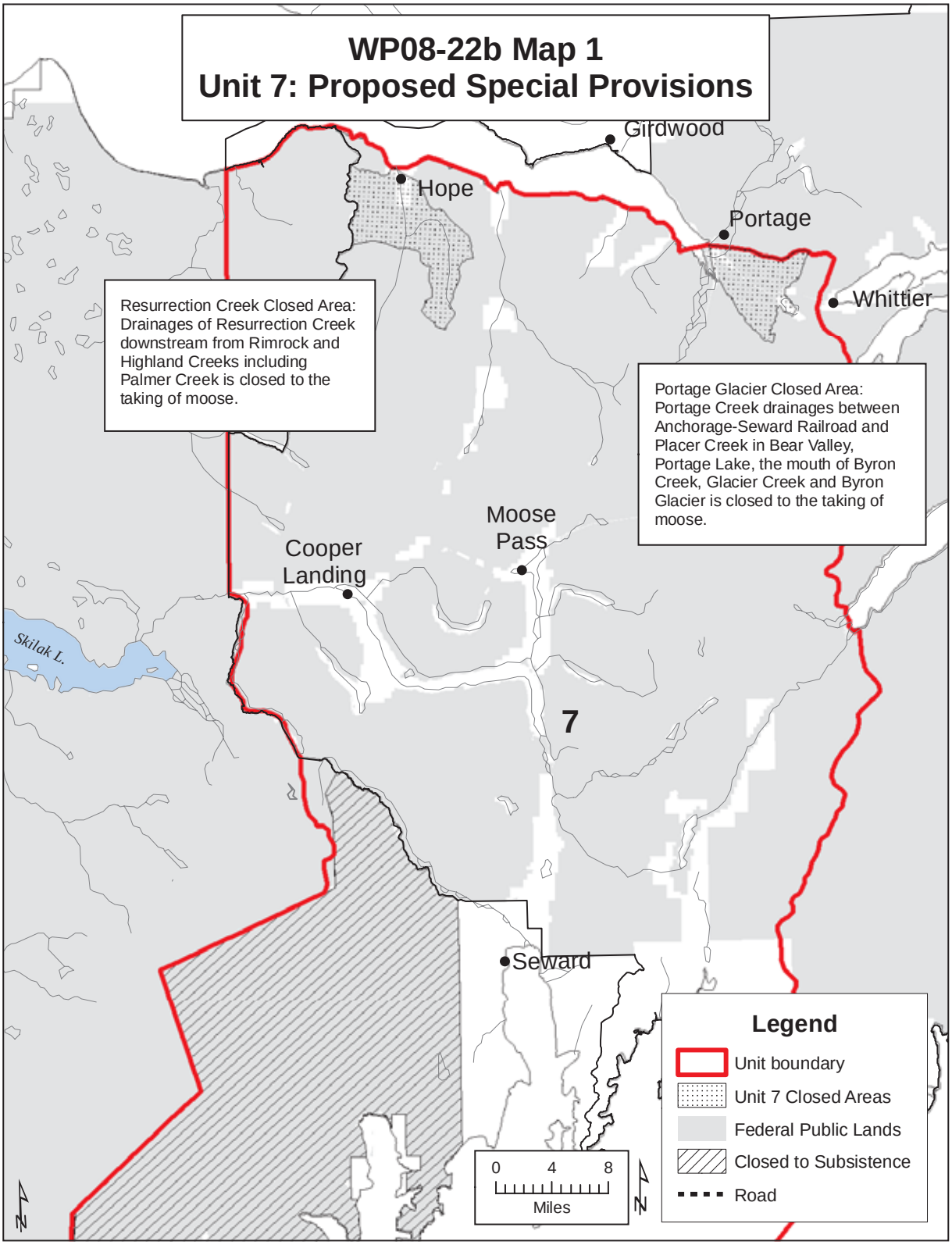
the spike-fork/50 inch antler restriction to subsistence hunters, the Board took into account biological data suggesting that, despite the recovery in bull numbers, allowing subsistence users to hunt all bulls would reverse the gains and jeopardize subsistence opportunities over the long term." The Federal Subsistence Board's interpretation of the term "priority" as defined by ANILCA was reasonable and meant to balance the competing aims of subsistence use, conservation, and recreation; while at the same time providing subsistence hunters with a meaningful opportunity. The Ninth Circuit Court of Appeals held that "…the Board considered the relevant factors in concluding that the restrictions on subsistence users are necessary to protect the continued viability of the bull moose population in GMU 15…"

In Unit 15, under the spike/fork, 50-inch or three or more brow tines on at least one antler regime, the Federal Subsistence Board has been providing meaningful opportunity for subsistence hunters by having a longer season. Since 1996, an average of 30 Federally qualified subsistence hunters from the four communities with a positive customary and traditional use determination for moose have harvested fewer than 1 moose per year in Unit 15A; 1.4 moose in Unit 15B; and 2.3 moose in 15C for a total of 4.3 moose per year during the Aug. 10–Sept. 20 season (**Table 4**). There is no late season in Unit 15A. Two moose were harvested in 2006 and two in 2007 during the Oct. 20–Nov. 10 late Federal subsistence moose hunting season in Units 15B and 15C. Adding Cooper Landing to the list of communities that have a customary and traditional use determination for moose in Unit 15 would add hunters to those already eligible to hunt under Federal subsistence regulations and would likely result in an increase in the harvest.

Table 10. Summary of the long-term State moose harvest reported by residents of Nanwalek, Ninilchik, Port Graham and Seldovia (C&T communities), plus Cooper Landing, compared to the total State moose harvest in Units 15A, 15B, and 15C combined (ADF&G 2007).

Year	Total # of Hunters	Total Harvest/# Successful Hunters	Total # of C&T Hunters	C&T Harvest/# Successful Hunters
1977	1458	265	30	7
1978	2051	351	27	7
1979	1305	281	26	5
1980	—	—	—	—
1981	2869	564	79	22
1982	2073	463	90	21
1983	3412	700	140	36
1984	3687	593	131	25
1985	3346	499	81	11
1986	3593	357	129	27
1987[a]	2189	327	95	11
1988	2266	375	84	16
1989	2132	379	106	21
1990	2238	352	124	24
1991	2700	519	146	47
1992	2716	375	144	27
1993	3099	548	172	35
1994	3177	601	182	37
1995	2403	344	147	18
1996	3220	666	213	53
1997	3080	611	182	45
1998	3070	608	185	45
1999	2638	305	202	29
2000	2624	386	188	28
2001	2840	591	192	44
2002	2756	445	186	46
2003	2901	530	193	46
2004	2588	446	175	37
2005	2676	449	168	35
2006	2675	384	183	35
Totals	77,780	13,314	4,000	795
Average	2,682	459 (17%)	138	27 (20%)

[a] Spike/fork or 50 inch or 3+ brow time regulation implemented


WP08-22b Map 1
Unit 7: Proposed Special Provisions
Girdwood
Hope
Portage
Whittier
Resurrection Creek Closed Area: Drainages of Resurrection Creek downstream from Rimrock and Highland Creeks including Palmer Creek is closed to the taking of moose.
Portage Glacier Closed Area: Portage Creek drainages between Anchorage-Seward Railroad and Placer Creek in Bear Valley, Portage Lake, the mouth of Byron Creek, Glacier Creek and Byron Glacier is closed to the taking of moose.
Moose Pass
Cooper Landing
Skilak L.
7
Seward
Legend
Unit boundary
Unit 7 Closed Areas
Federal Public Lands
Closed to Subsistence
Road
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Miles
N

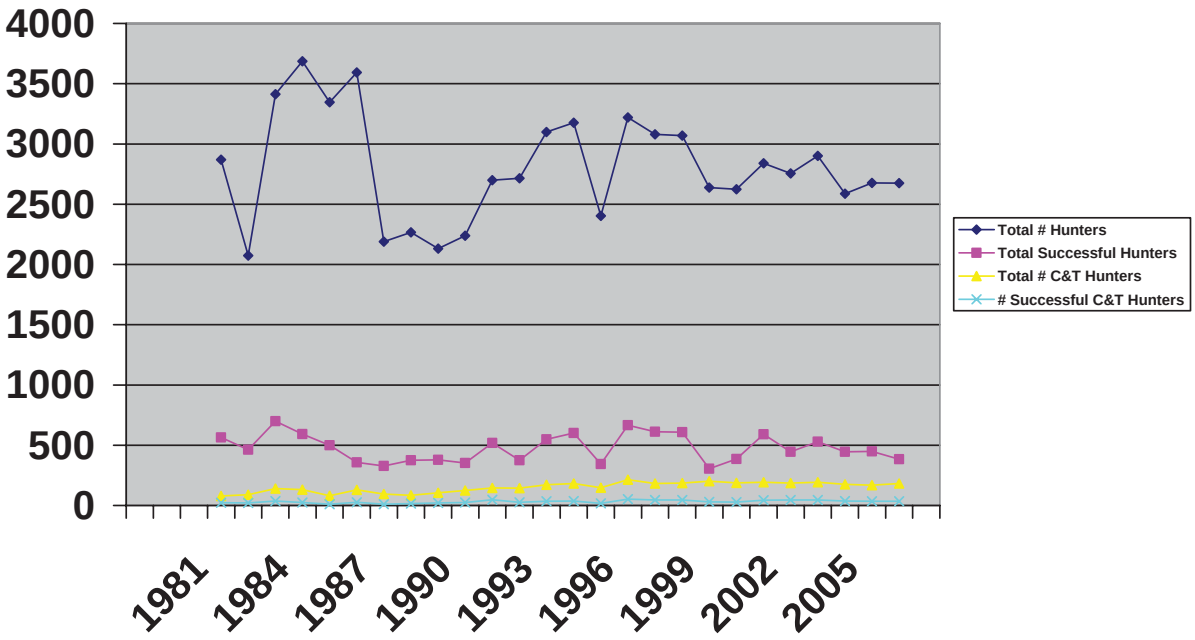

Figure 1. Summary of the long-term reported moose harvest under State regulations by residents of Nanwalek, Ninilchik, Port Graham and Seldovia (C&T communities), plus Cooper Landing, compared to the total State moose harvest in Units 15A, 15B, and 15C combined (ADF&G 2007).

The proposal seeks to start the late moose season hunt in Unit 15B on October 10 instead of October 20 and expand it to include Units 7 and 15A, as well. Starting the late season 10 days earlier in Unit 15B and opening a late season in Units 7 and 15A would allow hunting during the peak of the breeding season for moose in these units. Bull moose are more vulnerable to being taken by hunters during the rut. The Oct. 20–Nov. 10 season in Unit 15B, and 15C was recommended by the Council and adopted by the Board in 2006, specifically to avoid disrupting rutting activities (see "regulatory history" section of this analysis).

In addition, while the Oct. 20–Nov. 10 late season moose hunt was implemented in Units 15B and 15C, it was not allowed by the Federal Subsistence Board in Unit 15A because of easy road access, declining quality of moose habitat overall, and a general decline in the moose population.

Proposal WP08-22b seeks to establish a late fall moose season (Oct. 10–Nov. 10) in Unit 15A and Unit 7, as noted above. The State currently provides for a drawing permit hunt (DM522) that overlaps part of Unit 15A (east of Mystery Creek Road and the Pipeline Road, and north of the Sterling Highway) and part of Unit 7 (west of the Resurrection Creek trail, north of the Sterling Highway and outside the Resurrection Creek Closed Area) with a season running from Oct. 10–Nov. 10. The Council and Board have not supported a late season hunt in Unit 15A or in the portion of Unit 15A where the State drawing permit hunt is held. Since those earlier Council and Board decisions, the quality of the moose habitat and the size of the moose population in Unit 15A have continued to decline. In addition, there are concerns about a late season hunt in the remainder of Unit 7 for the same reasons as in Unit 15A: because of easy road and trail access, the limited moose population, low bull:cow ratio, and the limited amount of moose habitat.

OSM CONCLUSION

Support Proposal WP08-22b **with modification** to establish an Aug. 10–Sept. 20 season with antler restrictions in Unit 7 remainder; establish the special provisions in Unit 7 remainder; maintain the no open season in the Skilak Loop Wildlife Management Area; and retain the current antler restrictions and seasons in Units 15A and 15B.

The modified regulations should read:

Unit 7—Moose

Unit 7, that portion draining into Kings Bay—Federal public lands are closed to the taking of moose by all users.	*No Federal open season*
*Unit 7 remainder—**1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.***	*~~No Federal open season~~* ***Aug. 10–Sept. 20***

Special Provisions

Resurrection Creek Closed Area: Drainages of Resurrection Creek down stream from Rimrock and Highland Creeks including Palmer Creek is closed to the taking of moose.

Portage Glacier Closed Area: Portage Creek drainages between Anchorage-Seward Railroad and Placer Creek in Bear Valley, Portage Lake, the mouth of Byron Creek, Glacier Creek and Byron Glacier are closed to the taking of moose.

Unit 15—Moose

Unit 15A—Skilak Loop Wildlife Management Area.	*No open season*
Unit 15A, 15B, and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.	*Aug. 10–Sept. 20*
Units 15B and 15C—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only. The Kenai NWR Refuge Manager is authorized to close the Oct./Nov. season based on conservation concerns, in consultation with ADF&G and the Chair of the Southcentral Alaska Subsistence Regional Advisory Council.	*Oct. 20–Nov. 10*

Justification

This is the first proposal to open Unit 7 remainder to moose hunting since the inception of the Federal Subsistence Management Program. An Aug. 10–Sept. 20 moose season in Unit 7 is consistent with the approach that the Council and Board have taken for moose seasons in other areas of the Kenai Peninsula. An August 10 start in Unit 7 would be ten days earlier than the State moose season and would provide a meaningful priority for Federally qualified subsistence users. The descriptions of the Resurrection Creek and Portage Glacier Closed Areas are consistent with those already provided in State regulations.

The other aspects of the proposal: (1) changing the harvest regulation in Units 15A, 15B and 15C from the one antlered bull with spike-fork or 50-inch antlers or with three or more brow tines on either antler to "any bull" regulation; (2) changing the late fall season starting date in 15B from Oct. 20 to Oct. 10; (3) and opening a late fall season in Unit 7 remainder and Unit 15A, are of concern based on recognized principles of wildlife conservation and were therefore rejected as viable alternatives. Opening the Skilak Loop Wildlife Management Area for hunting would be inconsistent with the refuge management plan and of concern, because of the low numbers of moose in Unit 15A.

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Appendix 1. Long-term reported moose harvest under State regulations by communities with a positive customary and traditional use determination for moose in Units 15A, 15B and 15C, plus Cooper Landing. Up until 1986, the State moose harvest regulation was any bull. In 1987, the State harvest regulation was changed to spike/fork or 50 inch or 3+ brow tines (ADF&G 2007).

		Cooper Landing			**Nanwalak**			**Ninilchik**			**Port Graham**			**Seldovia**			
Year		15A	15B	15C	15A	15B	15C	15A	15B	15C	15A	15B	15C	15A	15B	15C	Totals
1983	Number Hunters	14	3						2	99			1	2		17	138
	Moose Harvest	5	3						1	22			0	1		2	34
1984	Number Hunters	12	2					1	1	96				4		17	131
	Moose Harvest	2	2					1	0	20				0		2	25
1985	Number Hunters	7	3					2	1	43				5		20	81
	Moose Harvest	2	0					0	0	8				1		0	11
1986	Number Hunters	4	2					6	2	99				4		12	129
	Moose Harvest	0	0					0	0	25				1		1	27
1987	Number Hunters	2	3	2				1	2	73				2		10	95
	Moose Harvest	0	0	1				0	0	8				0		2	11
1988	Number Hunters	2	1					1	4	65						12	85
	Moose Harvest	0	0					0	0	15						1	16
1989	Number Hunters	5	2	1				1	1	80			1	2		12	106
	Moose Harvest	1	0	0				0	0	17			0	0		3	21
1990	Number Hunters	2	1					2		101			1			17	124
	Moose Harvest	1	0					1		21			0			1	24
1991	Number Hunters	2								118				1		25	146
	Moose Harvest	0								43				0		4	47
1992	Number Hunters	1		2				1	1	119				1		19	144
	Moose Harvest	0		0				0	0	23				1		3	27
1993	Moose Harvest	4						2	3	132	2			4		25	172
	Number Hunters	0						0	0	30	0			1		4	35
1994	Number Hunters	1						1	2	135				5		33	182
	Moose Harvest	0						0	1	30				2		5	37
1995	Number Hunters	3	1					3	4	117						19	147
	Moose Harvest	0	0					0	0	13						5	18
1996	Number Hunters	1						3	1	175				7		25	212

Appendix 1. Continued

		Cooper Landing			Nanwalak			Ninilchik			Port Graham			Seldovia			
Year		15A	15B	15C	15A	15B	15C	15A	15B	15C	15A	15B	15C	15A	15B	15C	Totals
	Moose Harvest	1						1	0	49				0		4	53
1997	Number Hunters	3		1			1	4	3	152			3	5	1	9	182
	Moose Harvest	0		0			0	1	0	43			0	1	0	0	45
1998	Moose Harvest	6	2					2	2	152				2		19	185
	Number Hunters	1	0					1	1	39				1		2	45
1999	Number Hunters	2	4					5	2	161			2	3		23	202
	Moose Harvest	0	1					0	0	27			0	1		0	29
2000	Number Hunters	1	1	1				5	1	162					2	15	188
	Moose Harvest	0	0	0				1	0	27					0	0	28
2001	Number Hunters	2	1					6	1	161			4		1	16	192
	Moose Harvest	1	0					1	0	40			0		0	2	44
2002	Number Hunters	1	1	1						173			1			8	186
	Moose Harvest	0	0	0						46			0			0	46
2003	Moose Harvest	2	1	1				1	2	179				1		6	193
	Number Hunters	0	0	0				0	0	44				0		2	46
2004	Number Hunters	1	1	1			1	1	1	154			1	4		10	175
	Moose Harvest	0	0	0			0	0	0	35			0	1		1	37
2005	Number Hunters	2						2	2	155			1	2		4	167
	Moose Harvest	0						0	0	32			1	2		0	34
2006	Number Hunters	1	3					3	3	166					1	6	179
	Moose Harvest	0	0					0	0	32					0	3	35
2007	Number Hunters	4						3	3	91						3	104
	Moose Harvest	0						1	0	19						0	20

INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-22B

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Council to be consistent with ANILCA Section 805(c).

WP08-27a Executive Summary	
General Description	Proposal WP08-27a requests a positive customary and traditional use determination for brown bear in Unit 9C for residents of three communities located in Unit 9B: Igiugig, Kakhonak and Levelock. *Submitted by the Bristol Bay Regional Advisory Council*
Proposed Regulation	**Customary and Traditional Use Determination** *Unit 9C—Residents of Unit 9C* ***and Igiugig, Kakhonak, and Levelock.***
Bristol Bay Regional Council Recommendation	**Support**
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Defer**
Written Public Comments	**3 Oppose**

REGIONAL COUNCIL RECOMMENDATION

BRISTOL BAY SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support WP08-27a. Previous data submitted and public testimony indicate that brown bear has been and continues to be used as a subsistence resource throughout Unit 9. The subunits of Unit 9 are arbitrary boundaries for subsistence users who have described their harvest patterns across these boundaries, as noted in past analyses, harvest data, and Regional Council transcripts. The three communities under consideration clearly harvest brown bear in Unit 9. Brown bear harvests are typically a small, but nonetheless important, component of the subsistence resource repertoire of these three communities.

STAFF ANALYSIS
WP08-27a

ISSUES

Proposal WP08-27a, submitted by the Bristol Bay Regional Advisory Council, requests a positive customary and traditional use determination for brown bear in Unit 9C for residents of three communities located in Unit 9B: Igiugig, Kakhonak and Levelock. The accompanying season and harvest quota proposal is analyzed separately in WP08-27b.

DISCUSSION

Residents of Units 9B and 9C have a positive customary and traditional use determination for brown bear in their respective units. Currently, there is no Federal open season for brown bear in Unit 9C.

This proposal seeks to provide a positive customary and traditional use determination for Federally qualified subsistence users from Igiugig, Kakhonak and Levelock in Unit 9B to hunt brown bear in Katmai National Preserve and other Federal Public lands (FWS and BLM) in Unit 9C.

Existing Federal Regulation: Unit 9C—Brown Bear

Customary and Traditional Use Determination

Unit 9C—Residents of Unit 9C

Proposed Federal Regulation: Unit 9C—Brown Bear

Customary and Traditional Use Determination

Unit 9C—Residents of Unit 9C ***and Igiugig, Kakhonak, and Levelock.***

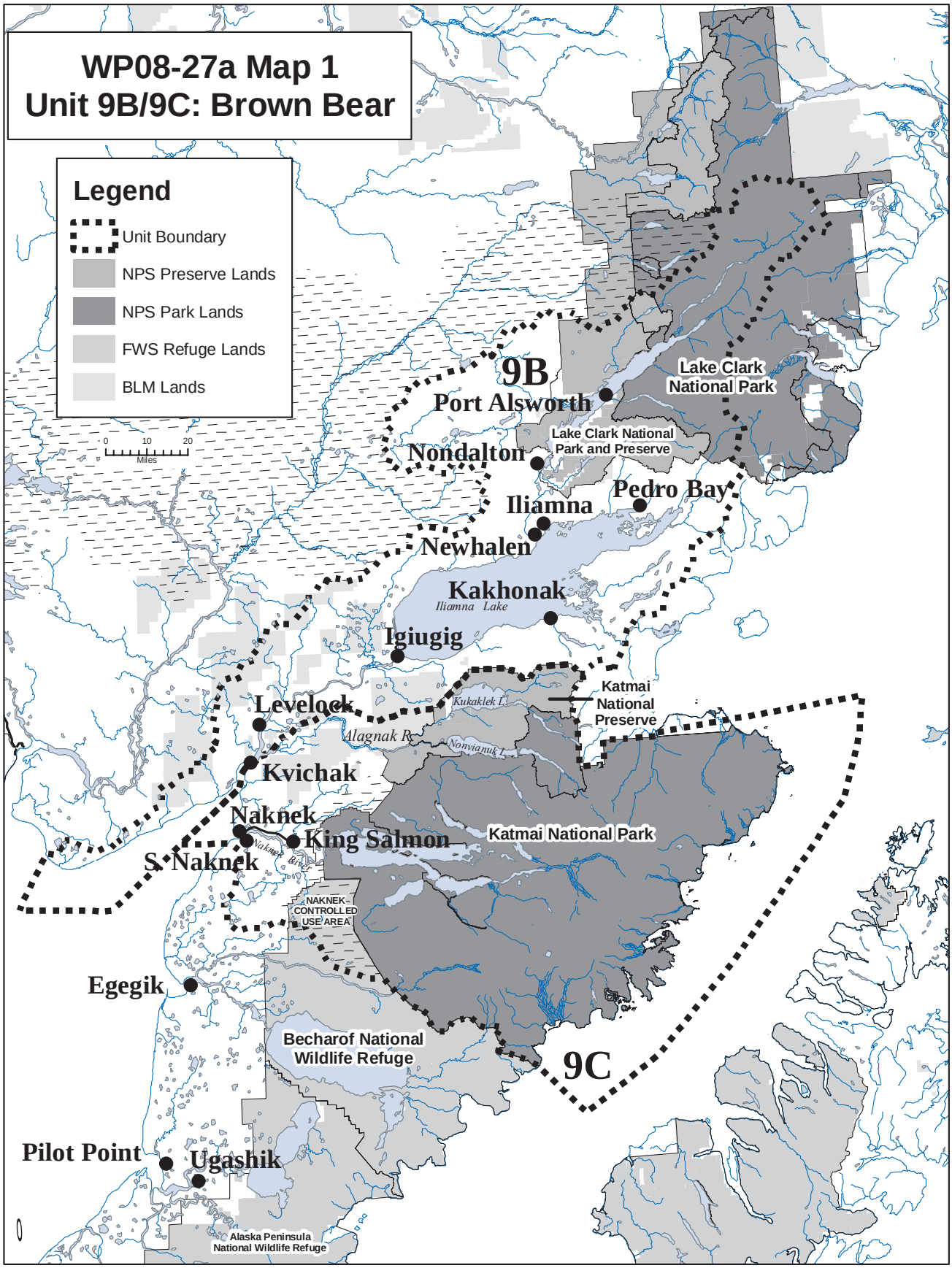
Extent of Federal Public Lands

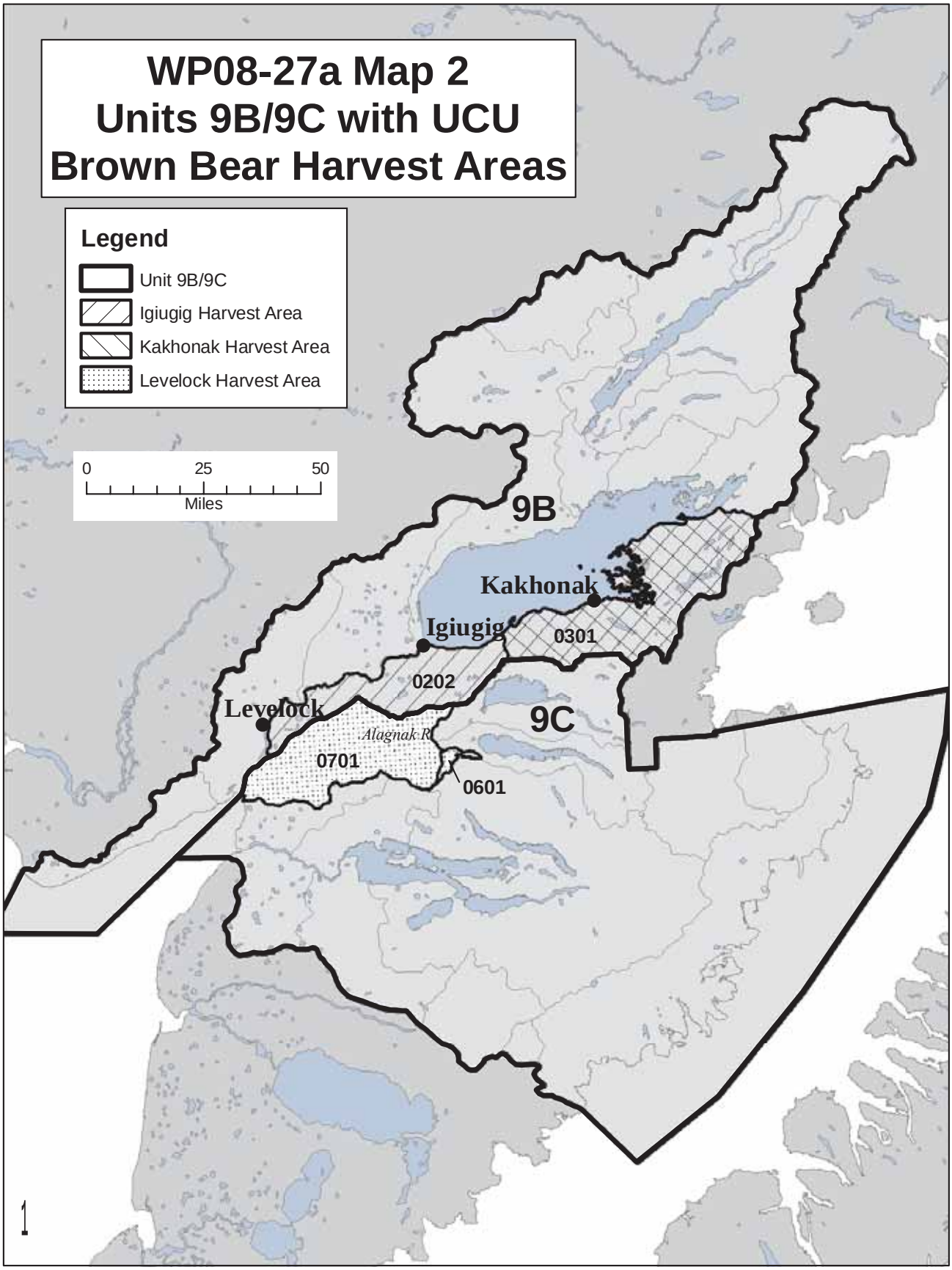
Federal public lands comprise approximately 84% of Unit 9C. They include, Katmai National Monument/Park (70%), Katmai National Preserve (8%), Alagnak Wild and Scenic River, Becharof National Wildlife Refuge (3%) and Bureau of Land Management (3%). Subsistence hunting is not authorized in Katmai National Monument/Park (**Maps 1 and 2**).

Customary and Traditional Use Determinations

All residents of Unit 9C have a positive customary and traditional use determination for brown bear in Unit 9C.

All residents of Unit 9B have a positive customary and traditional use determination for brown bear in Unit 9B.


WP08-27a Map 1
Unit 9B/9C: Brown Bear
Legend
Unit Boundary
NPS Preserve Lands
NPS Park Lands
FWS Refuge Lands
BLM Lands
0 10 20
Miles
9B
Port Alsworth
Lake Clark National Park
Lake Clark National Park and Preserve
Nondalton
Pedro Bay
Iliamna
Newhalen
Kakhonak
Iliamna Lake
Igiugig
Katmai National Preserve
Kukaklek L.
Levelock
Alagnak R.
Nonvianuk L.
Kvichak
Naknek
King Salmon
Katmai National Park
S. Naknek
Naknek River
NAKNEK CONTROLLED USE AREA
Egegik
Becharof National Wildlife Refuge
9C
Pilot Point
Ugashik
Alaska Peninsula National Wildlife Refuge


WP08-27a Map 2
Units 9B/9C with UCU
Brown Bear Harvest Areas
Legend
Unit 9B/9C
Igiugig Harvest Area
Kakhonak Harvest Area
Levelock Harvest Area
0
25
50
Miles
9B
Kakhonak
Igiugig
0301
0202
Levelock
9C
Alagnak R
0701
0601

Regulatory History

Since the inception of the Federal Subsistence management program numerous proposals have addressed customary and traditional uses of brown bear throughout Unit 9. Many of these proposals were deferred for years (WP91-12, WP96-29, WP97-38, WP98-45, WP99-30) (Appendix A). Some of these proposals requested a positive customary and traditional use determination for all residents of Unit 9 throughout Unit 9. Reasons cited for these deferrals included lack of information and the need to finalize the customary and traditional use determination process. Brown bear harvest regulations and customary and traditional use determinations, both state and Federal, vary throughout the subunits of Unit 9.

The regulatory histories of Units 9B and 9C are reviewed here to show the evolution of the regulations related to brown bear harvests in both units because this proposal addresses a request by residents of Unit 9B to harvest brown bear in Unit 9C. The primary difference in the two histories is that when the Federal Subsistence management program began, the Board adopted most of the customary and traditional use determinations of the State. The State had a "no customary and traditional uses" determination for brown bear for residents of Unit 9C; the State had a positive customary and traditional use determination for brown bear for residents of Unit 9B.

Unit 9C

In 1990, the Federal Subsistence Board (Board) adopted some of the State of Alaska customary and traditional use determinations for brown bear in the subunits of Unit 9. These included a "no customary and traditional uses" determination for residents of Unit 9C. Although there were no state subsistence hunts for brown bear in Unit 9C, there was a resident registration hunt with a limit of one brown bear every four years.

In 1999, the Board made a positive customary and traditional use determination for brown bear for residents of Unit 9C. Although residents in Unit 9C have a positive customary and traditional use determination for brown bear, they have no Federal harvest season. There is a state resident registration hunt with a limit of one brown bear every four years. Some reports indicate that the establishment of Katmai National Monument/Park led to a decrease in subsistence brown bear harvests in the area because the Monument/Park is closed to all hunting and the area includes locations where Unit 9C residents historically harvested brown bears (FWS 1998: 32–33).

Unit 9B

In 1990, the Board adopted the State of Alaska's positive customary and traditional use determination for brown bear for residents of Unit 9B in Unit 9B. The State subsistence season for residents of Unit 9B was one bear every four years. The Board adopted the same season.

Currently, there are several subsistence brown bear seasons in Unit 9B. In the Lake Clark National Park portion of Unit 9B, there is a year-round, Federal brown bear subsistence hunt for resident zone residents only. In the remainder of Unit 9B, there is a Federal subsistence season from Sept 1–May 31 with a limit of one brown bear per year by state registration permit.

There are two state brown bear hunts in Unit 9B. One is a state registration hunt with a limit of one bear every four years in alternating spring and fall seasons. The other is a state subsistence hunt originally established under the terms of the Western Alaska Brown Bear Management Area in which the limit is

one bear per year by permit. According to the 2008 hunting regulations, registration in person in King Salmon is required for the subsistence hunt (ADF&G 2007a)[1].

Community Characteristics

The combined population of the three Unit 9B communities of Igiugig, Kakhonak and Levelock is less than 300 people.

Igiugig is located on the south shore of the Kvichak River. As of 2006, there were 53 residents (DCRA 2007). According to the most recent ADF&G Division of Subsistence baseline surveys, in 1992 the average household harvested approximately 2,826 pounds of subsistence resources annually; an estimated per capita harvest of 725 pounds per person. The per capita harvest was composed of 278 pounds of fish, primarily salmon; 324 pounds of land mammals, primarily caribou; 72 pounds of marine mammals, primarily beluga whale; 18 pounds of birds and eggs, 20 pounds of berries and 12 pounds of other plants (ADF&G 2007).

Kakhanok is located on the south shore of Iliamna Lake. As of 2006, there were 168 residents (DCRA 2007). According to the most recent ADF&G Division of Subsistence baseline surveys, in 1992 the average household harvested approximately 4,504 pounds of subsistence resources annually; an estimated per capita harvest of 1,013 pounds per person. The per capita harvest was composed of 668 pounds of fish, primarily salmon; 292 pounds of land mammals, primarily caribou and moose; 4 pounds of marine mammals, primarily freshwater seal; 23 pounds of birds and eggs; 3 pounds of marine invertebrates; and 19 pounds of berries (ADF&G 2007).

Levelock is located on the west bank of the Kvichak River. As of 2006, there were 61 residents (DCRA 2007). According to the most recent ADF&G Division of Subsistence baseline surveys, in 1992 the average household harvested approximately 2,504 pounds of subsistence resources annually; an estimated per capita harvest of 884 pounds per person. The per capita harvest was composed of 534 pounds of fish, primarily salmon; 273 pounds of land mammals, primarily caribou and moose; 50 pounds of marine mammals, primarily beluga whale; 12 pounds of birds and eggs, and 13 pounds of berries (ADF&G 2007).

Eight Factors for Determining Customary and Traditional Uses

The customary and traditional uses of brown bear by residents of Unit 9, throughout Unit 9, are well documented and are referenced in the analyses noted in Appendix A. Since 1991, the Board has addressed six proposals dealing with customary and traditional uses of brown bear in Unit 9 that are relevant to this proposal (**Appendix A**). In the analyses for each proposal, customary and traditional uses of brown bears by residents of Unit 9 have been described in considerable detail. There is a long history of customary and traditional use of brown bear in Igiugig, Kakhonak, and Levelock.

Igiugig, Kakhonak, and Levelock are considered part of the Iliamna Lake subregion, which also includes the communities of Newhalen, Nondalton, Pedro Bay, and Port Alsworth. Brown bears are found throughout the subregion and have been used for subsistence by residents of these communities for multiple generations. While brown bear harvests in this area are generally low, brown bear is harvested for food and the meat is shared throughout communities (Morris 1986:112). Brown bear are primarily harvested in fall and spring although harvests occur year round when necessary. Historic sources indicate

1 ADF&G staff said this permit can be obtained by mail but that this is not evident in the current ADF&G regulation booklet.

brown bear have been harvested and used for their fat, meat, and hides (Ellanna and Balluta 1992; FSB 1997: BB-9; Morris 1986; Wright et al. 1985). Research by Holen et al. (2005:88) indicates that residents of Igiugig, Kakhonak, and Levelock use the meat, fat, kidneys, feet, and hides of brown bear. Morris (1986: 112) noted that in the Iliamna Lake subregion, "Both spring and fall bear hunting frequently occurred opportunistically during travel or [while] harvesting other species."

Citations from earlier analyses describe the customary and traditional uses of brown bear throughout Unit 9.

> Brown bear were [are] apparently significant when other large land mammals or sea mammals were scarce, since they could provide large quantities of fat, and other materials such as gut. This substitution value of brown bear was apparent in the Lake Clark and Iliamna areas in the early 1900s when caribou and most animal populations were low and local residents depended heavily on sheep, black bear, and brown bear.
>
> Brown bear has been important in this respect in many areas, even where fats and other materials were normally available from other species, since brown bear could be obtained in the spring when other resources were scarce or unobtainable. Traditionally, brown bear hunting has been perceived as a dangerous pursuit for brave and experienced men. Great spiritual powers surround the bear. This calls for extreme care in all interactions with the animal. People inhabiting this region may be reluctant to talk about bears for this reason (FSB 1997: BB-7).

In **Table 1**, data from ADF&G Division of Subsistence household surveys estimate the brown bear harvests reported by Igiugig, Kakhonak and Levelock for three different years. While harvests of brown bear are low, survey information indicates that brown bear are consistently harvested and used for food in these communities. In the event that a community does not harvest a brown bear in a given year, they may receive brown bear meat and or fat from another community. Survey information also indicates that a limited number of people typically harvest brown bear, but that they share their harvest with community members who do not harvest brown bear themselves. The survey data mirror the above-cited ethnographic data, which indicate that it is customary and traditional to harvest low numbers of brown bears for subsistence. There was no information about location of harvests in the Division of Subsistence studies.

Data from the ADF&G brown bear sealing records are only available from 1983–2004. These records do not show any reported brown bear harvests from Igiugig or Kakhonak in Unit 9C; although there are records of three harvests of brown bears by residents of Levelock in Unit 9C. Two of the Levelock harvests occurred in UCU 0701 and one occurred in UCU 0601, both of which include or border Katmai National Preserve lands (**Map 1**).

For Igiugig, the ADF&G brown bear sealing records indicate harvests of two brown bears in UCUs 0202 and 0301, both in Unit 9B, but which share part of the Preserve boundary and the boundary of Unit 9C. Brown bear sealing records from Kakhonak indicate the harvest of three bears in Unit 9B, all in UCU 0301, which abuts the Preserve boundary and the boundary of Unit 9C (**Map 2**).

During the October 2007 Bristol Bay Subsistence Regional Advisory Council meeting, the Council discussed this proposal. Throughout the discussion they mentioned hunters from Igiugig, Kakhonak and Levelock and their routes to Katmai National Preserve in Unit 9C for the harvest of brown bear. Council members stated that Kakhonak is most accessible to the Preserve and that Igiugig has to "wait until freezeup" to travel to the Preserve; "Levelock goes up the Branch River [Alagnak] and takes bears" (BBRAC 2007: 178, 215–216, 219).

Table 1. Limited Subsistence brown bear Harvest Data for 3 years only: Iguigig, Kakhonak and Levelock.

			% of Households in Communities								
Community	**Year**	**Resource**	**Used**	**Attempted Harvest**	**Harvested**	**Received**	**Shared**	**Number Harvested**	**Total Lbs in Community**	**Per Household Lbs**	**Per Cap Lbs**
Igiugig	1983	brown bear	x	33	33	x	x	4	367	33	5
Igiugig	1992	brown bear	30	10	0	30	10	[a]	x[a]	x	x
Igiugig	2001[b]	brown bear	27	18	0	x	x	0	0	0	0
Kakhonak	1983	brown bear	x	0	0	16	x	[a]	x	x	x
Kakhonak	1992	brown bear	47	28	22	42	28	15	1,517	39	9
Kakhonak	2001[b]	brown bear	44	19	13	x	x	4	656	x	4
Levelock	1988	brown bear	22	7	7	15	15	4	367	11	3
Levelock	1992	brown bear	7	10	3	7	3	1	130	3	1
Levelock	2001[b]	brown bear	24	24	12	x	x	3	x	x	x

x= no data reported

[a] Division of Subsistence does not usually ask for quantities of resource when it has been received (ADF&G 2001).

[b] ADF&G, Division of Subsistence, Community Subsistence Information System (ADF&G 2007*b*).

The subsistence use areas of Igiugig and Kakhonak were mapped in 1982 (Morris 1986). The mapped areas (**Appendix B**) clearly indicate that the Katmai National Preserve is a key locale for subsistence harvest and use by residents of Igiugig and Kakhonak. The maps show that both communities access the Preserve areas near Kukaklek Lake, Nonvianuk Lake and the Alagnak (Branch) River (Morris 1986: 59-60).

Subsistence brown bear harvests are important; however, they are traditionally low and usually only a few community members "specialize" in brown bear hunting. Multiple factors, including underreporting, closures of traditional hunting locations, season closures during subsistence harvest seasons, weather, cultural prohibitions against speaking of bears, may explain the low number of documented harvests of brown bears by residents of Igiugig and Kakhonak in Unit 9C (FWS 1998: 34; FWS 1999: 9, 10; FWS 1997: 15,18).

Subsistence economies are based on extensive use of a limited but diverse range of species. Some species predominate in the diet and others are secondary. Reliance on resources changes over time due to availability and other factors. Salmon, moose, and caribou predominate while other species, including beluga whales, berries, birds, and brown bear serve an important supplementary role in the diverse subsistence resource repertoire of Igiugig, Kakhonak and Levelock.

Effects of the Proposal

Adoption of this proposal would recognize the customary and traditional uses of brown bear by residents of Igiugig, Kakhonak, and Levelock (all in Unit 9B) for the adjacent Unit 9C.

OSM CONCLUSION

Support WP08-27a.

Justification

Public testimony and past analyses indicate that brown bear has been and continues to be used as a subsistence resource throughout Unit 9. The subunits of Unit 9 are arbitrary boundaries for subsistence users who have described their harvest patterns across these boundaries as noted in past analyses, harvest data and Regional Council transcripts. The three communities under consideration clearly harvest brown bear in Unit 9. Brown bear harvests are typically a small, but nonetheless important, component of the subsistence resource repertoire of these three communities.

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APPENDIX A

In 1991, the Board rejected a proposal (WP91-12) submitted by Bristol Bay Native Association (BBNA) to expand the subsistence harvest of brown bears to Units 9A, 9C and 9D and to change the split seasons to year-round seasons. The rationale for requesting these changes was that brown bears are harvested throughout Unit 9 for food and that the split season did not accommodate the reality of subsistence bear harvests (FSB 1991: 128).

In 1996, BBNA and other Unit 9 residents submitted a similar proposal (WP96-29) for a positive customary and traditional use determination for brown bear in Unit 9 for all residents of Unit 9. The Board voted to defer this proposal until research on subsistence brown bear harvests was completed (FSB 1996).

In 1997, BBNA, the BBRAC, the Alaska Peninsula/ Becharof National Wildlife Refuge Complex and residents of Unit 9 submitted a proposal (WP 97-38) for a positive customary and traditional use determination in Unit 9 for all residents of Unit 9 (FWS 1997: BB2-24). The Board voted to defer this proposal until research on subsistence brown bear harvests was completed (FSB 1997).

In 1998, BBNA, the BBRAC and residents of Unit 9 submitted a proposal (WP98-45) for a positive customary and traditional use determination for brown bear for residents of Unit 9A, Unit 9B and Unit 9C within their respective units. At the recommendation of the BBRAC, the Board supported a positive customary and traditional use determination for Pedro Bay in Unit 9A and deferred action on Unit 9C (FSB 1998).

In 1999, BBNA, the BBRAC and residents of Unit 9 submitted a proposal (WP99-30) for a positive customary and traditional use determination in Unit 9C for residents of Unit 9C. The Board adopted this proposal (FSB 1999).

APPENDIX B

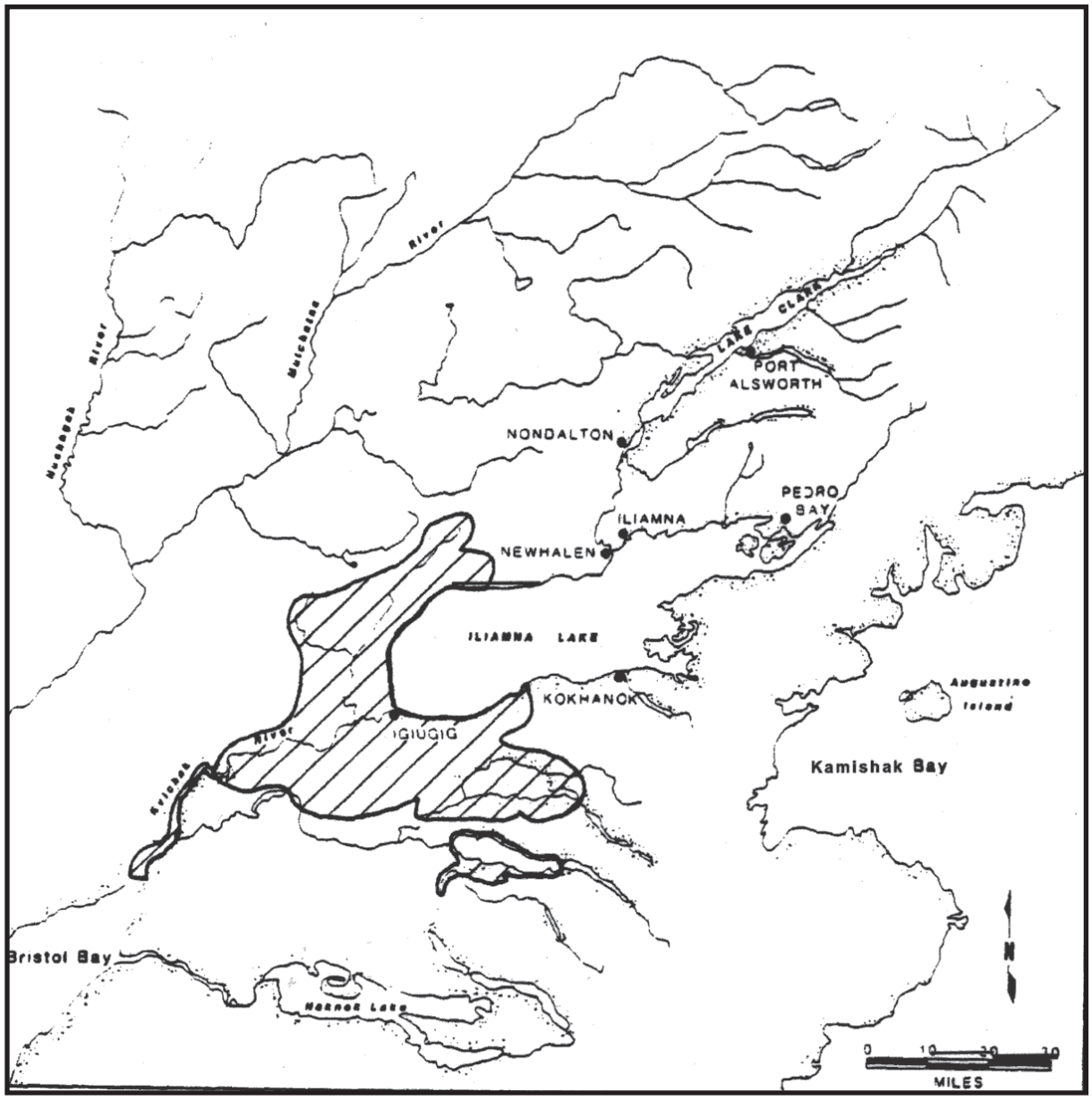


Figure 1. Resource harvest areas, Igiugig, 1982. (Morris 1986)

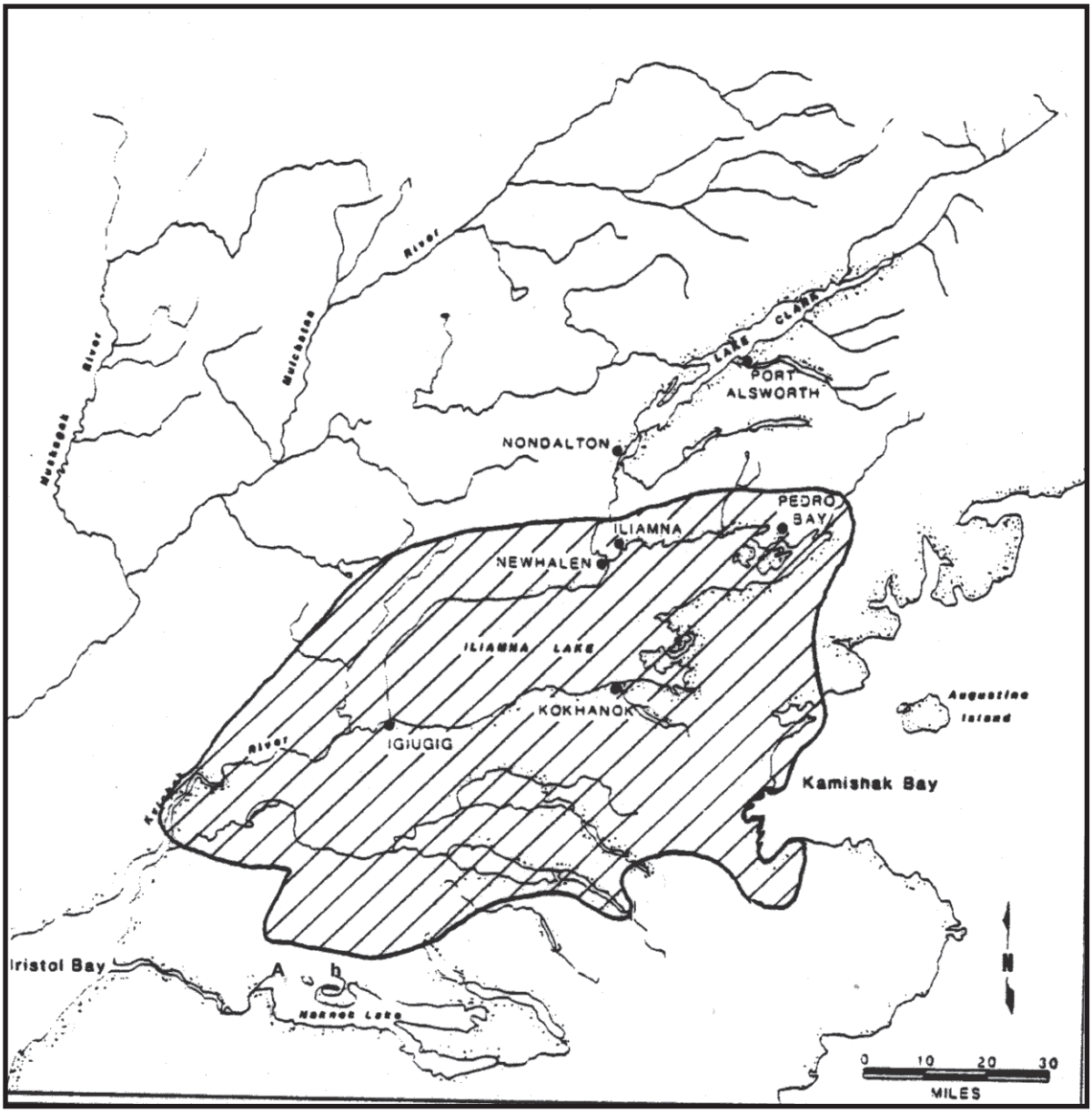


Figure 2. Resource harvest areas, Kokhanok, 1982. (Morris 1986)

INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-27A

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Council to be consistent with ANILCA Section 805(c).

Comments on WP08-27
April 1, 2008, Page 1 of 2

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP08-27a: Expand the customary and traditional use determination for brown bear in Game Management Unit 9C to include residents of Unit 9B in the communities of Igiugig, Kakhonak, and Levelock.

Wildlife Proposal WP08-27b: If a customary and traditional determination of brown bear use in Unit 9C is made for the communities of Igiugig, Kakhonak, and Levelock, then the proponent requests an October 1 – May 31 federal season to be administered by federal registration permit in Unit 9C, which currently has no federal open season. Under this proposal, each permit would authorize harvest of one brown bear and the season would be closed by the Superintendent of Katmai National Park and Preserve when 10 brown bears have been harvested. Because a federal customary and traditional use determination for brown bear in Unit 9C already exists, the Federal Subsistence Board could consider WP08-27b regardless of whether WP08-27a is adopted.

Introduction: Only rural residents of Unit 9C presently have a customary and traditional use determination for brown bear in Unit 9C. Existing federal regulations authorize brown bears to be harvested in Units 9B and 9E, but not in Units 9A, 9C, or 9D.

Impact on Subsistence Users: Adoption of WP08-27a would substantially increase the pool of eligible rural residents for this hunt. The Office of Subsistence analysis does not address the potential impacts on the smaller pool of presently eligible rural residents of this expansion of federally-qualified subsistence hunters in the Unit. If WP08-27b is adopted, increased opportunity for subsistence hunting brown bears would primarily occur in October before brown bears begin to den and after they exit their dens in May. Adoption of this proposal would also enable rural residents of Unit 9C to hunt brown bear in Unit 9C, because they already have been found to have a customary and traditional use of brown bear in that subunit.

Opportunity Provided by State: The Alaska Board of Game found that there are no customary and traditional uses of brown bears in Unit 9C. State regulations allow residents and nonresidents to harvest one brown bear every four regulatory years in the Remainder of Unit 9C, which excludes the Naknek River drainage. Hunting is authorized October 1-21 in odd-numbered years and May 10-25 in even-numbered years. Residents of Igiugig, Kakhonak, and Levelock have reported sealing only six brown bears in Units 9B and 9C since 1962, when the State instituted mandatory sealing of brown bears. No residents of these communities have obtained registration permits for the subsistence brown bear permit hunt in Unit 9B. The Alaska Department of Fish and Game Division of Subsistence technical reports document some harvest of brown bears by Igiugig, Kakhonak, and Levelock, but the reports do not indicate that the brown bears were taken in Unit 9C. State regulations already provide the residents of Igiugig, Kakhonak, and Levelock with the opportunity to harvest brown bears, but residents of these communities have only minimally utilized that opportunity.

Enforcement Issues: Differences in federal and state regulations resulting from adoption of WP08-27b create enforcement problems in areas with mixed land ownership. Federally-

qualified subsistence users hunting under terms of a federal registration permit would be required to salvage the hides, skulls, and edible meat of brown bears taken in Unit 9C. State regulations in Unit 9C require that within 30 days of harvest, the skull and hide (with claws and evidence of sex attached) of a brown bear must be taken to an officially designated sealing officer to be sealed. If this cannot be done, the hunter must complete and sign a temporary sealing form that can be obtained from the Department of Fish and Game.

Jurisdiction Issues: Katmai National Park and Preserve constitutes the majority, but not all, of the federal lands in Unit 9C. The Park is closed to all subsistence uses. A federal season in Unit 9C would apply in Katmai National Preserve, a small part of the Becharof National Wildlife Refuge, and Bureau of Land Management lands.

Other Comments: No evidence is presented indicating that the proposed change is needed to provide for continuation of subsistence uses of brown bear on federal lands for federally-qualified subsistence users. If adopted and provided as an additional harvest beyond what the State of Alaska has identified as sustainable harvest by State regulations, then other users hunting under State regulations during the fall and spring seasons could be unnecessarily restricted if the federal quota is reached.

Recommendation:
WP08-27a: Defer. The Office of Subsistence Management provides limited evidence to support a positive customary and traditional use finding for the communities of Igiugig, Kakhonak, and Levelock. One or more of the subject communities appears to have a long history of only occasional harvest and use of a few brown bears. While this evidence of use is weak, it is at least as strong as that used by the Board to make a positive determination for brown and black bear for Ninilchik in Unit 15. Whether this is sufficient evidence to generally demonstrate the eight federal regulatory factors is unclear given the Federal Board's past inconsistent application of its regulations and lack of clear, objective standards for making determinations. Therefore, it will be important for the Federal Subsistence Board to carefully evaluate the evidence presented in consideration of the regulatory factors on the record if the Board proceeds to consider the proposal at this time.

WP08-27b: If Proposal WP08-27a is adopted, adopt WP08-27b as modified in the Office of Subsistence Management Conclusion to authorize a federal subsistence bear hunting season in Game Management Unit 9C with provisions important for administering this hunt. Close monitoring will be essential to ensure that harvests are sustainable and to enable managers to evaluate effects of the additional opportunity being provided in federal regulation. If adopted, the Board needs to evaluate and avoid unnecessary impacts of the additional and potentially unsustainable harvest on other users hunting under State regulations during fall and spring seasons.

WRITTEN PUBLIC COMMENTS

Oppose. Proposal WP08-27 would establish a new subsistence hunting season for brown bears in Unit 9C, with a limit of 10 bears a year. The National Parks Conservation Association is opposed to opening a new brown bear season where one does not now exist. Our concerns are built on our experience working through the Alaska Board of Game process on sport hunting of brown bears in Unit 9C, most of which is closed to any hunting since it is in Katmai National Park. The portions of Unit 9C open to hunting include Katmai National Preserve and lands to the west of the Katmai Park boundary towards Naknek.

The National Parks Conservation Association (NPCA) is America's only private nonprofit advocacy organization dedicated solely to protecting, preserving, and enhancing the U.S. National Park System. Founded in 1919, NPCA has more than 300,000 members of which 1,000 reside in Alaska.

Our concern with the existing brown bear hunt is the potential impact it may be having on the number of observable bears in subunit 703. An additional hunt would only further exacerbate existing concerns. Brown bear viewing guides from Homer have observed a steady decline in the number of observable bears in subunit 703. Attached is data collected by Ken & Chris Day of Emerald Air Service, showing their daily observations in Katmai Preserve from 1997 thru 2006 (they are currently compiling their 2007 data, which we will include as soon as it is available). Once you look at the data, you can only agree that there is an observable decline in the number of bears. The question NPCA, the Days and others have been trying to answer is why? Is the increase in hunter success enjoyed in the 2003/2004 and in 2005/2006 sport hunting seasons a cause? Hunter success was historically about 16 to 18 bears in each fall/spring hunt until 2003/2004 when hunter success doubled to 35. Are fishermen displacing bears from the stream?

What influence does the size of the red salmon run in the area have on the number of bears? These are unanswered questions to an arguably complex question. Yet we have just begun to investigate why this decline is being observed. Until we can determine what is happening to these bears and what that cause means for any kind of additional hunting opportunity, we are opposed to any new hunts.

Our organization has focused on hunting as one variable we can influence through both the Board of Game and now the Federal Subsistence Board as we try and determine the cause of this observable decline. We have not opposed hunting in Katmai Preserve — but instead have encouraged National Park Service (NPS) and Alaska Department of Fish & Game (ADF&G) to manage the hunt so as to sustain both a healthy observable population of bears for a quality wildlife viewing experience as well as a quality sport hunt. In that context, we have asked that ADF&G and/or the Park Service manage the hunt so that the number of bears harvested in the area is returned to the pre-2003 numbers. This proposal for an entirely new harvest pours fuel onto an already volatile fire.

The users of Katmai Preserve and the management agencies — NPS and ADF&G — need to address the existing decline-in-observable-bears problem before any consideration can be given to an entirely new hunt. Until that problem is addressed, and I feel that the agencies are committed to finding a solution, adding an additional harvest simply does not make sense. Let's figure out what is going on in this area before we make any additional bear management decisions.

Furthermore, we are also concerned about access to this proposed new hunting opportunity. The Katmai General Management Plan does not recognize all-terrain vehicle (ATV) use for subsistence purposes. How would hunters access these bears? Is the Park Service prepared to ensure that no ATVs will cross into Preserve lands should this hunt be authorized? How do you notify hunters in a dispersed area like Katmai Preserve when the limit of 10 bears is reached? These management concerns must be clearly

addressed before any consideration can be given to a new hunt. *Submitted by the National Parks Conservation Association*

Oppose. We are opposed to this proposal currently in front of the Federal Subsistence Board. *Submitted by Ken and Chris Day, Homer.*

Oppose. We oppose this proposal which would institute a Federal subsistence hunt for up to 10 brown bears per year in Unit 9C, which is mainly comprised of Katmai National Park and Preserve. This proposed subsistence hunt would likely exceed the harvestable surplus of brown bears in this region, as it would represent almost double the number of brown bears historically taken in this area. Having a field order closure by the Superintendent would also present reporting difficulties, creating the potential for over harvest, due to the sporadic and unreliable timing of harvest reports in cases where there is such a limited bag limit. In addition, a rebalancing of all the other uses would need to occur. Wildlife user conflicts within portions of 9C are acute, requiring careful consideration when hunting is expanded. Wounded bears in areas with high bear-viewing-use create serious public safety considerations. The state hunting season for bears in most of Unit 9C is open every other year. State regulations allow for taking one bear every four years by regular hunt or by permit in the Naknek River drainage. According to the National Park Service's March 2007 comments to the Alaska Board of Game, "In the nine regulatory years between 1985/86 and 2001/02, the average harvest in each fall/spring hunt in the Preserve, according to state sealing data, was approximately 14-19 bears - with the highest harvests occurring in 1991/92 and 2001/02. In the 2003/2004 and 2005/2006 hunts the average number of legally taken bears in the combined fall/spring hunts has been more than double the past harvest range of 14–19 bears recommended by ADF&G as an allowable sport harvest. At this time, there are no reliable estimates for the number of brown bears in the Preserve and little information on the age and sex composition of the population. For this reason, we feel that a more conservative harvest limit within the historic range of 14-19 bears would be appropriate until a comprehensive brown bear study and planning for management in the Preserve can be completed." If new data is available on the population status of Unit 9C brown bears, we would like to receive a copy so we can evaluate this information. *Submitted by the Alaska Wildlife Alliance, Alaska Center for the Environment, and Defenders of Wildlife*

WP08-30/31 Executive Summary	
General Description	Proposals WP08-30 and WP08-31 pertain to moose regulations in Units 9B and 9C. Proposal WP08-30 would shorten the fall and winter seasons in Unit 9B from Aug. 20–Sept. 15 to Sept. 1–Sept. 15, and from Dec. 1–Jan. 15 to Dec. 15–Jan. 15; and would align the Federal and State seasons. Proposal WP08-31 requests that Federal public lands in Unit 9B and a portion of Unit 9C be closed for the taking of moose by non-Federally qualified subsistence users. *Submitted by the Bristol Bay Subsistence Regional Advisory Council*
Proposed Regulation	**WP08-30** **Unit 9B—Moose** *Unit 9B—1 bull* — *~~Aug. 20~~* ***Sept. 1****–Sept. 15*; *~~Dec. 1~~* ***Dec. 15****–Jan. 15* **WP08-31** **Units 9—Moose** *Unit 9A—1 bull* — *Sept. 1–Sept. 15* *Units 9B, 9C—Moose* *Unit 9B—1 bull.* ***Federal public lands are closed for the hunting of moose, except by rural Alaska residents of Units 9A, 9B, 9C, and 9E, hunting under these regulations.*** — *Aug. 20–Sept. 15*; *Dec. 1–Jan. 15* *Unit 9C—that portion draining into the Naknek River from the north—1 bull.* ***Federal public lands are closed for the hunting of moose, except by rural Alaska residents of Units 9A, 9B, 9C, and 9E, hunting under these regulations.*** — *Sept. 1–Sept. 15*; *Dec. 1–Dec. 31* *Unit 9C—that portion draining into the Naknek River from the south—1 bull by Federal registration permit only. Federal public lands are closed during Dec. for the hunting of moose, except by rural Alaska residents of Units 9A, 9B, 9C, and 9E, hunting under these regulations.* — *Aug. 20–Sept. 15*; *Dec. 1–Dec. 31* *Unit 9C remainder—1 bull.* ***Federal public lands are closed for the hunting of moose, except by rural Alaska residents of Units 9A, 9B, 9C, and 9E, hunting under these regulations.*** — *Sept. 1–Sept. 15*; *Dec. 15–Jan. 15*

continued on next page

WP08-30/31 Executive Summary (continued)		
	Unit 9D—1 bull by Federal registration permit. Federal public lands will be closed to the harvest of moose when a total of 10 bulls have been harvested between State and Federal hunts.	*Dec. 15–Jan. 20*
	Unit 9E—1 bull; however only antlered bulls may be taken Dec. 1 – Jan. 31	*Aug. 20–Sept. 20* *Dec. 1–Jan. 31*
Bristol Bay Regional Council Recommendation	**Support** Proposals WP08-30 and 31	
Interagency Staff Committee Comments	*See comments following the analysis.*	
ADF&G Comments	**Support** Proposal WP08-30 **Oppose** Proposal WP08-31	
Written Public Comments	**1 Oppose** Proposal WP08-30 **1 Support** Proposal WP08-31	

REGIONAL COUNCIL RECOMMENDATION

BRISTOL BAY SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-30. The Council has expressed conservation concerns about the moose population in Unit 9B and difficulties harvesting enough moose to meet their subsistence needs. The Council has recommended shortening the Federal season in an effort to reduce harvest numbers, and align with the State fall and winter seasons. This measure supports the Council's intentions to address their conservation concerns by shortening seasons for subsistence users. The Council's support of WP08-30 is contingent upon adoption of WP08-31.

Support Proposal WP08-31. Local residents claim that there is a conservation concern with the moose populations in Units 9B and 9C. They base this claim on their experiences of seeing and harvesting fewer moose in recent years. Local residents have consistently expressed concerns about the decline of the moose population in Units 9B and 9C. These observations, combined with the closure of NAPCH harvest and MCH population declines (thus making another important subsistence resource unavailable), support the position of local residents who maintain they are experiencing increasing difficulties in meeting their subsistence needs. While biological data is limited and has mixed interpretations, some of those data and local observations indicate that the moose population has declined and closure of Federal public lands is consistent with ANILCA and Federal policy as necessary to continue subsistence uses of moose in Units 9B and 9C.

STAFF ANALYSIS
WP08-30/31

ISSUES

Proposals WP08-30 and WP08-31, submitted by the Bristol Bay Subsistence Regional Advisory Council (Council), pertain to moose regulations in Units 9B and 9C. Proposal WP08-30 would shorten the fall and winter seasons in Unit 9B from Aug. 20–Sept. 15 to Sept. 1–Sept. 15, and from Dec. 1–Jan. 15 to Dec. 15–Jan. 15; and would align the Federal and State seasons. Proposal WP08-31 requests that Federal public lands in Unit 9B and a portion of Unit 9C be closed for the taking of moose by non-Federally qualified subsistence users.

DISCUSSION

For at least the past several years, Council members and area residents have repeatedly expressed concerns about the decline of the moose population in Units 9B and 9C. Discussions by the Council convey that local residents are having difficulty meeting their subsistence needs; this difficulty is compounded by the lack of availability of caribou. The proponent advocates that shorter seasons and a closure of Federal public lands to non-Federally qualified subsistence users will likely reduce the number of moose harvested and may help slow the decline of the moose population in this area.

WP08-30 would shorten the fall season by 11 days, and the winter season by 14 days. WP08-31 would close Federal public lands in Unit 9B, Unit 9C—that portion draining into the Naknek River from the north and Unit 9C remainder, for moose hunting to all but Federally qualified subsistence users.

Considerations regarding closure of Federal public lands are outlined in the policy adopted by the Federal Subsistence Board (Board), *Policy on Closures to Hunting, Trapping and Fishing on Federal Public Lands and Waters in Alaska* (FSB 2007). Consistent with Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA), the Board is authorized to restrict the taking of fish and wildlife by non-Federally qualified subsistence users on Federal public lands when necessary for the conservation of healthy populations or to continue subsistence uses of such populations. In recent years, Council representatives have maintained that local residents have experienced increasing difficulties in meeting their subsistence needs for moose. Proposed closures of Federal public lands may thus be necessary to provide a meaningful preference for Federally qualified subsistence users. An additional factor to consider is the lack of alternative resources. Caribou are not available to harvest in much of Unit 9C due to the closure of Federal and State seasons for the Northern Alaska Peninsula Caribou Herd (NAPCH), plus, in Unit 9B the Mulchatna Caribou Herd (MCH) is declining in numbers, and harvest limits have already been reduced under both Federal and State regulations.

Note: In the *Federal Subsistence 2008–2010 Wildlife Proposals* book, the proposed regulation for Unit 9C inadvertently omitted the request for closure of Federal public lands in Unit 9C remainder. It was the proponent's intent to request the closure of Federal public lands in all of Unit 9C *except* for Unit 9C, that portion draining into the Naknek River from the south. The correction was included on the Office of Subsistence Management (OSM) website and sent out to the OSM listserve as well. The proposed regulation listed below reflects the request put forth by the Council.

Existing Federal Regulations

Units 9—Moose

Unit 9A—1 bull	*Sept. 1–Sept. 15*
Unit 9B—1 bull	*Aug. 20–Sept. 15* *Dec. 1–Jan. 15*
Unit 9C—that portion draining into the Naknek River from the north—1 bull	*Sept. 1–Sept. 15* *Dec. 1–Dec. 31*
Unit 9C—that portion draining into the Naknek River from the south—1 bull by Federal registration permit only. Federal public lands are closed during Dec. for the hunting of moose, except by rural Alaska residents of Units 9A, 9B, 9C, and 9E, hunting under these regulations.	*Aug. 20–Sept. 15* *Dec. 1–Dec. 31*
Unit 9C remainder—1 bull	*Sept. 1–Sept. 15* *Dec. 15–Jan. 15*
Unit 9D—1 bull by Federal registration permit. Federal public lands will be closed to the harvest of moose when a total of 10 bulls have been harvested between State and Federal hunts.	*Dec. 15–Jan. 20*
Unit 9E—1bull; however only antlered bulls may be taken Dec. 1– Jan. 31	*Aug. 20—Sept. 20* *Dec. 1—Jan. 31*

Proposed Federal Regulations

WP08-30

Unit 9B—Moose

Unit 9B—1 bull	*~~Aug. 20~~* ***Sept. 1****–Sept. 15* *~~Dec. 1~~* ***Dec. 15****–Jan. 15*

WP08-31

Units 9—Moose

Unit 9A—1 bull	*Sept. 1–Sept. 15*
Unit 9B—1 bull. ***Federal public lands are closed for the hunting of moose, except by rural Alaska residents of Units 9A, 9B, 9C, and 9E, hunting under these regulations.***	*Aug. 20–Sept. 15* *Dec. 1–Jan. 15*
Unit 9C—that portion draining into the Naknek River from the north—1 bull. ***Federal public lands are closed for the hunting of moose, except by rural Alaska residents of Units 9A, 9B, 9C, and 9E, hunting under these regulations.***	*Sept. 1–Sept. 15* *Dec. 1–Dec. 31*

Unit 9C—that portion draining into the Naknek River from the south—1 bull by Federal registration permit only. Federal public lands are closed during Dec. for the hunting of moose, except by rural Alaska residents of Units 9A, 9B, 9C, and 9E, hunting under these regulations.	*Aug. 20–Sept. 15* *Dec. 1–Dec. 31*
Unit 9C remainder—1 bull. ***Federal public lands are closed for the hunting of moose, except by rural Alaska residents of Units 9A, 9B, 9C, and 9E, hunting under these regulations.***	*Sept. 1–Sept. 15* *Dec. 15–Jan. 15*
Unit 9D—1 bull by Federal registration permit. Federal public lands will be closed to the harvest of moose when a total of 10 bulls have been harvested between State and Federal hunts.	*Dec. 15–Jan. 20*
Unit 9E—1 bull; however only antlered bulls may be taken Dec. 1 – Jan. 31	*Aug. 20–Sept. 20* *Dec. 1–Jan. 31*

Existing State Regulations

Unit 9B—Moose

Residents: One bull *OR, One bull*	*Sept. 1–Sept. 15* *Dec. 15–Jan. 15*
Nonresidents: One bull with 50-inch antlers or antlers with 4 or more brow tine on at least one side	*Sept. 5–Sept. 15*

Unit 9C—Moose

9C—that portion draining into the Naknek River

Residents: One bull *OR, One bull*	*Sept. 1–Sept. 15* *Dec. 1–Dec. 31*
Nonresidents: One bull with 50-inch antlers or antlers with 3 or more brow tine on at least one side	*Sept. 5–Sept. 15*

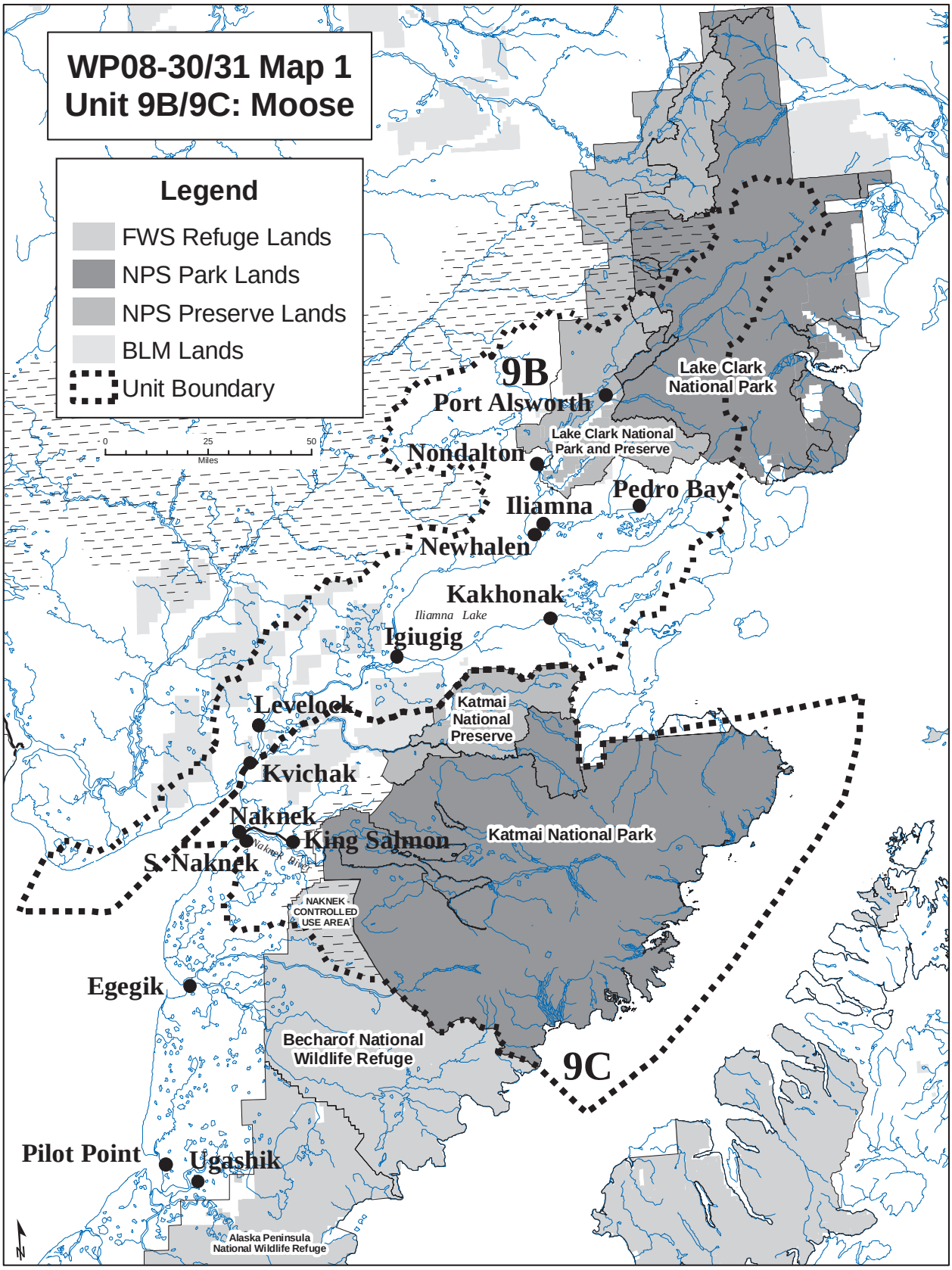
9C Remainder

Residents: One bull *OR, One bull*	*Sept. 1–Sept. 15* *Dec. 15–Jan. 15*
Nonresidents: One bull with 50-inch antlers or antlers with 3 or more brow tine on at least one side	*Sept. 5–Sept. 15*

Extent of Federal Public Lands

Federal public lands comprise approximately 27% of Unit 9B and consist of portions of Lake Clark National Park and Preserve (23%) and isolated tracts of Bureau of Land Management lands (4%).

Federal public lands comprise approximately 84% of Unit 9C and consist of Katmai National Park (70%), Katmai National Preserve (8%), Becharof National Wildlife Refuge (3%), Bureau of Land Management


WP08-30/31 Map 1
Unit 9B/9C: Moose
Legend
FWS Refuge Lands
NPS Park Lands
NPS Preserve Lands
BLM Lands
Unit Boundary
0
25
50
Miles
9B
Port Alsworth
Lake Clark National Park
Lake Clark National Park and Preserve
Nondalton
Pedro Bay
Iliamna
Newhalen
Kakhonak
Iliamna Lake
Igiugig
Levelock
Katmai National Preserve
Kvichak
Naknek
King Salmon
Katmai National Park
S. Naknek
Naknek River
NAKNEK CONTROLLED USE AREA
Egegik
Becharof National Wildlife Refuge
9C
Pilot Point
Ugashik
Alaska Peninsula National Wildlife Refuge
N

(3%), and Alagnak Wild and Scenic River. Subsistence hunting is not authorized in Katmai National Park (**Map 1**).

Customary and Traditional Use Determinations

Residents of Units 9A, 9B, 9C, and 9E have a customary and traditional use determination for hunting moose in Units 9A, 9B, 9C, and 9E.

Regulatory History

The Federal subsistence moose hunting regulations in Units 9B and 9C include fall seasons during August and September, plus winter seasons during December and January. Past regulatory changes have adjusted the season dates to accommodate local hunting practices and to restrict antlerless moose hunting because of low calf:cow ratios.

In 2006, the Council submitted WP07-25, requesting a two-mile buffer, to close Federal public lands to non-Federally qualified subsistence users, on both sides of specified rivers and creeks in Units 9 and 17A, with the intent that it would help moose populations remain stable or increase (FWS 2007a). The proponent pointed out that too many moose were being harvested by hunters using boats. After further consideration of certain impracticalities, WP07-25 was opposed by the Council and ultimately by the Board, which noted that the closure would not be consistent with some aspects of ANILCA.

Other harvest regulations are noteworthy in this region as they directly affect subsistence users. The Federal subsistence season for the NAPCH has been closed since 2005 due to decline in the population (FWS 2006). The Alaska Department of Fish and Game (ADF&G) announced in July 2005 that it would not issue Tier II permits for the NAPCH hunt for the 2005/06 regulatory year. The State season remains closed.

Based on the decline of the MCH across its range, the Board adopted Proposal WP07-23 which resulted in a reduction in Federal harvest limits from five to three caribou in Unit 9B beginning with the 2007/08 regulatory year (FWS 2007b).

Biological Background

In Unit 9, moose on the Alaska Peninsula expanded their range southwestward accompanied by a dramatic population increase until the 1960s when the population peaked, but then began to decline. Range damage from over-browsing was evident, and in some parts of the unit, such as 9E, moose densities were 60% below peak levels by the early 1980s. Results of fall sex and age composition surveys in Units 9B, 9C, and the central portion of 9E indicated that populations in most of Unit 9 have stabilized over the past 17 years (Butler 2004).

The ADF&G population objectives for moose in Unit 9 are to: 1) maintain existing densities in areas with moderate (0.5–1.5 moose/square mile) or high (1.5–2.5 moose/square mile) density; 2) increase low-density populations (where habitat conditions are not limiting) to 0.5 moose/square mile; and 3) maintain sex ratios of at least 25 bulls:100 cows in medium-to-high density populations and at least 40 bulls:100 cows in low-density areas (Butler 2004). Overall, the management objectives for bull:cow ratios (**Table 1**) are being maintained in Unit 9 (Butler 2007).

The current moose populations in Unit 9 are considered low density and stable compared to past population peaks. Their populations are limited primarily by brown bear predation on neonatal moose,

Table 1. Units 9B and 9C Moose densities and composition ratios (Butler 2007)

Year	Density per mi²	Bulls:100 Cow	Calves:100 Cow
Unit 9B Moose			
80's Average	0.56	45	22
90's Average	0.52	55	15
00's Average	0.46[a]	34	11
2007 Composition	—	40	2
[a]Average Density based on 2005 data only. Insufficient to assess trend.			
Unit 9C Moose			
80's Average	1.01	37	23
90's Average	0.87	52	19
00's Average	0.71[b]	44	21
2007 Composition	—	45	27
[b]Average Density based on 2005 data only. Insufficient to assess trend.			
Unit 9C Moose — Alagnak River drainage			
80's Average	0.96	34	25
90's Average	0.86	36	18
00's Average	0.83	37	11
2007 Composition	—	45	27

low calf recruitment and habitat availability. In Unit 9, population estimates provided by subunits are: Unit 9A, about 300 moose; Unit 9B, approximately 2000 moose; and Unit 9C outside of Katmai National Park, approximately 500–600 moose (Butler 2004). The Units 9B and 9C summary tables (**Table 1**) present moose data for a composite of trend areas and are representative of the entire subunit.

Since 1984, population trend counts in Unit 9B have also been conducted by the National Park Service in various portions of Lake Clark National Park and Preserve. In some cases, differing methodologies used and data collected at different times of year meant survey results were too variable to measure statistically significant changes in population trends (Mangipane 2007, pers. comm.). It should be noted that the averages indicated in **Table 1** are derived from variable population density estimates.

Winter counts have been done in Unit 9B on the south side of Lake Clark in the vicinity of Port Alsworth, in Lake Clark National Park and Preserve. Surveys in 2003 and 2007 resulted in relevant population estimates; however, additional winter surveys in the future will be necessary to ascertain a population trends in this survey unit. The estimated composition ratios remained stable with approximately 54 bulls: 100 cows for both survey years; and 20 calves: 100 cows for 2003 and 18 calves: 100 cows for 2007 (Putera 2007, pers. comm.).

More data needs to be collected to better assess moose population trends in Units 9B and 9C. The biological information appears to be mixed across these units, however, local residents consistently express difficulty meeting their subsistence needs.

Harvest History

Reported moose harvests for Unit 9 in regulatory years 2001/02 and 2002/03 combined totaled 175 animals (Butler 2004). Since 1988, the majority (about 87%) of the reported moose harvest has occurred

Table 2. Units 9B and 9C hunter residency and moose harvest success (Butler 2007).

	Successful				Unsuccessful			
Year	Unit Resident	Non Unit Resident	Nonresident	Total[a]	Unit Resident	Non Unit Resident	Nonresident	Total[a]
Unit 9B Hunter Residency and Success								
2000	12	10	26	48	26	35	52	113
2001	8	19	21	48	24	40	31	95
2002	7	17	14	38	21	57	38	116
2003	10	9	17	36	27	56	24	107
2004	13	14	12	39	22	35	25	82
2005	16	18	5	39	28	30	29	87
2006	13	9	4	26	31	28	11	70
GMU 9C — Alagnak River Drainage, Hunter Residency and Success								
2000	7	2	12	21	11	0	14	25
2001	7	5	7	19	6	8	6	20
2002	3	2	6	11	7	13	7	27
2003	7	3	3	13	4	7	17	28
2004	1	2	7	10	5	6	10	21
2005	1	1	6	8	1	5	13	19
2006	2	3	6	11	0	2	7	9

[a] Includes unknown residency

in September, aircraft and boats were the most common transport modes (Butler 2004). During the period from 1990 to 2002, residents of Unit 9 averaged a 35% success rate and other Alaska residents averaged 31% (Butler 2004). During the same period, nonresidents typically had a higher success rate as most flew out to hunt, and many employed guides. The bull:cow ratio (**Table 1**) is sufficient to support the current bull harvest regime, consistent with accepted wildlife management principles.

During regulatory years 2000 to 2006, residents of the unit accounted for 28% of the reported harvest in Unit 9B and 50% of the reported harvest in Unit 9C (ADF&G 2007). In Unit 9B, participation by nonresidents appears to be on a declining trend in recent years (**Table 2**). Most subsistence hunters did not obtain moose harvest tickets and as a result they were not represented in the local resident category (Butler 2004). Bristol Bay household survey research by Holen et al. (2005:73) estimates Unit 9B communities harvested a total of 160 moose in 2001, a higher estimate than reported moose harvest in this area.

At its October 2007 Council meeting, Council members shared their observations about declining moose numbers, as evidenced in part by their increasing difficulties in harvesting moose for their subsistence needs. Along these lines, the Council Chair stated that:

> …contrary to what the State believes, I don't think there's as many moose as they think there is, mainly because we're seeing less moose and we're harvesting a lot less moose. And people are approaching me and telling me we need to do something so that there's more moose available (BBSRAC 2007).

A Council member from Iliamna (in Unit 9B), stated that he has had residents from five villages telling him there are no moose, and he emphasized that something has to be done. Similar comments were echoed by wildlife biologists from Lake Clark National Park and Preserve who have heard residents of Port Alsworth and surrounding communities in Unit 9B expressing concerns about fulfilling their subsistence needs (Mangipane 2007, pers. comm.; Putera 2007, pers. comm.).

Other Management Options

The *Policy on Closures* states "the analysis will identify the availability and effectiveness of other management options that could avoid or minimize the degree of restriction to subsistence and non-subsistence users" (FSB 2007). Management options can be initiated by either Federal Subsistence Board or State Board of Game actions. When local residents state they are having difficulty meeting their subsistence needs since they are seeing and harvesting less moose (and fewer caribou), comments are often accompanied by concerns over continuing a nonresident harvest if the availability of the resource appears to be declining (BBSRAC 2007). One alternative management option to minimize the degree of restriction would be to retain access to Federal public lands for non-Federally qualified subsistence users, yet eliminate harvest seasons for nonresidents.

Another alternative management option to avoid the closure of Federal public lands is to consider longer seasons for Federally qualified subsistence users, in conjunction with shorter seasons provided under the State general harvest, particularly in September when the majority of harvest occurs. In addition, under State regulations, antler restrictions could be implemented for residents as already exists for nonresidents.

Effects of the Proposals

WP08-30

If adopted, Federally qualified subsistence users would have the opportunity to harvest moose in Unit 9B during a fall season shortened by 11 days, and during a winter season shortened by 14 days. Under existing Federal regulations, fall and winter seasons begin 11 and 14 days earlier, respectively, than the general State harvest, providing a meaningful preference for Federally qualified subsistence users. If adopted, the Federal and State seasons in Unit 9B would align, providing no preference for Federally qualified subsistence users to harvest moose before the State resident general hunt begins. The shorter seasons would likely reduce the number of moose harvested each regulatory year.

WP08-31

If adopted, this proposal would implement a closure to non-Federally qualified subsistence users consistent with ANILCA and the Board *Policy on Closures* as necessary to ensure the continuation of subsistence uses by Federally qualified subsistence users.

This proposed change would not restrict Federally qualified subsistence users, as they would continue to have the opportunity to harvest moose. However, if adopted, non-Federally qualified subsistence users could not hunt moose on Federal public lands in Units 9B and a portion of 9C.

OSM CONCLUSION

WP08-30

Support Proposal WP08-30.

Justification

The Council has expressed conservation concerns about the moose population in Unit 9B and difficulties harvesting enough moose to provide for subsistence uses. The Council has recommended shortening the Federal season in an effort to reduce harvest numbers, and align with the State fall and winter seasons. This measure supports the Council's intentions to address their conservation concerns by shortening seasons for subsistence users.

WP08-31

Support Proposal WP08-31.

Justification

Local residents claim that there is a conservation concern with the moose populations in Units 9B and 9C. They base this claim on their experiences of seeing and harvesting fewer moose in recent years. Local residents have consistently expressed concerns about the decline of the moose population in Units 9B and 9C. These observations, combined with the closure of NAPCH harvest and MCH population declines (thus making another important subsistence resource unavailable), support the position of local residents who maintain they are experiencing increasing difficulties in providing for subsistence uses. Biological data is limited and has mixed interpretations and local observations indicate that the moose population has

declined. Closure of Federal public lands is consistent with ANILCA and Federal policy as necessary to continue subsistence uses of moose in Units 9B and 9C.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-30/31

The Interagency Staff Committee (ISC) found the staff analysis to be a thorough and accurate evaluation of the proposal and provides sufficient factual basis for the Regional Council recommendations and Federal Subsistence Board actions on the proposal.

The ISC reviewed presentations and discussion which occurred at the Bristol Bay Regional Advisory Council (two ISC members attended the meeting) as well as information presented by the ADF&G. We suggest several points be considered by the Board relative to these proposals.

- Will implementation of the changes: shortening the season and closing lands to non-federally qualified subsistence users accomplish the stated objective of slowing the decline in the moose population and thereby increase the chances of providing for subsistence uses?
- Does the information presented meet the standards of the Board's Closure Policy?
- Could implementation of the changes concentrate hunting, by non-Federally qualified subsistence users, onto State and Native Corporation lands? If so, could that create increase potential for user conflicts near villages in the affected areas?

We also point out that current State regulations in the Units require a spike-fork 50 inch / 4 brow tine bull for nonresident hunters and any bull for resident hunters whereas the Federal regulations allow any bull. Therefore nonresident hunters who hunt on Federal public lands must comply with the State's more restrictive requirement.

The ISC also believes that the Council views these two proposals as a package and discussion about one affects the other. Finally, we point out that the State has suggested establishment of a State/Federal/Stakeholder Work Group which could explore the issues more deeply and seek additional ideas for resolution of the issues while still providing for subsistence uses.

Comments on WP08-30 and 31
April 05, 2008, Page 1 of 2

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposals WP08-30 and WP08-31: WP08-30 proposes to shorten the fall and winter federal moose hunting seasons by 11 days and 14 days respectively in Game Management Unit 9B. The corrected WP08-31 proposes to close federal public lands in Unit 9B and in all of Unit 9C except for that portion draining into the Naknek River from the south to moose hunting by non-federally qualified subsistence users.

Introduction: The Bristol Bay Regional Advisory Council submitted these proposals based on local belief that the moose population is declining. The Council recommends shortening the federal season in order to slow that perceived decline and closing federal public lands to non-federally qualified hunters in Unit 9B and a portion of Unit 9C to reduce hunting pressure. WP08-30 would align federal regulations with the shorter state season in Unit 9B to "help slow the decline of the moose population" without affecting the opportunity to harvest moose by subsistence users. WP08-31 would close the federal public lands in Unit 9B and in those portions of Unit 9C not already closed to moose hunting by non-federally qualified subsistence users.

Impact on Subsistence Users: Adoption of WP08-30 would shorten the fall and winter moose seasons in Unit 9B but still provide a total of 47 days of hunting opportunity for federally-qualified subsistence users. WP08-31 would eliminate competition from non-federally qualified moose hunters on federal lands in Unit 9B, in that portion of Unit 9C draining into Naknek River from the north, and in the remainder of Unit 9C. Both proposals are designed to reduce the total number of moose harvested and to slow the perceived moose population decline in the area. The Bristol Bay Regional Advisory Council believes the opportunity for federally-qualified subsistence users to hunt moose in Units 9B and 9C would be unaffected by the shortened season. Federally-qualified subsistence users would still have a 15-day fall season and a 32-day winter season on federal public lands.

The proposed closure of federal lands would shift hunting effort by non-federally qualified subsistence users to State and private lands, which would increase hunter effort and conflict in areas preferred by many local residents (e.g., lower Alagnak River, King Salmon Creek, Nikabuna Lakes, and Yellow Creek). In the long term, adoption of this closure will-affect both federally-qualified subsistence users and state subsistence users. Thus, the need for adoption of proposal WP08-31 is not supported by substantial evidence and could be detrimental to the satisfaction of subsistence needs of federally-qualified subsistence users.

Opportunity Provided by State: State regulations for Unit 9B authorize residents to harvest one bull moose from September 1-15 or December 15 – January 15. In Unit 9C, that portion draining into the Naknek River, residents may harvest one bull from September 1-15 or December 1-31. Nonresident hunting in these two areas is limited to September 5-15 for one bull with 50-inch antlers or antlers with four or more brow tines on at least one side.

Conservation Issues: The staff analysis appears to rely too heavily upon a recent survey in one part of Lake Clark National Park and Preserve as a basis for recommending closure of federal

public lands in Units 9B and 9C, although the analysis does acknowledge that biological data are limited and can be interpreted differently. The Alaska Department of Fish and Game has no evidence that moose numbers have declined generally in either Unit 9B or that portion of Unit 9C draining into the Naknek River from the north. Local residents report seeing fewer moose in their traditional hunting areas, which may be attributed to localized declines and lower moose densities in heavily hunted areas. Bull:cow ratios are within the Department's management objectives. State seasons in which nonresident hunters participate include antler restrictions that significantly reduce harvest opportunity, and such harvests often occur in areas not usually accessed by federally-qualified subsistence users.

Nonlocal hunters harvested an average of 22 moose annually in Unit 9B between 2003 and 2006, which constitutes 1% of the moose population. Nonlocal hunting effort and harvest are trending downward in this subunit. Nonlocal hunters harvested an average of 15 moose annually between 2003 and 2006 in Unit 9C, or about 2% of the moose population. This comparatively low level of nonlocal harvest cannot be construed as a significant source of competition for local residents.

Enforcement Issues: Differences in federal and state regulations resulting from adoption of WP08-31 creates enforcement problems in areas with mixed land ownership.

Other Comments: Closing federal lands to non-federally qualified users will not increase the moose population or improve success for local hunters. Population trend data for these subunits are comparable to other areas of the state, and composition data collected in 2007 clearly indicate that moose harvests are sustainable at existing levels. There are no advantages gained by excluding from Units 9B and 9C the few non-federally qualified subsistence users. The light harvest is not a factor for moose populations in Unit 9B and 9C, which, similar to other portions of Unit 9, are limited primarily by calf recruitment and habitat availability. The moose population in Unit 9 is at an appropriate level for its habitat availability.

Recommendations
WP08-30: Adopt. Adoption of this proposal is necessary to address conservation concerns with the declining moose population in Units 9B and 9C.

WP08-31: Oppose. Adoption of this proposal would unnecessarily close federal lands to non-federally qualified moose hunters in Units 9B and 9C. Such a closure would shift moose hunting by non-federally qualified subsistence users to non-federal lands closer to local communities and increase competition for moose in those areas, and this closure would therefore be detrimental to the interests of subsistence users.. Adoption of WP08-31 is not required to ensure continuation of subsistence uses by federally-qualified subsistence users on federal public lands in Unit 9B and 9C.

WRITTEN PUBLIC COMMENTS

Oppose Proposal WP08-30**.** The Lake Clark Subsistence Resource Commission discussed the proposal after the Lake Clark Wildlife Biologist reported on the moose study in the park. The SRC does not support decreasing moose hunting opportunities. *Submitted by the Lake Clark Subsistence Resource Commission*

Support Proposal WP08-31**.** The Lake Clark Subsistence Resource Commission supports measures that improve subsistence opportunities. *Submitted by the Lake Clark Subsistence Resource Commission*

WP08-32 Executive Summary	
General Description	Proposal WP08-32 requests clarification of Federal subsistence regulations regarding hunter eligibility for brown bear harvests by resident zone communities and areas in the park and preserve portion of Unit 9B. It also seeks to list the resident zone communities in alphabetical order, and to add preserve residents to the list of those authorized to participate in this hunt. *Submitted by the Lake Clark Subsistence Resource Commission*
Proposed Regulation	*§__.26(n)(9)(iii)(C)In Unit 9B, Lake Clark National Park and Preserve, residents of ~~Nondalton, Iliamna, Newhalen, Pedro Bay, and Port Alsworth~~* ***Iliamna, Newhalen, Nondalton, Pedro Bay, Port Alsworth, and Lake Clark National Park and Preserve within Unit 9B*** *may hunt brown bear by Federal Registration Permit in lieu of a resident tag; ten permits will be available with at least one permit issued in each community; however, no more than five permits will be issued in a single community. The season will be closed when four females or ten bears have been taken, whichever occurs first. The permits will be issued and closure announcements made by the Superintendent of Lake Clark National Park and Preserve;*
Bristol Bay Regional Council Recommendation	**Support** Proposal WP08-32 **with modification** to more clearly define who is eligible to participate in the resident zone subsistence brown bear hunt and to reduce the geographic area of that hunt.
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Support** Proposal WP08-32 **with modification** to extend eligibility for the brown bear hunt in Lake Clark National Park to local rural residents living within Lake Clark National Preserve who qualify for an individual 13.44 subsistence permit from the National Park Service.
Written Public Comments	**1 Support with modification**

REGIONAL COUNCIL RECOMMENDATION

BRISTOL BAY SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-32 **with modification** to more clearly define who is eligible to participate in the resident zone subsistence brown bear hunt and to reduce the geographic area of that hunt from the park and preserve to just the park; these modifications were submitted by the Lake Clark Subsistence Resource Commission.

The modified regulation should read:

> *§__.26(n)(9)(iii)(C)In Unit 9B, Lake Clark National Park ~~and Preserve~~, residents of**:** ~~Nondalton, Iliamna, Newhalen, Pedro Bay, and Port Alsworth~~* ***Iliamna, Newhalen, Nondalton, Pedro Bay, Port Alsworth; that portion of the park resident zone in Unit 9B; and other NPS qualified hunters,*** *may hunt brown bear by Federal Registration Permit in lieu of a resident tag; ten permits will be available with at least one permit issued in each community; however, no more than five permits will be issued in a single community. The season will be closed when four females or ten bears have been taken, whichever occurs first. The permits will be issued and closure announcements made by the Superintendent of Lake Clark National Park and Preserve when four females or ten bear have been taken, whichever occurs first.*

STAFF ANALYSIS
WP08-32

ISSUES

Proposal WP08-32, submitted by the Lake Clark Subsistence Resource Commission (LACL SRC), requests clarification of Federal subsistence regulations regarding hunter eligibility for brown bear harvests by resident zone communities and areas in the park and preserve portion of Unit 9B. It also seeks to list the resident zone communities in alphabetical order, and to add preserve residents to the list of those authorized to participate in this hunt.

DISCUSSION

There are six listed subsistence resident zone communities for Lake Clark National Park and Preserve including, Iliamna, Lime Village[1], Newhalen, Nondalton, Pedro Bay and Port Alsworth. While Federal subsistence regulatory language overtly acknowledges the eligibility of these listed resident zone communities for the subsistence brown bear hunt within the park, it does not overtly acknowledge the eligibility of those living inside park boundaries nor does it authorize those residents of the preserve without 13.440 permits to participate in the hunt. This proposal seeks to change that.

National Park Service Subsistence Regulations

36 CFR 13.420 Definitions

Local rural resident. As used in this part with respect to national parks and monuments, the term "local rural resident" shall mean either of the following:

(1) Any person who has his/her primary, permanent home within the resident zone as defined by this section,

(2) Any person authorized to engage in subsistence uses in a national park or monument by a subsistence permit issued pursuant to §13.440

Resident Zone. As used in this part, the term "resident zone" shall mean the area within, and the communities and areas near, a national park or monument in which persons who have customarily and traditionally engaged in subsistence uses within the national park or monument permanently reside. The communities and areas near a national park or monument included as a part of its resident zone shall be determined pursuant to §13.430 and listed for each national park or monument in the applicable special regulations of this part.

36 CFR 13.430 Determination of Resident Zones

(a) A resident zone shall include—

(1) The area within a national park or monument; and

[1]Lime Village is a resident zone community of Lake Clark National Park and Preserve but residents of Lime Village do not have a positive customary and traditional use determination for brown bear for Unit 9B.

(2) The communities and areas near a national park or monument which contain significant concentrations of rural residents, who without using aircraft as a means of access for purposes of taking fish or wildlife for subsistence uses (except in extraordinary cases where no reasonable alternative existed), have customarily and traditionally engaged in subsistence uses within a national park or monument. For purposes of determining "significant" concentrations, family members shall also be included.

36 CFR 13.440 Subsistence permits for persons whose primary, permanent home is outside a resident zone.

(a) Any rural resident whose primary, permanent home is outside the boundaries of a resident zone of a national park or monument may apply to the appropriate Superintendent pursuant to the procedures set forth in §13.495 for a subsistence permit authorizing the permit applicant to engage in subsistence uses within the national park or monument.

36 CFR 13.1602 Subsistence Resident Zone

The following communities and areas are included within the resident zone for Lake Clark National Park: Iliamna, Lime Village, Newhalen, Nondalton, Pedro Bay and Port Alsworth.

Existing Federal Regulation

Unit 9B—Brown Bear

§__.26(n)(9)(iii)(C) In Unit 9B, Lake Clark National Park and Preserve, residents of Nondalton, Iliamna, Newhalen, Pedro Bay, and Port Alsworth may hunt brown bear by Federal Registration Permit in lieu of a resident tag; ten permits will be available with at least one permit issued in each community; however, no more than five permits will be issued in a single community. The season will be closed when four females or ten bears have been taken, whichever occurs first. The permits will be issued and closure announcements made by the Superintendent of Lake Clark National Park and Preserve;

Proposed Federal Regulation

Unit 9B—Brown Bear

§__.26(n)(9)(iii)(C) In Unit 9B, Lake Clark National Park and Preserve, residents of ***Iliamna, Newhalen, Nondalton, Pedro Bay, Port Alsworth, and Lake Clark National Park and Preserve within Unit 9B*** *may hunt brown bear by Federal Registration Permit in lieu of a resident tag; ten permits will be available with at least one permit issued in each community; however, no more than five permits will be issued in a single community. The season will be closed when four females or ten bears have been taken, whichever occurs first. The permits will be issued and closure announcements made by the Superintendent of Lake Clark National Park and Preserve;*

Extent of Federal Public Lands/Waters

Federal public lands comprise approximately 27% of Unit 9B and consist of 86% National Park Service and 14% Bureau of Land Management lands (**Unit 9 map**).

Customary and Traditional Use Determination

Residents of Unit 9B have a positive customary and traditional use determination to for brown bear in Unit 9B.

Regulatory History

The Federal Subsistence Management Program adopted the State's positive customary and traditional use determination for brown bear in Unit 9B when it assumed management of wildlife on Federal public lands in 1990. The State harvest limit of one brown bear every four years was also adopted at that time. Changes in the brown bear seasons for the resident zone communities of Lake Clark National Park and Preserve— Iliamna, Newhalen, Nondalton, Pedro Bay and Port Alsworth — occurred individually and over a three year period. Early Federal seasons were split between spring and fall. The current permit system and harvest quota was adopted for Nondalton in 1994 (FSB 1994: 417–437) and for Iliamna, Newhalen, and Pedro Bay in 1996 (FSB 1996). In 1997, the split season was amended to the current year-round season for all five villages with the quota and permit system in place (FSB 1997).

Harvest History

According to Federal brown bear subsistence harvest permit records for 1994–2003, an average of four permits have been issued each year, with a total of seven brown bears harvested. State harvest records indicate that since 1970, 437 brown bear have been harvested under State regulations in Unit 9B.

Effects of the Proposal

Adoption of this proposal would alphabetize resident zone communities in the Federal subsistence regulations and would clarify that those individuals living inside park boundaries (but outside the named communities) are resident zone residents. It would also clarify that 13.440 permit holders are eligible for the brown bear hunt within the park. Adoption of the proposal would clarify that these entities are all eligible to participate in the Federal subsistence brown bear hunt in Lake Clark National Park and Preserve (which is open only to resident zone residents).

Proponents also requested the addition of preserve residents to the list of those authorized to participate in this hunt, in effect making them resident zone residents. However, this request is not consistent with NPS regulations regarding resident zone eligibility. Further, if residents of the preserve without 13.440 permits who live in Unit 9B were made eligible for the resident zone brown bear hunt it would provide them with an opportunity not afforded the other rural residents of Unit 9B (who also have a positive customary and traditional use determination for brown bear in unit 9B).

Recent Developments and Considerations

The LACL SRC met on February 12, 2008 and considered the draft analysis of WP08-32. In a letter (Appendix A) to the Bristol Bay Regional Subsistence Advisory Council, the LACL SRC supported the OSM modification of the proposal with further modifications and suggested regulatory language. In sum, these include three points:

1. To reduce the area of the hunt from the park and preserve to the park only.
2. To clarify that the park boundary itself defines a resident zone under National Park Service regulations.

3. To be explicit that people who possess an NPS "13.440" permit are eligible to participate in the hunt.

The Bristol Bay Regional Subsistence Advisory Council voted to adopt the LACL SRC modifications and suggested regulatory language in full.

It should be noted that the original proposal requested a clarification of eligibility, but did not request a reduction to the hunt area as described above. Eligibility issues are addressed in this analysis, but a reduction of the hunt area is not, nor is it a feature of the OSM conclusion.

It may be that the name of the geographic area of the park has led to confusion about eligibility for resident zone hunts. While the park is referred to as Lake Clark National Park **and Preserve** (*emphasis added*), under NPS regulations, only resident zone residents (those who live in named resident zone communities and within the park boundary [not the preserve boundary]) and 13.440 permit holders are eligible to participate in hunts in the park governed by resident zone regulations on park and preserve lands. Those who live on preserve lands cannot participate in hunts governed by resident zone regulations unless they possess a 13.440 permit. Removing the word "Preserve" from the geographic area for the resident zone hunt would unnecessarily restrict resident zone and 13.440 permit holders from hunting on preserve lands. Such a reduction in the hunt area is not addressed in this analysis because it exceeds the scope of the original proposal and comment period.

OSM CONCLUSION

Support Proposal WP08-32 **with modification** to specify eligibility of 13.440 permit holders, but not include preserve residents (those without a 13.440 permit) for the resident zone subsistence brown bear hunt in Unit 9B portion of Lake Clark National Park and Preserve.

The modified regulation should read:

> *§__.26(n)(9)(iii)(C)In Unit 9B, Lake Clark National Park and Preserve, residents of ~~Nondalton, Iliamna, Newhalen, Pedro Bay, and Port Alsworth~~* ***Iliamna, Newhalen, Nondalton, Pedro Bay, Port Alsworth, residents of that portion of the park resident zone in Unit 9B, and 13.440 permit holders*** *may hunt brown bear by Federal Registration Permit in lieu of a resident tag; ten permits will be available with at least one permit issued in each community; however, no more than five permits will be issued in a single community. The season will be closed when four females or ten bears have been taken, whichever occurs first. The permits will be issued and closure announcements made by the Superintendent of Lake Clark National Park and Preserve;*

Justification

People who live within the boundaries of Lake Clark National Park have the same resident zone status as people who live within the "named" resident zone communities. This status is not clear in Federal subsistence regulations. Adoption of this proposal will clarify that those individuals living inside park boundaries (but outside the named communities) are resident zone residents and that they (and the "named" resident zone communities) and 13.440 permit holders are eligible to participate in the Federal subsistence resident zone brown bear hunt in Lake Clark National Park and Preserve.

Under NPS regulations, preserve residents do not have resident zone eligibility, so they cannot be added to the list of those eligible to participate in the Federal subsistence brown bear hunt in Lake Clark

National Park and Preserve. Making residents of the preserve within Unit 9B eligible for the resident zone brown bear hunt would provide them with an opportunity not afforded the other rural residents of Unit 9B (who also have a positive customary and traditional use determination for brown bear in unit 9B).

LITERATURE CITED

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

FSB. 1996. Transcripts of Federal Subsistence Board proceedings, April 30, 1996. Office of Subsistence Management, FWS. Anchorage, AK.

FSB. 1997. Transcripts of Federal Subsistence Board proceedings, April 9, 1997. Office of Subsistence Management, FWS. Anchorage, AK.

LAKE CLARK NATIONAL PARK
SUBSISTENCE RESOURCE COMMISSION
1 PARK PLACE
PORT ALSWORTH, AK 99653

March 14, 2008

Mr. Randy Alvarez, Chair
Bristol Bay Regional Advisory Council
P.O. Box 148
Naknek, Alaska 99633

Dear Mr. Alvarez,

The Lake Clark National Park Subsistence Resource Commission (SRC) met on February 12, 2008 and considered the following wildlife proposals to make regulatory changes to the federal subsistence program. With regard to WP08- 01, 05, 28, 29, 30, 31, and 32, the Lake Clark SRC makes the following recommendations:

WP08-1: *Statewide proposal to extend the hunting season for wolves, increase the wolf bag limit and delete restrictions on disturbing wolf dens*

> **Oppose:** The LACL SRC members agreed that disturbing wolf dens is not a local practice and are opposed to extending the season because it would interrupt the denning season.

WP08-05: *Statewide proposal to modify regulations concerning the sale of handicrafts made from the skin, hide, pelt or fur of brown bears*

> **Oppose:** The LACL SRC opposes this proposal because it restricts the opportunity for subsistence users to maximize the value they can derive from selling handicrafts made from parts of legally taken brown bears.

WP08-28: *To allow designated hunters in Units 9A, 9B, 9C, 9E and 17*

> **Support:** The LACL SRC supports measures that provide opportunities for all federally qualified subsistence users.

WP08-29: *To require edible meat to be left on the bones in Unit 9 to prevent spoilage*

> **Support:** The LACL SRC supports preventing waste by leaving the meat on the bone.

WP08-30: *To shorten the hunting season for moose in Unit 9B*.

Oppose: The SRC discussed the proposal after the LACL Wildlife Biologist reported on the moose study in the park. The SRC does not support decreasing moose hunting opportunities.

WP08-31: *To close lands in Units 9B and 9C to non-Federally qualified subsistence hunters*

Support: The LACL supports measures that improve subsistence opportunities.

WP08-32: *To clarify eligibility for hunting brown bear in Unit 9B.*

Support With Modification: The SRC supports the modification of this proposal to more clearly define who is eligible to participate in the subsistence brown bear hunt and the geographic area open to subsistence brown bear hunting. We propose these additional clarifications for the following reasons:

- *To reduce the area of the hunt from the park and preserve to the park only.* This allows "local rural residents" eligible for subsistence activities in the park to hunt year-round in the park but not the preserve. The larger group of "rural residents" eligible to hunt in the preserve fully retains its hunting opportunity, pursuant to the "9B Remainder" provision found on page 53 of the 2007-2008 wildlife regulation book for the Federal Subsistence Program.

- *To clarify that the park boundary itself defines a resident zone under National Park Service regulations.* The current regulation does not make it clear that people who live inside the park boundary in Unit 9B have the same eligibility to participate in the brown bear hunt as people who live in named resident zone communities.

- *To be explicit that people who possess an NPS "13.440" permit are eligible to participate in the hunt.* An NPS 13.440 permit qualifies people who live in Unit 9B, but not in the park resident zone or in a resident zone community, to participate in the subsistence brown bear hunt. For this reason, the term "other qualified users" is added.

The SRC recommends that the OMS recommendations to the Bristol Bay RAC be modified as follows:

> *§__.26(n)(9)(iii)(C)In Unit 9B, Lake Clark National Park ~~and Preserve~~, residents of* ***Iliamna, Newhalen, Nondalton, Pedro Bay, Port Alsworth, ~~resident zone residents who live within the boundaries of Lake Clark national Park within Unit 9B~~*** *,that portion of the park resident zone in Unit 9B, and other NPS qualified hunters, may hunt brown bear by Federal Registration Permit in lieu of a resident tag; ten permits will be available with at least one permit issued in each community; however, no more than five permits will be issued in a single community. The season will be closed when four females or ten bears have been taken, whichever occurs first. The permits will be issued and closure announcements made by the Superintendent of Lake Clark National Park and Preserve when four females or ten bear have been taken, whichever occurs first.*

The Lake Clark National Park Subsistence Resource Commission appreciates the opportunity to share with you its recommendations on these federal subsistence proposals. If I can be of further assistance, feel free to contact me at (907) 781-2218.

Sincerely,

/S/ Glen Alsworth

Glen Alsworth, Sr. Chair
Lake Clark National Park
Subsistence Resource Commission

cc: Dave Mills
Sandy Rabinowitch

INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-32

The recommendation of the Bristol Bay Regional Advisory Council would exclude the preserve from the geographic scope of the hunt. This differs from the original proposal, which sought clarification of who would be eligible for the hunt. As a consequence, one concern raised at the Interagency Staff Committee meeting is whether or not the public was given sufficient notice that the hunt boundary might be subject to change. A related concern is whether the issue of geographic scope has been properly considered in our administrative process and in the record.

For the Board's information, the users affected by the change (removing the preserve from the hunt area) are primarily those people represented by the proponent, the Lake Clark Subsistence Resource Commission (SRC). They discussed and recommended these changes in response to the modifications recommended by the Office of Subsistence Management at an SRC meeting in Port Alsworth in March 2008. Thereafter the Bristol Bay Regional Advisory Council reviewed the proposal and supported the SRCs recommendation, thereby making it their own.

Comments on WP08-32
April 10, 2008, Page 1 of 1

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposals WP08-32: Authorize rural residents of Lake Clark National Park and Preserve within Unit 9B to participate in the federal subsistence brown bear hunt within the Lake Clark National Park and Preserve within Game Management Unit 9B.

Introduction: Under the federal subsistence regulations, residents of the Lake Clark National Park and Preserve within Unit 9B have a customary and traditional use of brown bears in Unit 9B, but these residents are ineligible to participate in the federal registration permit hunt in the park and preserve. This proposal would qualify them for this hunt but would make no other changes to the existing regulation.

Impact on Subsistence Users: Adoption of this proposal would enable rural residents living within the Lake Clark National Park and Preserve to participate in the federal registration permit hunt within the park and preserve, in addition to persons residing in resident zone communities for Lake Clark National Park. The federal subsistence regulations authorize a longer season than occurs in the remainder of Unit 9B, where hunting is authorized by state registration permit from September 1 to May 31.

Opportunity Provided by State: State regulations in Unit 9B authorize the harvest of one brown bear every four years during September 20 – October 21 or May 10-25 seasons in odd- and even-numbered years, respectively.

Recommendation: Adopt as modified by the Bristol Bay Regional Advisory Council and Lake Clark National Park Subsistence Resource Commission recommendation to extend eligibility for the brown bear hunt in Lake Clark National Park to local rural residents living within Lake Clark National Preserve who qualify for an individual 13.44 subsistence permit from the National Park Service. These modifications ensure that all rural residents qualified to hunt brown bears in Lake Clark National Park are eligible for this hunt. Brown bear hunting in Lake Clark National Preserve should not be limited only to those rural residents eligible to hunt in the Park.

WRITTEN PUBLIC COMMENTS

Support with modification. See Appendix A for the modifications recommended by the Lake Clark Subsistence Resource Commission.

WP08-33 Executive Summary	
General Description	Proposal WP08-33 requests a closure of Federal public lands to non-Federally qualified users during the fall and winter moose seasons in Unit 18, that portion of the Yukon River drainage and Unit 18 remainder. *Submitted by the Association of Village Council Presidents*
Proposed Regulation	*See the analysis for the proposed regulatory language.*
Yukon/Kuskokwim Delta Regional Council Recommendation	**Support**
Western Interior Regional Council Recommendation	**Oppose**
Seward Peninsula Regional Council Recommendation	**No action taken.**
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Oppose**
Written Public Comments	**1 Oppose**

REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

YUKON/KUSKOKWIM DELTA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-33. The Council agreed with the proponent that the closure should be reinstated until there is:
1) An accurate assessment of moose harvests needed by residents of Unit 18 and,
2) A moose management plan of the same scope afforded to GMU 19A and 21E incorporating the same level of extensive local involvement is developed. Further, this effort should be done in cooperation with the Board of Game actions deferring a similar proposal at their March 2008 meeting that remanded the issue to the state's Western Region fish and game advisory committee's. Their charge was to work with ADF&G Wildlife Conservation and Subsistence divisions and area managers to address ANS numbers that are more reflective of reality, discuss potential options for opening moose hunting on the Kuskokwim side upon expiration of the 5-year moose moratorium at the end of 2008; and develop an amended proposal for the Board's consideration at their spring 2009 meeting.

WESTERN INTERIOR SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposal WP08-33. The Council understands that the lower Yukon moose population continues to grow and is capable of supporting an increased harvest by non-Federally qualified users; therefore, the proposed closure is not warranted. The current status of the moose population does not warrant closing Federal public lands in Unit 18 to non-Federally qualified users.

SEWARD PENINSULA SUBSISTENCE REGIONAL ADVISORY COUNCIL

No action taken on Proposal WP08-33. The Council deferred to the Yukon-Kuskokwim Delta Regional Council.

STAFF ANALYSIS
WP08-33

ISSUES

Proposal WP08-33, submitted by the Association of Village Council Presidents (AVCP), requests a closure of Federal public lands to non-Federally qualified users during the fall and winter moose seasons in Unit 18, that portion of the Yukon River drainage and Unit 18 remainder.

DISCUSSION

In May 2007 the Federal Subsistence Board (Board) eliminated the Federal regulatory closure on moose hunting for non-Federally qualified users in the lower Yukon River area downstream of Mountain Village, as well as Unit 18 remainder for both the fall and winter moose seasons. Prior to the current regulatory year, Federal restrictions kept this area closed to non-Federally qualified users since July 1, 1991. The Federal closure was necessary to insure that subsistence needs and rights received first priority during a period of low moose numbers. Section 815. 3 of ANILCA authorizes the Board to place restrictions on the taking of fish and wildlife for nonsubsistence uses on 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. In response to current moose population abundance within the affected area, the Board recently provided opportunity for non-unit hunters to harvest moose in Unit 18 in those portions of the lower Yukon River drainage and Unit 18 remainder.

The proponent of WP08-33 requests that the closure should be reinstated until three related tasks are accomplished: 1) an accurate assessment of moose harvests needed by residents of Unit 18; 2) an accurate assessment of the moose population in Unit 18; and 3) development of a regionally acceptable moose management plan. The following addresses the three proposed tasks, respectively. 1) this analysis recognizes that accurate Amounts Necessary for Subsistence (ANS) findings are important for managing subsistence resource and needs; 2) Unit 18 moose population assessments are ongoing and are cooperatively monitored by the ADF&G and Yukon Delta NWR; and 3) because Unit 18 is a vast region with several moose populations, moose management plans are developed on a area-specific basis.

Existing Federal Regulations

Unit 18—Moose

Unit 18, that portion east of a line from the mouth of the Ishkowik River to the closest point of Dall Lake, then to the easternmost point of Takslesluk Lake, then along the Kuskokwim River drainage boundary to the Unit 18 border and north of (and including) the Eek River drainage. Federal public lands are closed to the hunting of moose by all users.	*No Federal open season*
Unit 18, south of and including the Kanektok River drainage. Federal public lands are closed to the hunting of moose by all users.	*No Federal open season*

Unit 18, that portion north and west of a line from Cape Romanzof to Kusilvak Mountain to Mountain Village, and excluding all Yukon River drainages upriver from Mountain Village — 1 antlered bull.	*Aug. 10– Sept. 30*
Unit 18, that portion north and west of a line from Cape Romanzof to Kusilvak Mountain to Mountain Village, and excluding all Yukon River drainages upriver from Mountain Village — 1 moose. The Yukon Delta National Wildlife Refuge Manager may restrict the harvest to only antlered bulls after consultation with the ADF&G.	*Dec. 20–Jan. 20*
Unit 18 remainder — 1 antlered bull	*Aug. 10– Sept. 30* *Dec. 20– Jan. 10*

Proposed Federal Regulations

Unit 18—Moose

Unit 18, that portion east of a line from the mouth of the Ishkowik River to the closest point of Dall Lake, then to the easternmost point of Takslesluk Lake, then along the Kuskokwim River drainage boundary to the Unit 18 border and north of (and including) the Eek River drainage. Federal public lands are closed to the hunting of moose by all users.	*No Federal open season*
Unit 18, south of and including the Kanektok River drainage. Federal public lands are closed to the hunting of moose by all users.	*No Federal open season*
Unit 18, that portion north and west of a line from Cape Romanzof to Kusilvak Mountain to Mountain Village, and excluding all Yukon River drainages upriver from Mountain Village — 1 antlered bull. ***Federal public lands are closed to the taking of moose, except by Federally qualified subsistence users hunting under these regulations.***	*Aug. 10– Sept. 30*
Unit 18, that portion north and west of a line from Cape Romanzof to Kusilvak Mountain to Mountain Village, and excluding all Yukon River drainages upriver from Mountain Village — 1 moose. The Yukon Delta National Wildlife Refuge Manager may restrict the harvest to only antlered bulls after consultation with the ADF&G. ***Federal public lands are closed to the taking of moose, except by Federally qualified subsistence users hunting under these regulations.***	*Dec. 20–Jan. 20*
Unit 18 remainder — 1 antlered bull ***Federal public lands are closed to the taking of moose, except by Federally qualified subsistence users hunting under these regulations.***	*Aug. 10– Sept. 30* *Dec. 20– Jan. 10*

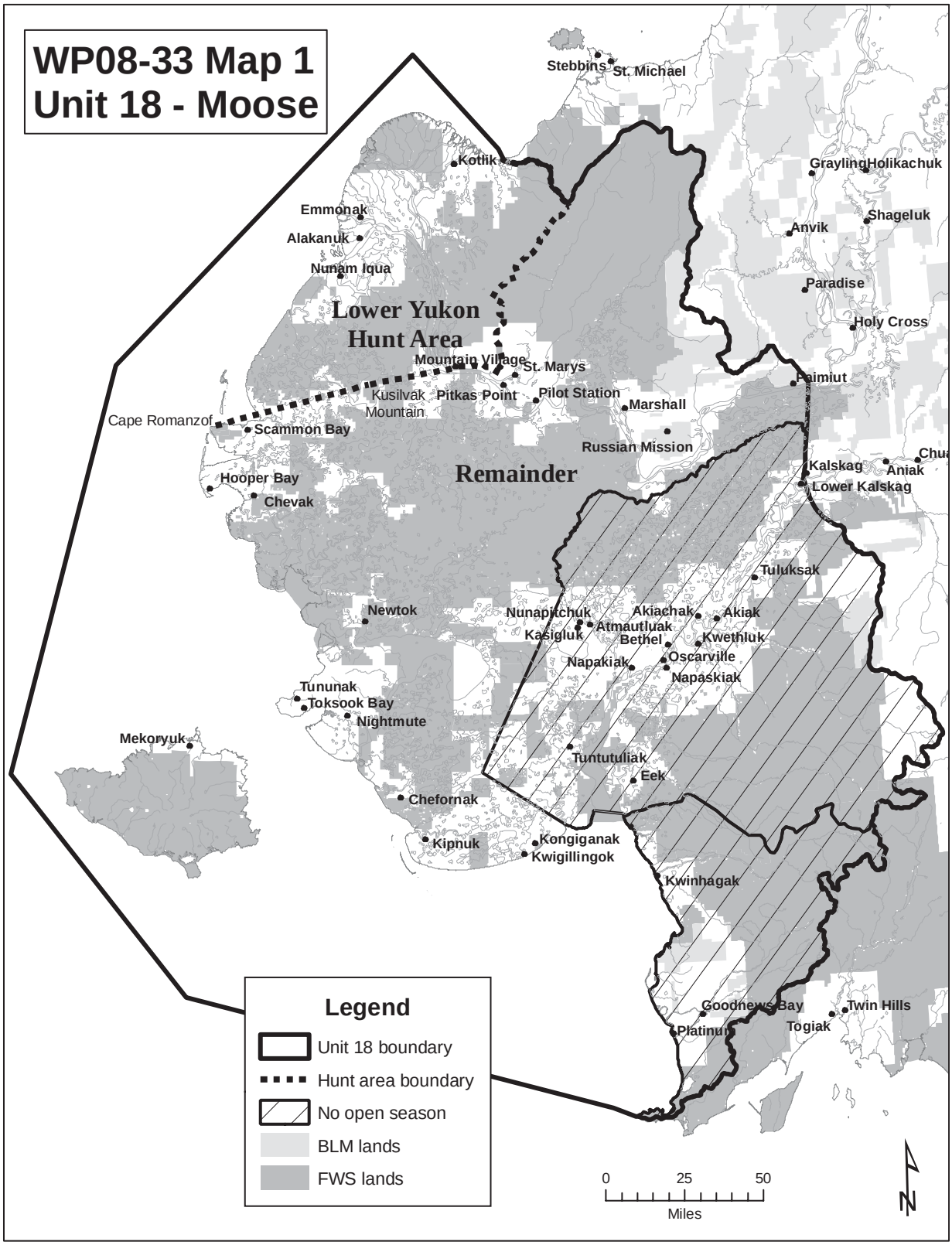
Existing State Regulations

Unit 18 — Moose

Unit 18 — Lower Kuskokwim Closed Area easterly of a line from the mouth of the Ishkowik River to the closest point of Dall Lake then to easternmost point of Takslesluk Lake then along the Kuskokwim River drainage boundary to the Unit 18 border, and north of and including the Eek River drainage, and that portion south of and including the Goodnews River drainage			*No open season*
Unit 18 — that portion south of the Eek River drainage and north of the Goodnews River drainage	*One antlered bull*	*Harvest*	*Sept 1–Sept 30*
Unit 18 — that portion north and west of a line from Cape Romanzof to Kusilvak Mt. to Mt. Village and excluding all Yukon River drainages upriver from Mt. Village (lower Yukon)	*One antlered bull*	*Harvest*	*Sept 1–Sept 30*
	-OR-		
	One antlered bull OR One calf	*Harvest*	*Dec 20–Jan 10*
	One antlered bull	*Harvest*	*Sept 1–Sept 30*
Unit 18 remainder	*One antlered bull*	*Harvest*	*Sept 1–Sept 30*
	-OR-		
	One antlered bull	*Harvest*	*Dec 20–Jan 10*
	One antlered bull	*Harvest*	*Sept 1–Sept 30*

State Management Objectives for Unit 18—Moose: within the affected area

- Maintain the current age and sex structure for the lower Yukon River population, with a minimum sex ratio of 30 bulls:100 cows. *Exceeded.*
- Conduct fall sex and age composition surveys as weather and funding allow. *Ongoing for affected population.*
- Conduct winter censuses and recruitment surveys in the established survey areas on a rotating basis. *Ongoing for affected population.*
- Allow a harvest of bulls without hindering a high rate of population increase. *Achieved for affected population.*
- Improve harvest reporting and compliance with hunting regulations. *Ongoing.*
- Minimize conflicts among user groups interested in moose within and adjacent to Unit 18. *Ongoing.*


WP08-33 Map 1
Unit 18 - Moose
Stebbins
St. Michael
Kotlik
Grayling
Holikachuk
Emmonak
Shageluk
Alakanuk
Anvik
Nunam Iqua
Paradise
Lower Yukon
Hunt Area
Holy Cross
Mountain Village
St. Marys
Paimiut
Kusilvak
Mountain
Pitkas Point
Pilot Station
Marshall
Cape Romanzof
Scammon Bay
Russian Mission
Kalskag
Aniak
Hooper Bay
Remainder
Lower Kalskag
Chevak
Tuluksak
Newtok
Nunapitchuk
Akiachak
Akiak
Atmautluak
Kasigluk
Bethel
Kwethluk
Napakiak
Oscarville
Napaskiak
Tununak
Toksook Bay
Nightmute
Mekoryuk
Tuntutuliak
Eek
Chefornak
Kipnuk
Kongiganak
Kwigillingok
Kwinhagak
Goodnews Bay
Twin Hills
Togiak
Platinum
Legend
Unit 18 boundary
Hunt area boundary
No open season
BLM lands
FWS lands
0
25
50
Miles
N

Extent of Federal public lands

Federal public lands comprise approximately for 63.9% of Unit 18 (61.5% FWS and 2.4% BLM lands) (**Map 1**).

Customary and Traditional Use Determination

Rural residents of Unit 18, Upper Kalskag, Aniak, and Chuathbaluk have a positive customary and traditional use determination for moose in Unit 18, that portion of the Yukon river drainage upstream of Russian Mission and that portion of the Kuskokwim River drainage upstream of (but excluding) the Tuluksak River drainage. Rural residents of Unit 18, St. Michael, Stebbins and Upper Kalskag have a positive customary and traditional use determination for moose in Unit 18, that portion north of a line from Cape Romanzof to Kusilvak Mountain to Mountain Village, and all drainages north of the Yukon River downstream from Marshall. Rural residents of Unit 18 and Upper Kalskag also have a positive customary and traditional use determination for moose in Unit 18 remainder.

Regulatory History

State hunting regulations along the lower Yukon River within Unit 18 were identical for residents and nonresidents from 1961–1991. Season dates along the Yukon River varied over the years, but harvest limits were constant at one bull with the exception of the period 1988–94. From 1988–94 a moratorium on moose hunting was instituted on the Yukon Delta below Mountain Village, which closed moose hunting to all users. This area was defined as: "that portion of Unit 18 north & west of a line from Cape Romanzof to Kusilvak Mountain, to Mountain Village, and excluding all Yukon River drainages upriver from Mountain Village." The Federal Unit 18 closure, that closed Federal public lands to non-Federally qualified users, was originally established by the Board in the 1991/92 Federal Subsistence Management Regulations (56 FR 28334, June 26, 1991) "to insure that subsistence needs and rights received first priority." This was especially important given the low moose numbers at the time.

Proposal WP06-30 was submitted during the 2006 regulatory cycle to remove the Federal closure for the Unit 18 remainder fall moose season (September 1–30). The biological information presented in the analysis for WP06-30 supported removal of the closure for not only the Unit 18 remainder, but also that portion of Unit 18 downstream from Mountain Village. The Yukon-Kuskokwim Delta Subsistence Regional Advisory Council (Council), however, opposed the proposal because of local concerns. At its May 2006 meeting, the Board deferred action on the proposal for one year with a commitment to revisit the proposed regulation change in May 2007. The Board's intent for the deferral was to allow time for refuge staff to conduct information outreach on the status of the existing moose population in communities before making a decision. Proposal WP06-30 was resubmitted to the Board in October 2006 as WP07-32.

The Board's May 2006 deferral, along with the rapid growth and current size of the lower Yukon River moose population, created disagreement over the appropriateness of the Federal closure. Because of local concerns of increased competition and hunting pressure that would follow after the elimination of the Federal closure, the Board received several proposals in October 2006 concerning the moose regulations for the affected area.

> Proposal WP07-26 requested a positive customary and traditional use determination for moose in Unit 18 for the residents of St. Michaels and Stebbins. The Board adopted the proposed regulatory change in May 2007.

Proposal WP07-27 requested an August 10 – August 19 families-only moose season in Unit 18 remainder. The Board did not adopt the proposed change at its May 2007 meeting, because it cannot adopt regulations that favor families only.

Proposal WP07-28 requested an earlier season in Unit 18 remainder beginning on August 20, instead of September 1. The Board adopted a modified recommendation of an August 10 season open date for the Yukon River drainage portion of Unit 18 and Unit 18 remainder at its May 2007 meeting.

Proposal WP07-29 requested a liberalization of the harvest limit from one antlered bull to one moose in Unit 18 remainder with a winter season extension to January 20, instead of January 10. The Board adopted the season extension with the modification of one moose for the Yukon River drainage below and including Mt. Village only, due to the very high calf composition and concerns of the population size and growth rate may be fringing on the habitat's carrying capacity in that area.

Proposal WP07-30 requested a continuous one bull harvest limit from September 1 to March 31. Because such liberalizations in harvest limit should be adopted gradually to allow for close monitoring of the affects of hunter harvest on the population, the Board did not adopt the proposed regulatory change, also in part due to changes mentioned above.

Proposal WP07-31 requested an August 20–31 moose season with a one antlered bull harvest limit for residents of Andreafsky and St. Mary's within the Andreafsky River drainage of Unit 18 remainder; and Proposal WP07-64 requested the Board extend the fall moose season by adopting the proposed 12-day, August 20–31 extension with a one antlered bull or cow moose harvest limit for residents of Marshall. If a proposal seeks a prioritization for use of a subsistence resource among rural residents having customary and traditional use of that resource, as was the case with these two proposals, an analysis must be done in accordance with Section 804 of ANILCA if the population necessitates such prioritization. Because the moose population in this area can support harvest by all Federally qualified subsistence users, an "804" analysis was not conducted, and the Board did not adopt these proposals.

In December 2006, the refuge manager held public meetings in Emmonak and Mountain Village to explain the Board's deferred action to local residents and provide them with an update on the health of the moose population in the Yukon Delta area. During these public meetings, some local residents from Kotlik, Emmonak, Alakanuk, and Nunam Iqua expressed concerns of not meeting their large animal subsistence needs through moose harvests. Other concerns voiced by local residents included warmer than normal fall temperatures, poor snow conditions during the winter season, and high fuel prices which have hampered hunter success. Local residents also voiced opposition to allowing non-Federally qualified users to hunt on Federal public lands in Unit 18 remainder during the September 1–30 season.

Special Action WSA06-04, submitted by the Council in the fall 2006, and approved by the Board in December 2006, expanded the 2006/07 harvest limit from "one bull or one calf" to "one moose" and extended the winter season 10 days in the lower area of the Yukon River drainage in Unit 18 downstream from Mountain Village. Local wildlife managers and representatives of the Council testified at the October 2006 meeting that a combination of factors, including mild fall weather conditions, a late rut, low water levels, and high fuel prices, resulted in a harvest shortfall during the 2006 fall season. These changes, implemented through the special action, provided local users additional opportunity to harvest any moose from this rapidly expanding moose population during the December 20–January 20 season.

In response to the Board's May 2006 deferral of Proposal WP06-30, the proponent resubmitted the proposal in October 2006 that was renumbered as WP07-32. The proponent maintained that the Unit 18 closure was no longer biologically justifiable. Following a 2005 Closure Review of the affected area and the analysis of WP07-32, the Board eliminated the closure at its May 2007 meeting. As previously stated, the closure had been in Federal regulations from July 1, 1991 through June 30, 2007.

Current Events Involving the Species – Since the May 2007 Board Meeting

The Manager of the Yukon Delta NWR discussed Proposal WP06-30, the Board's May 2006 deferral, Proposal WP07-32, and the Board's May 2007 action that eliminated the closure at the fall 2007 Council meeting (Rearden 2007, pers. comm.). Representatives of the proponent were present at this meeting. Refuge Information Technicians (RITs) discussed Proposals WP06-30, WP07-32, and the Board elimination of the Unit 18 closure in "all" of the Unit 18 villages that were effected by the removal of the closure. The Yukon Delta NWR Manager made a Public Service Announcement on KYUK radio in June 2007, in which he explained the Board's May 2007 action that removed the Federal closure to the public. The Manager of the NWR also adhered to his promise that he made to the Board in May 2007, as he prohibited access to local resident use areas for the four transporters operating under special use permits during the fall moose seasons. Three of the transporters operate via airplane and the fourth operates via boat and all of their clients were kept well distanced from local use areas for fall moose hunting. The estimated success rate of the clients is about 50% and 12–20 additional bull moose might be harvested by the transporters clients (Rearden 2007, pers. comm.). Note: Information from more recent transporter reports are being finalized by refuge staff and will be included in this analysis when available.

Biological Background

A general summary, based on analysis of existing survey results of the lower Yukon River moose population, is that the population is highly productive, continues to grow, and is capable of supporting an increased harvest. No new information on the moose population of the lower Yukon River in Unit 18 exists since the last population survey conducted in November 2005. Inadequate snow conditions did not allow for moose population surveys that were scheduled for March 2007; however, refuge staff have scheduled moose surveys for February 2008, pending snow conditions in the survey areas.

Both State and Federal wildlife managers have expressed the need to increase the harvest of moose in the lower Yukon River area to avoid habitat damage, which could occur if the population is not maintained within carrying capacity of its habitat. The affected moose population continues to exhibit a growth rate that would eventually lead to carrying capacity issues, if left unchecked (Rearden 2006).

The following text is reprinted from the analyses of Proposals WP06-27, -28, -29, -30 and WP07-32, because it provides the most current biological information available. Currently there are three moose census blocks within Unit 18 that relate to this proposal: (1) Paimiut, (2) Andreafsky, and (3) the Lower Yukon along the lower Yukon River. The Lower Yukon census area, which corresponds to the 1988–94 moratorium area, has seen the most dramatic population increases within Unit 18 in recent years. Since 2002 the population has increased at an annual rate of 27%. The winter population estimate in 1992 was 28 animals. This rose to 65 in 1994, to 674 in 2002, and to the February 2005 estimate of 1,341 (ADF&G 2002a & 2005). The late fall 2005 estimate was 1,700 (Perry 2005, pers. comm.). Although sample sizes were small the following composition data further indicates a healthy and highly productive moose population. The spring 2001 calf:cow ratio was 50 calves per 100 cows (2 years and older) and the twinning rate for cows older than two years was 80%. In 2003 the compositions were 86 calves:100 cows (≥ 2 years) and a twinning rate of 85% for cows (> 2 years). The spring composition survey in 2004 was conducted 9–10 days earlier than previous years and therefore not all cows may have yet dropped their

calves. Nevertheless, the 2004 survey found 49 calves per 100 cows (≥ 2 years) and a twinning rate of 23%. As of November 23, 2005, the calf:cow ratio stood at 92 calves per 100 cows, and the proportion of cows with surviving twins was 26%. It should be noted that both of these figures represent proportions after summer and fall calf mortality. This impressive trend can largely be attributed to the effect of the five-year moratorium on moose hunting and the excellent habitat conditions below Mountain Village.

The population in the Andreafsky Census Block, which roughly covers the area along the Yukon River from Pilot Village to Mountain Village and the Andreafsky River drainage (within Unit 18 remainder), had an estimated population of 52 moose in 1995. The most recent comparable census was carried out in 2002. It provided an estimate of 418 moose, or a density of 0.36 moose/mi2, which is up from 0.04 moose/mi^2 in 1995 and 0.23 moose/mi2 in 1999 (ADF&G 2002b). There were an estimated 22 calves per 100 adults. A trend count conducted by ADF&G in March 2005 provided an estimate of 42 calves:100 adult moose.

The area included in the Paimiut Census Block (roughly an area along the Yukon River from Paimiut to Pilot Station – also within Unit 18 remainder) also showed remarkable increases. In 1992 there were an estimated 994 moose. This increased to 2,024 in 1998 and 2,382 in 2002. Moose compositions counts carried out by the ADF&G also confirm a healthy population. The 2001 composition count estimated a calf:adult moose ratio of 32 per 100, a calf:cow ratio of 46 per 100, and a bull:cow ratio of 58 per 100. The fall 2003 composition count found 47 calves per 100 cows and 35 bulls per 100 cow moose. Analysis of results from a 2006 survey (from Marshall upriver to Paimiut) produced a spring density estimate of 2,547 moose (Wald 2007, pers. comm.).

In summary, the Lower Yukon moose population is highly productive, continues to expand, and is capable of supporting an increased harvest.

Harvest History

Harvest reporting compliance for Unit 18 has not been consistent over time although with increased effort on the part of the refuge staff, it appears to be improving (Doolittle 2007, pers. comm.). Accurate harvest assessment is necessary for meeting management and harvest guidelines for this moose population. Since 2002 harvest appears to be relatively stable, at just over 200 bulls per year. At the December 2006 public meetings held by YDNWR staff, local residents reported a harvest shortfall during the fall of 2006 due to warmer than normal fall temperatures, a late rut, low water levels, and high fuel prices which hampered hunting success (Rearden 2006, pers. comm.).

The harvest reports from the December 20, 2006–January 20, 2007 season are listed in Table 1. The reported moose harvest for the winter season that concluded on January 24, 2007, totaled 71 moose, and included 38 bulls, 21 cows and 12 calves. The cow moose harvest was significantly lower than anticipated (Wald 2007, pers. comm.).

Note: Harvest information for the fall 2007 seasons will be available in February/March 2008 and will be incorporated in this document when available.

Effects of the Proposal

Adoption of the proposal would re-establish the closure of Federal public lands to non-Federally qualified users during the fall and winter moose seasons in Unit 18, that portion of the Yukon River drainage and Unit 18 remainder. Adoption of the proposal could lead to user conflicts, because of Federal and State jurisdictional boundaries. Re-establishment of the Federal closure may force non-Federally qualified users

Table 1. Results of winter moose harvest by community for the lower Yukon River in Unit18, 12/20/2006 – 01/20/2007 (Wald 2007, pers. comm.).

Village	Moose Harvest	Bulls	Cows	Calves	FWS Public Lands	Native Lands
Alakanuk	9	4	3	2	3	6
Chevak	5	1	2	2	5	0
Emmonak	7	1	5	1	5	2
Hooper Bay	2	0	1	1	2	0
Kotlik	3	0	2	1	2	1
Scammon Bay	8	6	2	0	2	6
Mt. Village	11	7	2	2	11	0
Nunam Iqua	5	1	1	3	1	4
Saint Mary's	7	5	2	0	6	1
Pitka's Point	3	3	0	0	0	3
Andreafsky	5	4	1	0	1	4
Pilot Station	6	6	0	0	2	4
Total	**71**	**38**	**21**	**12**	**40**	**31**

to hunt closer to the villages where private and Corporation lands are managed under State regulations. Non-Federally qualified users currently have access to areas away from the communities and non-traditional use areas without a Federal closure.

Adoption of the proposal would decrease the total number of potential hunters (Federally qualified and non-qualified users) that are necessary to keep the lower Yukon River moose population from exceeding carrying capacity. During the winter 2006–2007 moose season, local residents harvested a lower than anticipated number of cows and calves, two components of this population that have exhibited substantial productivity and growth. Resource managers are concerned that this population will decline should impacts to its habitat exceed carrying capacity.

OSM CONCLUSION

Oppose Proposal WP08-33.

Justification

The lower Yukon moose population is highly productive, continues to expand, and is capable of supporting an increased harvest by both Federally qualified and non-Federally qualified users; therefore, the proposed closure to non-Federally qualified users is not warranted in the affected areas of Unit 18 at this time. Consistent with ANILCA, the closure was originally established by the Board to ensure that "subsistence needs and rights received first priority" over non-subsistence uses during a period of shortage. Section 815.3 of ANILCA authorizes the Board to place restrictions on the taking of fish and wildlife for nonsubsistence uses on 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. The current

status of the moose population no longer warrants closing Federal public lands in Unit 18 to non-Federally qualified users.

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ADF&G. 2002*b*. Memorandum: Lowest Yukon spring moose comp count. Bethel, AK.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-33

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Councils to be consistent with ANILCA Section 805(c).

Comments on WP08-33
April 10, 2008, Page 1 of 1

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposals WP08-33: Close federal public lands in Game Management Unit 18 to moose hunting by non-federally qualified subsistence users.

Introduction: The proposal seeks to provide additional opportunity for federally-qualified subsistence users by eliminating competition from other hunters. The proposal omits two areas in Unit 18 that are closed to moose hunting in federal regulations. These omissions have the effect of increasing the size of the Remainder of Unit 18 and could convey the impression that hunting is allowed in areas that are closed.

Impact on Subsistence Users: The proposed closure would eliminate the opportunity for non-federally-qualified subsistence users to hunt moose on federal public lands in Unit 18 that are presently open to hunting. This closure would apply to friends and relatives of federally-qualified subsistence users eligible to participate in this hunt under state regulations and would concentrate hunting by non-local residents onto limited state and private lands.

Opportunity Provided by State: Although the state and federal area descriptions do not match, the state regulations authorize moose hunting in Unit 18 south of the Eek River drainage and north of the Goodnews River drainage (residents: September 1-30); in the area north and west of a line from Cape Romanzof, etc. (residents: September 1-30 or December 20 – January 10, and nonresidents: September 1-30); and in the remainder of Unit 18 (residents: September 1-30 or December 20 – January 18, nonresidents: September 1-30). In addition, the state regulations authorize moose hunting beginning in fall 2008 in the Goodnews River drainage and south to the Unit 18 boundary.

Conservation Issues: There are no conservation issues that justify reinstating a closure. Moose are abundant in areas of Unit 18 currently open for hunting, thanks to the success of the moratoria. Information presented to the Federal Subsistence Board in 2007 indicated that the moose population in areas targeted in this proposal is highly productive and continuing to grow. Preliminary harvest estimates for 2007 indicate that only 8 moose were taken in Unit 18 by non-local residents and nonresidents of Alaska combined.

Enforcement Issues: Differences in federal and state regulations resulting from adoption of this proposal create enforcement problems in areas with mixed land ownership. The boundaries between federal and state lands are not marked and often difficult to locate on the ground.

Recommendation: Oppose. Under the closure policy adopted in 2007, the Federal Subsistence Board "will not restrict the taking of fish and wildlife by users on federal public lands (other than national parks and park monuments) unless necessary for conservation of healthy populations of fish and wildlife resources or to continue subsistence uses of those populations, or for public safety or administrative reasons, or 'pursuant to other applicable law.'" None of these conditions apply to moose hunting on federal public lands open to moose hunting in Unit 18, and a closure would be an unnecessary restriction on non-federally qualified subsistence users in violation of section 815 of ANILCA.

WRITTEN PUBLIC COMMENT

Oppose. This letter is in response to Proposal WP08-33.

In May 2007 the Federal Subsistence Board determined, based on the biologic information from the most recent population survey of moose in that portion of Unit 18, that there was a manageable surplus of moose (based on the survey the surplus was approximately 600 animals, of which in 2006 only approximately 330 were harvested based on the harvest information received) to provide both for the needs of the subsistence users within Unit 18 and at the same time allow Alaska residents and nonresidents living outside of the Unit to moose hunt. As a result the board opened a 30-day season for Alaska residents and nonresidents living outside of the Unit and also extended the local subsistence hunters season making it one of, if not the most liberal subsistence-hunting seasons for moose in the entire state (82 hunting days).

Proposal WP08-33 requests a reversal of the decision made in May 2007 until an accurate subsistence use amount can be determined. Again, based on the 2006 moose survey and harvest figures it was determined that a harvestable surplus of approximately 600 animals existed with a harvest of only approximately 330 of the surplus. So even if it is determined that the subsistence need has increased, based on the number of animals that are being taken a large harvestable surplus still exists. Also, according to the FWS Alaska residents and nonresidents living outside of the Unit that were transported into the area in September 2007 harvested 8 moose. Based on last year's harvestable surplus of approximately 600 animals, Alaska residents and nonresidents living outside of the Unit only took a little over 1% of this surplus.

I applaud the AVCP for wanting to; determine accurate subsistence use amounts in GMU 18, conduct accurate surveys and establish a moose management plan, however these Public Lands belong to all US citizens and as such they have the right to come here and hunt on the land if a harvestable surplus exists like it does in this case. So until there is a biological determination that the moose population in this area no longer has a sustainable harvestable surplus which will provide both for the needs of the subsistence users within Unit 18 and at the same time allow Alaska residents and nonresidents living outside of the Unit to moose hunt, there simply are no grounds to adopt this proposal to change the existing regulations.
Submitted by Steve Powers

WP08-34 Executive Summary	
General Description	Proposal WP08-34 requests the establishment of a moose season for the portion of Unit 18 south of the Kanektok and Arolik River drainages, including the North and South Mouth Arolik River, with a one-bull harvest limit by Federal registration permit. The proponent requests that the Togiak National Wildlife Refuge Manager be delegated the authority to determine the season dates. *Submitted by the Togiak National Wildlife Refuge*
Proposed Regulation	***Unit 18 — Kanektok and Arolik River drainages, including North and South Mouth Arolik River. Federal public lands are closed to the hunting of moose by all users.*** — ***No Federal open season*** *Unit 18 — south of the Kanektok ~~River drainage. Federal public lands are closed to the taking of moose by all users.~~* ***and Arolik River drainages, including North and South Mouth Arolik River — 1 bull by State registration permit.*** — ***Season dates to be determined after consultation with local users and ADF&G.***
Yukon/Kuskokwim Delta Regional Council Recommendation	**Support** Proposal WP08-34 **with modification** to lift the closure of Federal public lands only in the Goodnews River drainage and south in Unit 18; and to establish a season of Aug. 25–Sept. 20.
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	*See comments following the analysis.*
Written Public Comments	**1 Support**

REGIONAL COUNCIL RECOMMENDATION

YUKON-KUSKOKWIM DELTA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-34 **with modification** to lift the closure of Federal public lands only in the Goodnews River drainage and south in Unit 18; and to establish a season of Aug. 25–Sept. 20.

The modified regulation should read:

Unit 18 — Kanektok and Arolik River drainages. Federal public lands are closed to the hunting of moose by all users.	***No Federal open season***
Unit 18 — ***Goodnews River Drainage, and south to the Unit 18 boundary*** *~~south of the Kanektok River drainage. Federal public lands are closed to the taking of moose by all users.~~ —* ***1 [antlered]* bull by State registration permit.***	***Aug. 25–Sept. 20***

Conservation concerns are addressed through the use of a State registration permit issued in Goodnews Bay. The use of a State permit allows local residents the opportunity to hunt on all lands in the hunt area with one permit and one season.

*Note: Not specifically addressed by the Council, but required with the use of a State permit in this hunt.

STAFF ANALYSIS
WP08-34

ISSUES

Proposal WP08-34, submitted by the Togiak National Wildlife Refuge (NWR), requests the establishment of a moose season for the portion of Unit 18 south of the Kanektok and Arolik River drainages, including the North and South Mouth Arolik River, with a one-bull harvest limit by State* registration permit. The proponent requests that the Togiak NWR Manager be delegated the authority to determine the season dates.

* NOTE: The proposal as circulated for public comment in December 2007, and as presented to the Yukon Kuskokwim Delta Regional Advisory Council incorrectly noted this as a Federal permit. The original incoming proposal requested a State permit not a Federal permit.

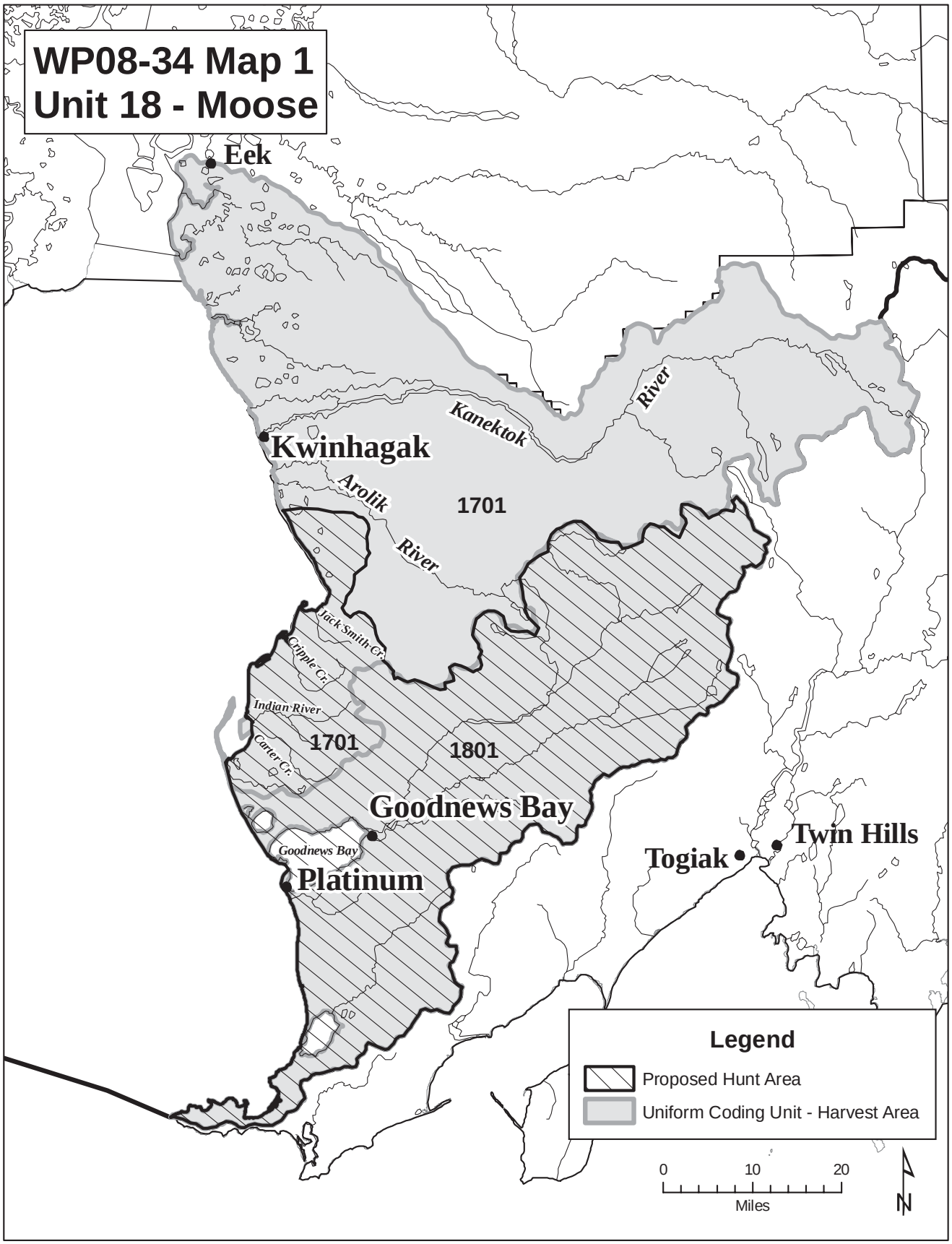
DISCUSSION

The intent of the proposal is to establish a moose season on Federal public lands within the proposed area (**Map 1**) by 2009 or earlier, whenever the population reaches a minimum of 100 moose. Federal public lands in the area have been closed to moose hunting since the inception of the Federal Subsistence Management Program in 1991; State lands were open to moose hunting until the 2005/2006 regulatory year, when they were closed due to concerns over a small but increasing moose population in the area. To protect this population, and in the hopes of growing the population so that it could provide limited hunting opportunity, a three-year moratorium on moose hunting on the Goodnews River drainage was agreed to by the Togiak NWR, the Alaska Department of Fish and Game (ADF&G), the Goodnews River Drainage Moose Advisory Committee, and the Village Councils of Goodnews Bay and Platinum. In agreeing to the moratorium — put into place beginning in the 2006/2007 regulatory year with a sunset date of June 30, 2009 — parties jointly agreed that hunting would remain closed until the population reached 100 moose, or until three years elapsed (Liedberg 2008, pers. comm.). Until that time, the "no open season" would be in effect under both Federal and State regulations for the Goodnews River drainage. The 100 moose minimum population objective was the outcome of an October 2005 agreement between the ADF&G, FWS, and representatives from the communities of Goodnews Bay and Platinum (Liedberg 2008, pers. comm.). The proposed end point of the moratorium was intended to coincide with the end point of the Lower Kuskokwim River moratorium on moose hunting (Perry 2007, pers. comm.). In requesting the season, the proponent states that the moose population in the affected area is increasing in size and can be subject to a small hunt.

Existing Federal Regulation

Unit 18 — Moose

Unit 18 — south of and including the Kanektok River drainage. Federal public lands are closed to the taking of moose by all users.	*No Federal open season*


WP08-34 Map 1
Unit 18 - Moose
Eek
Kwinhagak
Kanektok
River
Arolik
River
1701
Jack Smith Cr.
Cripple Cr.
Indian River
Carter Cr.
1701
1801
Goodnews Bay
Goodnews Bay
Platinum
Togiak
Twin Hills
Legend
Proposed Hunt Area
Uniform Coding Unit - Harvest Area
0
10
20
Miles
N

Proposed Federal Regulation

Unit 18 — Moose

Unit 18 — Kanektok and Arolik River drainages, including North and South Mouth Arolik River. Federal public lands are closed to the hunting of moose by all users.	***No Federal open season***
Unit 18 — south of the Kanektok ~~River drainage. Federal public lands are closed to the taking of moose by all users.~~ ***and Arolik River drainages, including North and South Mouth Arolik River — 1 bull by State* registration permit.***	***Season dates to be determined after consultation with local users and ADF&G.***

* NOTE: The proposal as circulated for public comment in December 2007, and as presented to the Yukon Kuskokwim Delta Regional Advisory Council incorrectly noted this as a Federal permit. The original incoming proposal requested a State permit not a Federal permit.

Existing State Regulation

Unit 18 — Moose

Unit 18 — Lower Kuskokwim Closed Area easterly of a line from the mouth of the Ishkowik River to the closest point of Dall Lake then to easternmost point of Taksleshluk Lake then along the Kuskokwim River drainage boundary to the Unit 18 border, and north of and including the Eek River drainage, and that portion south of and including the Goodnews River drainage..... Harvest	*No open season*
***Unit 18 – Goodnews River Drainage, and south to the Unit 18 boundary. 1 antlered bull by State registration permit.*	*Aug. 25 – Sept. 20*

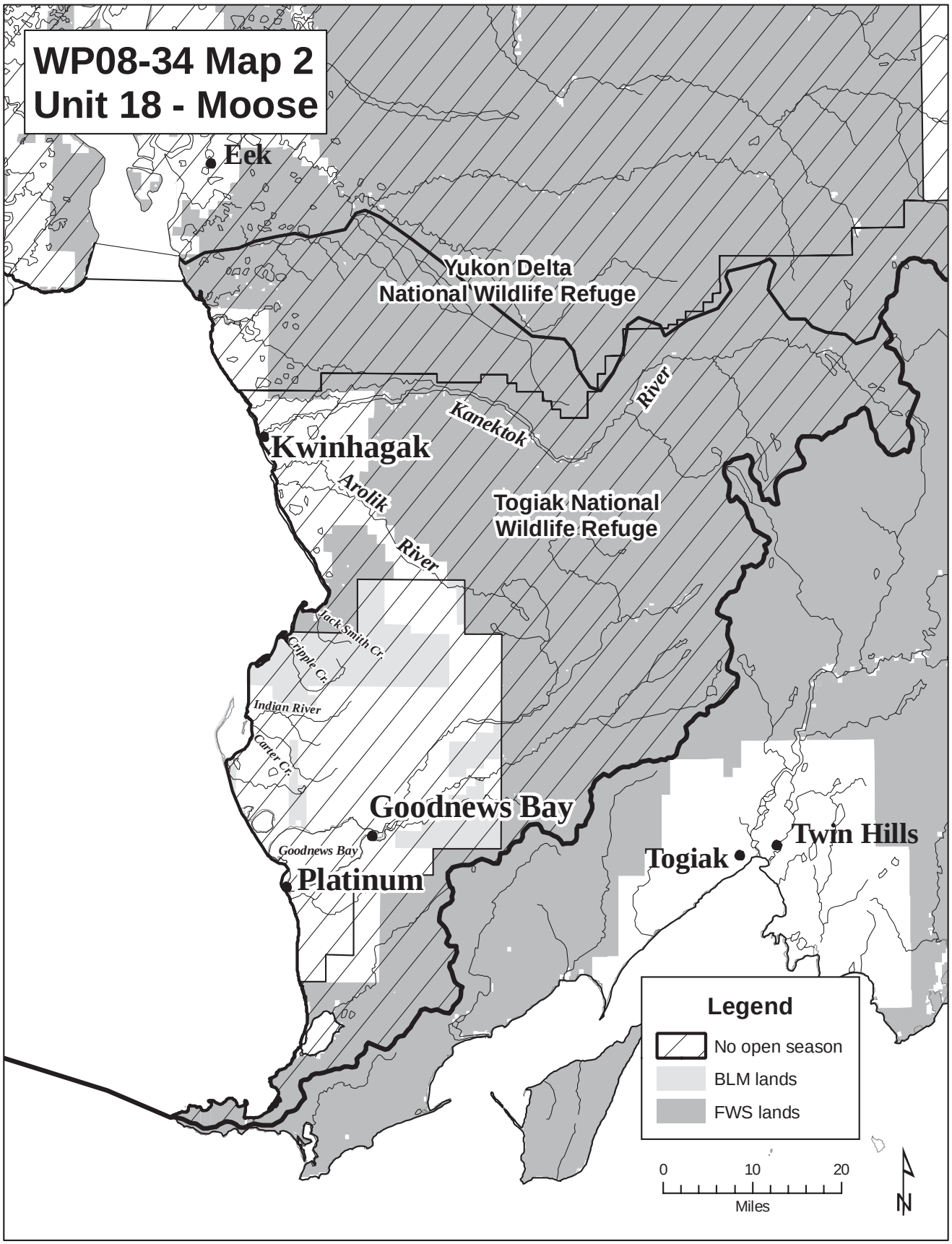
**This regulation was passed by the Board of Game during its February 2008 meeting in Fairbanks, Alaska and will come into effect July 1, 2008.

Extent of Federal Public Lands

Federal public lands comprise approximately 63.9% of Unit 18, 61.5% Fish and Wildlife Service (FWS) and 2.4% Bureau of Land Management (BLM). Federal public lands associated with WP08-34 consist of a portion of the Togiak NWR and BLM lands **(Map 2)**. Drainages affected by the proposal include the Goodnews River, Jacksmith Creek, Cripple Creek, Indian River, Carter Creek, Nanvakfak Lake and its tributary, and a number of coastal tributaries with undocumented place names.

Customary and Traditional Use Determinations

Rural residents of Unit 18 and Upper Kalskag have a positive customary and traditional use determination for moose in Unit 18 remainder, which includes the area affected by this proposal.


WP08-34 Map 2
Unit 18 - Moose
Eek
Yukon Delta
National Wildlife Refuge
Kanektok
River
Kwinhagak
Arolik
River
Togiak National
Wildlife Refuge
Jack Smith Cr.
Cripple Cr.
Indian River
Carter Cr.
Goodnews Bay
Goodnews Bay
Platinum
Togiak
Twin Hills
Legend
No open season
BLM lands
FWS lands
0
10
20
Miles
N

Federal Regulatory History — Unit 18 Moose

1990/91	*Unit 18 remainder — 1 bull*	*Sept. 1–Sept. 30* *Dec. 20–Dec. 30*
1991/92–1992/93	*Unit 18 — ...and those portions contained in the…Goodnews River.*	*No open season*
	Unit 18 remainder — 1 antlered bull moose. A 10-day hunt falling sometime between Dec. 1 and Feb. 28 shall also be opened by announcement of the Federal Subsistence Board.	*Sept. 1–Sept. 30* *Winter season to be announced*
	Federal public lands in Unit 18 are closed to the hunting of moose except by rural Alaska residents of Unit 18 and Upper Kalskag.	
1993/94	*Unit 18 — ...and those portions contained in the…Goodnews River.*	*No open season*
	Unit 18 remainder — 1 antlered moose. A 10-day hunt (1 bull, evidence of sex required) will be opened by announcement sometime between Dec. 1 and Feb. 28.	*Sept. 1–Sept. 30* *Winter season to be announced*
	Federal public lands in Unit 18 are closed to the hunting of moose except by rural Alaska residents of Unit 18 and Upper Kalskag.	
1994/95	*Unit 18 — Goodnews River and Kanektok River drainages.*	*No open season*
	Unit 18 remainder — 1 antlered moose. A 10-day hunt (1 bull, evidence of sex required) will be opened by announcement sometime between Dec. 1 and Feb. 28.	*Aug. 23–Sept. 25* *Winter season to be announced*
	Federal public lands in Unit 18 are closed to the hunting of moose except by rural Alaska residents of Unit 18 and Upper Kalskag.	
1995/96–1996/97	*Unit 18 — Goodnews River and Kanektok River drainages.*	*No open season*
	Unit 18 remainder — 1 antlered bull. A 10-day hunt (1 bull, evidence of sex required) will be opened by announcement sometime between Dec. 1 and Feb. 28.	*Sept. 1–Sept. 30* *Winter season to be announced*
	Federal public lands in Unit 18 are closed to the hunting of moose except by rural Alaska residents of Unit 18 and Upper Kalskag during Federal open seasons.	
1997/98	*Unit 18 — Goodnews River and Kanektok River drainages.*	*No open season*
	Unit 18 remainder — 1 antlered bull. A 10-day hunt (1 bull, evidence of sex required) will be opened by announcement sometime between Dec. 1 and Feb. 28.	*Sept. 1–Sept. 30* *Winter season to be announced*

	Federal public lands in Unit 18 are closed to the hunting of moose except by rural Alaska residents included in the above customary and traditional use determinations during Federal open seasons.	
1998/99–2006/07	*Unit 18 — South of and including the Kanektok River drainages.*	*No open season*
	Federal public lands in Unit 18 are closed to the hunting of moose except by rural Alaska residents included in the above customary and traditional use determinations during Federal open seasons.	
	Note: Regulations supporting a three-year moratorium on moose hunting in the Goodnews River drainage were established by the Alaska Board of Game for 2006/07–2008/09 and are included in Federal Subsistence Management Regulations for Harvest of Wildlife 2006/07–2008/09.	
2007/08	*Unit 18 — South of and including the Kanektok River drainages.*	*No open season*

State Regulatory History — Unit 18 Moose

		Resident Season
1990/91–1992/93	*Remainder of Unit 18 — One bull. Evidence of sex is required ..... Harvest .....*	*Sept. 1–Sept. 30* *Dec. 20–Dec. 30*
1993/94–1994/95	*Remainder of Unit 18 — One bull. Evidence of sex is required ..... Harvest .....*	*Sept. 1–Sept. 30*
	A ten-day winter season will be announced by Emergency Order during the period Dec. 20–Jan. 20 — One bull, evidence of sex is required ..... Harvest	*Winter season to be announced*
1995/96–2003/04	*Remainder of Unit 18 — One bull. Evidence of sex is required ..... Harvest .....*	*Sept. 1–Sept. 30*
	A ten-day winter season will be announced — One bull, evidence of sex is required ..... Harvest	*Winter season to be announced*
2004/05	*Remainder of Unit 18 — One bull. Evidence of sex is required ..... Harvest .....*	*Sept. 1–Sept. 30*
	A ten-day winter season will be announced Dec. 1–Feb. 28 — One bull, evidence of sex is required..... Harvest	*Winter season to be announced*

	Note: Prior to the current moratorium on moose hunting, the ADF&G closed the State fall moose seasons on affected State lands for 2004/05 by emergency order and for 2005/06 by a March 2005 Alaska Board of Game action.	
2005/06	*Unit 18 — that portion south of and including the Goodnews River drainage*	*No open season*
	Unit 18 — that portion south of the Eek River drainage and north of the Goodnews River drainage — One bull, evidence of sex is required ..... *Harvest*	*Sept. 1–Sept. 30*
2006/07–2007/08	*Unit 18 — that portion south of and including the Goodnews River drainage*	*No open season*
	Note: A three-year moratorium on moose hunting in the Goodnews River drainage was established by the Alaska Board of Game for 2006/07–2008/09.	
	Unit 18 — that portion south of the Eek River drainage and north of the Goodnews River drainage — One antlered bull, evidence of sex is required ..... *Harvest*	*Sept. 1–Sept. 30*

Current Events Involving the Species

As noted, Federal public lands in the area have been closed to moose hunting since 1991; State lands were open to moose hunting until the 2005/2006 regulatory year, when they were closed due to concerns over a small but increasing moose population in the area. The ADF&G, FWS, and the villages of Goodnews Bay and Platinum agreed to a moratorium on hunting, with the understanding that once the population reached 100 moose, or after three years elapsed, hunting would resume (Liedberg 2008, pers. comm.). Based on survey data, the moose population appears to be growing, and it exceeded the threshold of 100 animals with a survey count of 113 moose on February 15, 2008 (Liedberg 2008, pers. comm.). According to the aforementioned agreement, a limited hunting opportunity on Federal and State lands would be provided in the Goodnews River drainage, once the threshold of 100 animals is reached (or when the moratorium sunsets on 6/30/09). While a specific harvestable surplus has not been identified, it is likely that the available surplus will be between 5 and 10 moose.

State Management Objectives

- Manage harvest guidelines in accordance with the three-year moratorium on moose hunting for the Goodnews River drainage.
- Open a limited hunting season by special action in the fall 2008 if the minimum population of 100 moose has been surveyed in the Goodnews River drainage during the winter of 2007/08.
- Provide a fall 2009 hunting season regardless of population size.
- Manage harvest consistent with population goals following the moratorium on moose hunting.
- Improve knowledge of, and compliance with, harvest reporting requirements and hunting regulations through public education and incentives.

Biological Background

Winter surveys conducted in the affected area indicate that while the moose population has experienced substantial growth, it is still considered a small and low density population (FWS 2007). No moose were observed during population surveys conducted in the affected area in 1991, 1992, and 1994. Surveys conducted in 1995, 1997, 1999, and 2002 showed counts of 2, 1, 4, and 2 moose, respectively. Surveys conducted in the area during 2004–2007 showed significant growth in the moose population: total observed animals for the four survey years were 10, 22, 54, 46, and 81 moose, respectively (46 moose in March 2007 and 81 in December 2007) (FWS 2008). Except for the December 2007 survey, the previous four surveys were conducted in March. Because of winter mortality (due to predation, starvation, disease and abandonment), late winter surveys generally reflect numbers lower than fall surveys. No surveys were conducted during 1993, 1996, 2000, 2001, and 2003 due to the lack of adequate snow cover (FWS 2008). Initial population growth within the affected area was due to moose emigrating from adjacent Unit 17A and subsequent growth is thought to be due to high calf recruitment rates among established cows (Aderman 2008, pers. comm.). This pattern is similar to the growth of the moose herd in adjacent Unit 17A during the 1990s (FWS 2008). A survey count of 113 moose was obtained on February 15, 2008 (Liedberg 2008, pers. comm.).

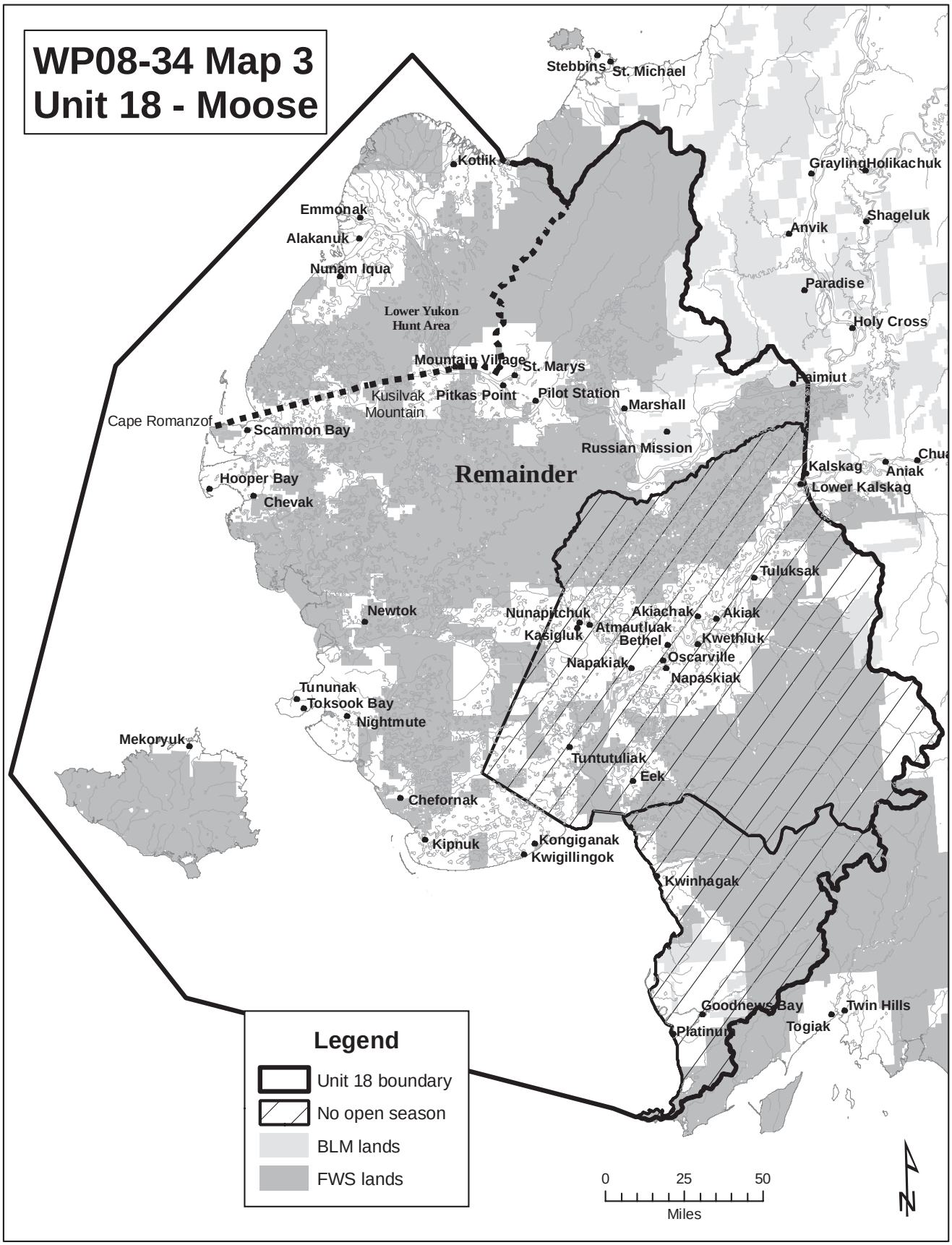
Section 804 Analysis

Section 804 of ANILCA mandates that the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes. Section 804 further requires that whenever it is necessary to restrict the taking of populations of fish and wildlife on such lands for subsistence uses in order to protect the continued viability of such populations, or to continue such uses, such a priority shall be implemented through appropriate limitations based on the application of three criteria, including customary and direct dependence upon the populations as the mainstay of livelihood; local residency; and the availability of alternative resources. A Section 804 analysis was developed for this proposal due to the small number of moose available for harvest, and the large number of subsistence users with a customary and traditional use determination to harvest moose in Unit 18 remainder, which includes the proposed hunt area.

The customary and traditional use finding for moose in Unit 18 remainder includes all Unit 18 communities, and Upper Kalskag; roughly 20,000 people living in 43 widely dispersed communities (**Map 3**).) The communities in Unit 18 are: Kotlik, Emmonak, Alakanuk, Nunam Iqua, Mountain Village, Pitka's Point, St. Marys, Andreafsky, Pilot Station, Marshall, Russian Mission, Piamiut, Scammon Bay, Hooper Bay, Chevak, Newtok, Tununak, Toksook Bay, Nightmute, Mekoryuk, Chefornak, Kipnuk, Kongiganak, Kwigillingok, Tuntutuliak, Eek, Napakiak, Kasigluk, Nunapitchuk, Atmautluak, Bethel, Akiachak, Napaskiak, Oscarville, Kwethluk, Akiak, Tuluksak, Lower Kalskag, Quinhagak[1], Goodnews Bay, and Platinum. Of all these communities, only Goodnews Bay and Platinum lie within the area that is the focus of this proposal. Quinhagak lies about 10 miles north of the proposed hunt area.

The following paragraphs address the three criteria as they relate to the communities having a customary and traditional use determination for moose in Unit 18.

[1] The village of Quinhagak is also known as Kwinhagak; the former refers to more traditional orthography, and the latter to more contemporary orthography. Orth (1971: 788), the standard source for spellings of Alaska Place Names, uses the spelling of Quinhagak, while the Native Village uses that of Kwinhagak. Both spellings are used in this analysis, with Quinhagak used in the text and Kwinhagak on the maps.


WP08-34 Map 3
Unit 18 - Moose
Stebbins
St. Michael
Kotlik
Grayling
Holikachuk
Emmonak
Alakanuk
Shageluk
Anvik
Nunam Iqua
Paradise
Lower Yukon
Hunt Area
Holy Cross
Mountain Village
St. Marys
Pitkas Point
Pilot Station
Kusilvak
Mountain
Marshall
Cape Romanzof
Scammon Bay
Russian Mission
Remainder
Kalskag
Aniak
Lower Kalskag
Hooper Bay
Chevak
Tuluksak
Newtok
Nunapitchuk
Akiachak
Akiak
Atmautluak
Kasigluk
Bethel
Kwethluk
Napakiak
Oscarville
Napaskiak
Tununak
Toksook Bay
Nightmute
Mekoryuk
Tuntutuliak
Eek
Chefornak
Kipnuk
Kongiganak
Kwigillingok
Kwinhagak
Goodnews Bay
Twin Hills
Togiak
Platinum
Legend
Unit 18 boundary
No open season
BLM lands
FWS lands
0
25
50
Miles
N

1. Customary and Direct Dependence upon the Populations as a Mainstay of Livelihood

Published subsistence studies of the communities that have customary and traditional use of moose in Unit 18 remainder are few, but include Andrews 1989, Andrews and Peterson 1983, Coffing 1991, Coffing et al. 1998, Pete 1986, Stickney 1983, Wolfe 1981, Wolfe et al. 1984, Wolfe and Ellanna 1983. All but one of these studies (cf. Wolfe et al. 1984), focus on communities to the north and northeast of the proposed hunt area. Based on available information, which is limited, there is no evidence to suggest that residents of any of these communities regularly travel south to the proposed hunt area for moose, although anecdotal information suggests that in recent years, residents of some Unit 18 villages travel south for other resources such as caribou (Twitchell, 2008, pers. comm.).

In contrast, Quinhagak, Goodnews Bay, and Platinum, which lie within the southern boundary of the Yukon-Kuskokwim delta area along the southern rim of Kuskokwim Bay, primarily focus their moose harvest efforts in the proposed hunt area, which includes all of Uniform Coding Unit (UCU) 1801 and a portion of UCU 1701 (**Map 1**). Harvest ticket data from 1983 through 2004 indicates that residents of the three communities focus their moose harvesting efforts in the two Unit 18 UCUs in which their communities are located (**Map 1, Table 1**).

Quinhagak is located in UCU 1701 within Unit 18 and is situated on the Kanektok River near the Bering Sea coast. UCU 1701 is the primary area of moose harvest effort for Quinhagak residents. ADF&G Division of Subsistence surveys indicate that 33 moose were harvested by Quinhagak residents in 1983 (no harvest locations were specified) (ADF&G 2001). ADF&G harvest ticket data indicates that of the 26 Quinhagak residents who reported attempting to harvest moose in Unit 18 between 1983 and 2004, 22 people attempted to harvest moose in UCU 1701, with 2 reported harvests. Quinhagak residents also attempted to harvest moose in other Unit 18 UCUs, which totaled a reported 7 attempts and 2 moose harvested. The disparity between the 1983 household data (33 moose harvested) and subsequent years' data may be explained in part, by the fact that the 1983 data were collected through household surveys, and all other information is from the harvest ticket database. Many rural Alaska areas have low compliance with harvest ticket systems (cf. Andersen and Alexander 1992), and western Alaska is no exception. Another possibility is that households overestimated their harvests; a possibility which was offered by the author of the 1983 report (Wolfe et al. 1984: 358). Other Unit 18 communities that reported harvest effort in UCU 1701 between 1983–2004 included Eek (4 attempts, 1 harvest), Toksook Bay (1 attempt, no harvest), Emmonak (1 attempt, no harvest), Marshall (1 attempt, no harvest), Napaskiak (2 attempts, no harvest) and Bethel (3 attempts, 1 harvest).

Goodnews Bay is located in UCU 1801 within Unit 18 and is situated at the head of Goodnews Bay at the mouth of the Goodnews River. UCU 1801 is the primary area of moose harvest effort for Goodnews Bay residents. There are no ADF&G, Division of Subsistence moose harvest data for Goodnews Bay. However, ADF&G harvest ticket data indicate that of the Goodnews Bay residents who reported their harvests, 13 attempted to harvest moose in Unit 18 between 1983 and 2004, with 12 of those attempts being in UCU 1801, with 3 reported harvests.

Platinum is also located in UCU 1801 within Unit 18 and is located on the south spit of Goodnews Bay on the Bering Sea coast. Platinum is 11 miles from Goodnews Bay. There are no ADF&G, Division of Subsistence moose harvest data for Platinum. The ADF&G harvest ticket data indicates no reported moose harvests for Platinum between 1983 and 2004. Due to its proximity to Goodnews Bay, it is plausible to conclude that the subsistence patterns of Platinum are similar to those of Goodnews Bay.

The only other Unit 18 communities aside from Quinhagak, Goodnews Bay and Platinum that reported harvest effort for moose in UCU 1801 were Bethel (2 attempts, 1 harvest) and Chevak (1 attempt, 1

Table 1. Unit 18 Moose Harvests 1983-2004

Community	Est pop 2006	Total attempt hunt in Unit 18	Total # harvest in Unit 18	attempt UCU 1801	Harvest UCU 1801	attempt UCU 1701	harvest UCU 1701
Goodnews Bay	242	13	3	11	3	0	0
Platinum	38	0	0	0	0	0	0
Quinhagak	648	30	5	0	0	22	2
other U18 com.							
Bethel				2	1	3	1
Chevak				1	1		
Eek						4	1
Emmonak						1	0
Marshall				0	0	1	0
Napaskiak						2	0
Toksook Bay				0	0	1	0

harvest). Other Alaska communities that attempted to harvest moose in UCU 1801 were Anchorage (2 attempts, no harvests), Chugiak (2 attempts, 1 harvest), and Fairbanks (1 attempt, 0 harvest).

Because of the potential for underreporting, conventional ADF&G harvest reporting systems do not always reflect the true level of harvest, but they may provide an idea about the relative participation and where hunting occurs by community.

2. Local Residency — Proximity to the Resource

With the exception of Quinhagak, Goodnews Bay and Platinum, none of the remaining communities in Unit 18 (nor Upper Kalskag) are in close proximity to, nor do they regularly access, the moose population in the proposed hunt area. The community of Quinhagak (estimated 2006 population was 648 people), is located on the Kanektok River, on the east shore of Kuskokwim Bay, less than a mile from the Bering Sea Coast (DCED 2008). The community of Goodnews Bay (estimated 2006 population was 242 people), is located south of Quinhagak, on the north shore of Goodnews Bay at the mouth of the Goodnews River (DCED 2008). Platinum (estimated 2006 population was 38 people) is on the Bering Sea coast, 11 miles from Goodnews Bay. All three communities access the moose population encompassed by the proposed hunt area (**Map 1**).

Wolfe et al. (1984: 322–323) describes moose hunting patterns and locations used by Quinhagak residents in 1983:

> From September through October, groups of from three to six hunters go by skiffs on hunting trips up the Kanektok and Eek rivers in search of moose, brown bear, squirrel and beaver. Hunting trips last several days to several weeks. Hunters operate from traditional camps and tend to be mobile…. Moose are not abundant in the Kanektok River drainage or mountains….

Wolfe et al. (1984: 326) also note that residents of Quinhagak occasionally harvest moose during the winter (November–March) in the general area of the headwaters of the Kiseralik, Kanektok, Arolik, and Togiak Rivers. Wolfe et al. (1984: 347) describe a similar pattern for residents of Goodnews Bay, noting that in fall, "… some hunters go upriver on longer trips in search of moose." In winter (after freeze up, thus allowing for longer trips by snowmachine), residents of Goodnews Bay travel inland, "…up the drainage of the Goodnews River and as far away as the mountains and river valleys northeast of Bethel … to hunt for moose, hare and ptarmigan (Wolfe et al. 1984: 347).

3. Availability of Alternative Resources

All of the communities in Unit 18 are subsistence-based communities, and residents rely on the resources available to them. Resources vary according to geographic location of the community and species availability. Subsistence economies are flexible and opportunistic: if some resources are not available then others are sought. As is true of most of rural Alaska, cash is typically in short supply, and opportunities for wage labor are limited. Government, schools, and commercial fishing provides the main sources of employment (and cash), and trapping, and crafts also provide limited sources of cash (DCED 2008).

The subsistence economies of the three communities of Quinhagak, Goodnews Bay and Platinum are primarily dependent on the near shore area of the Bering Sea coast and supplement their needs with resources from the interior riverine areas (Wolfe et al. 1984). Wolfe et al. (1984: 349–351) describe the seasonal round of resource use demonstrated by residents of Quinhagak and Goodnews Bay:

> Sea mammal hunting in spring and fall in open water is common. Quinhagak and Goodnews Bay hunters move along the coast hunting seal…most hunting is within the relative confines of shore... Quinhagak and Goodnews Bay residents tend to look more toward the rivers and the land as their territory for subsistence activities than toward the ocean. Inland hunting and fishing up the rivers are central features of the economy…Quinhagak and Goodnews Bay hunters must frequently travel long distances to procure these inland resources [moose and caribou] and they are less predictable aspects of the seasonal round

Wolfe et al. (1984) go on to describe the diversified subsistence economies of both communities and their dependence on fisheries and marine mammals supplemented by land mammals, including large ungulates (i.e., moose and caribou), bear, and smaller land mammals. While spring is dominated by fishing, both subsistence and commercial, fall is the time when people harvest berries and mammals, "….some hunters go upriver on longer trips in search of moose. Other hunters comb the sea for seal returning on their southward migrations…" (Wolfe et al. 1984: 347).

It should be noted that caribou has been an important alternative resource; although in recent years the availability of caribou has been declining. As noted in an ADF&G Moose Management Report, "… over 20,000 rural residents live in 42 communities throughout Unit 18. We need continued effort to curb illegal harvest of moose. Another factor is the declining number of Mulchatna caribou and its effect on the ability of local hunters to gather meat" (Harper, ed., 2006: 272).

The Unit 18 customary and traditional use determination recognizes all residents of Unit 18, and Upper Kalskag as having customary and traditional use of moose in unit 18. Residents of the unit generally harvest moose, if available, close to home; hunting in other areas generally occurs when visiting relatives. It should be noted that a significant portion of Unit 18 is currently closed to the hunting of moose by all users; thus many Unit 18 communities, especially those on the Kuskokwim River drainage portion of Unit 18, have few options for hunting moose, unless they travel north to the Yukon drainage portion of Unit 18. That said, limiting the proposed hunt area to a subset of Unit 18 communities through this Section 804 analysis would mean that the remaining Unit 18 communities would still not be able to harvest moose in the proposed hunt area.

From 1983–2004, residents of Platinum reported harvesting two moose in Unit 17C and Unit 19A; residents of Goodnews Bay directed effort at Units 17A, 17B, 17C and 19A. Residents of Quinhagak reported attempting to harvest moose in eleven different units; in addition to Unit 18, hunting effort was directed at units 19A, and 21E. Again, the harvest ticket database is likely not reflective of actual effort or harvests, although it may be reflective of hunt areas.

Summary of the Section 804 Analysis

The residents of Quinhagak, Goodnews Bay, and Platinum demonstrate the highest dependency on moose harvested in the proposed hunt area, which includes most of UCU 1801 and a portion of UCU 1701. Of all Unit 18 communities, they are also in closest proximity to the proposed hunt area. Quinhagak shows the highest level of moose harvest effort among communities that attempt to harvest moose in UCU 1701 and Goodnews Bay shows the highest level in UCU 1801. Harvest effort for moose by other Unit 18 communities in this area has been minimal. However, it is possible that there might be interest in hunting moose by those residents of Unit 18 communities with a positive customary and traditional use determination for moose should a hunt be opened.

Other Alternative Considered

An alternative considered was to proceed without an 804 analysis and resultant restriction to those most dependent upon and in closest proximity to the resource, and without retaining the closure of Federal public lands. Such an approach would rest on a presumption that, even though the number of moose available for harvest is likely small, interest from Federally qualified users, and from other users hunting under State regulations, would not be enough to create a conservation risk. This alternative would also presume that if more interest than anticipated did occur, a Special Action could be implemented in sufficient time to close Federal Public lands entirely, or to narrow the number of communities eligible to participate in the hunt based upon an 804 analysis. This alternative was not the preferred approach as the draft staff analysis on this proposal was prepared for Regional Council review. The reopening of hunting opportunity on this small moose population is expected to provide a small number of moose for harvest, which appears to be the sort of circumstance for which ANILCA calls for prioritizing eligibility through an 804 analysis and related restriction to those most dependent upon, and in closest proximity to, the resource.

Recent Alaska Board of Game Action and Regional Council Discussion

Following the development of the draft staff analysis on this proposal for Regional Council review, the Alaska Board of Game took action on a similar proposal from Goodnews Bay. The Alaska Board of Game established a moose season in the Goodnews River Drainage, and south to the Unit 18 boundary, with an Aug. 25 – Sept. 20 season for 1 antlered bull by registration permit with a quota up to 10 antlered moose. The permits will be issued in Goodnews Bay.

After discussion with the Togiak NWR manager and considering the actions taken by the Alaska Board of Game, the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council recommended that the proposed hunt area be limited to the Goodnews River Drainage and south to the Unit 18 boundary and that the season dates be Aug. 25 – Sept. 20 rather than a "to be announced" season. The Council also recommended that a State registration permit be used, although this latter point is based on an incorrect understanding that a Federal permit had been requested in the original proposal.

Effects of the proposal

The proposed regulation would split the existing area closed to moose hunting into a portion which would remain closed (Unit 18 — Kanektok and Arolik River drainages, including North and South Mouth Arolik River) and a portion which would be subject to the proposed harvest regulations (Unit 18 — south of the Kanektok and Arolik River drainages, including North and South Mouth Arolik River). Including the North and South Mouth of the Arolik River in the description confuses more than clarifies the regulatory language.

Adoption of the proposed regulations would allow the Togiak NWR Manager to determine and announce the season dates of a Federal moose season for the affected area without having to request a special action by the Board. The proposed regulations would require the Refuge Manager to make the determination after consultation with the ADF&G and local users. Adoption of the proposal would create a Federal open season requiring a State registration permit. If Federal eligibility were limited and closure to other users remained in place through an 804 analysis, a Federal registration permit would be required. Providing a date range in regulation within which the Refuge Manager may open a season would provide constraint on the timing of such a season, and public awareness as to potential timing of the opportunity. Also, consultation with the Regional Advisory Council Chair is a more appropriate regulatory formulation than consultation with "local users."

If, based upon a Section 804 analysis, hunting opportunity is restricted to those subsistence users most dependent upon the resource, then Federal public lands would remain closed to non-Federally qualified users and those with a positive customary and traditional use determination but not determined to be the most dependent. Adoption of this proposal with such a modification would limit hunting opportunity as described above. In this case, adverse impacts to the affected moose population and qualified users are not anticipated.

If it is determined that a Section 804 restriction is not necessary, then hunting opportunity will be open to subsistence users with a customary and traditional use determination to harvest moose in Unit 18 remainder. Further, the closure of Federal public lands in this area to non-Federally qualified users may be lifted. In either case, this would result in these lands being open to hunting moose for the first time since the inception of the Federal Subsistence Management Program. This may result in adverse impacts to the affected moose population as well as to Federally qualified subsistence users, although what the impacts may be, and the extent to which they may occur, is unknown.

OSM CONCLUSION

Support Proposal WP08-34 **with modification** to lift the closure of Federal public lands only in the Goodnews River Drainage and south to the Unit 18 boundary, to establish an Aug 25 – Sept 20 season, to restrict the hunt to antlered bull, and to specify that harvest quotas and any needed closures are to be announced by the Togiak National Wildlife Refuge Manager in consultation with BLM, ADF&G and the Chair of the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council.

The modified regulation should read:

Unit 18 — Kanektok and Arolik River drainages. Federal public lands are closed to the hunting of moose by all users.	***No Federal open season***
Unit 18 — ***Goodnews River Drainage, and south to the Unit 18 boundary*** ~~*south of the Kanektok River drainage. Federal public lands are closed to the taking of moose by all users.*~~ ***— 1 antlered bull by State registration permit. Harvest quotas and any needed closures will be announced by the Togiak National Wildlife Refuge Manager after consultation with BLM, ADF&G and the Chair of the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council.***	***Aug. 25–Sept. 20***

Justification

Adoption of this proposal as modified would provide Federally qualified subsistence users an opportunity to harvest a small number of moose in the Goodnews Bay drainage and south to the Unit 18 border. The establishment of a set season of Aug. 25 – Sept. 20 aligns with the newly established State season. Limiting the harvest to 1 antlered bull focuses the legal harvest on adult bulls and thereby precludes the legal harvest of a calf bull, which could pose a conservation concern to this growing population. Adding the language allowing the harvest quota and any needed closures to be announced by the land manager in consultation with BLM, ADF&G and the Chair of the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council allows the managers regulatory flexibility to change the allowable harvest as the

population of moose changes in the area and to close the hunt based on conservation concerns or once the quota has been met

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-34

The Interagency Staff Committee (ISC) found the staff analysis for Proposal WP 08-34 to be a complete evaluation of the proposal and that it provides a sufficient factual basis for the Regional Council recommendation and Federal Subsistence Board action on the proposal.

The ISC does suggest that the Board consider authorizing the Togiak NWR manager to close the season on Federal public lands in consultation with the ADF&G and the chair of the Yukon-Kuskokwim Regional Advisory Council. The reason for that authority would be to match ADF&G emergency order closure authority.

Comments WP08-34
April 10, 2008, Page 1 of 2

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP08-34: Reopen a portion of Unit 18 south of and including the Kanektok River drainage to moose hunting by federal registration permit beginning in fall 2009.

Introduction: For the past 10 years, moose populations have expanded into the southwestern part of Unit 18, where moose hunting has been restricted by agreement and design to allow colonization and population growth. The Togiak National Wildlife Refuge, Department of Fish and Game, village councils of Goodnews Bay and Platinum, and Goodnews River Drainage Moose Advisory Committee collaborated on instituting a moose moratorium in 2005. These organizations agreed to support reopening of the hunting season after 100 or more moose are counted during winter surveys in the area.

Impact on Subsistence Users: The hunting moratorium has corresponded with a steady growth of the moose population in the Goodnews Bay area for the past five years. Support for the moratorium by residents of Goodnews Bay has been essential to its success.

Opportunity Provided by State: At its November 2005 meeting, the Alaska Board of Game closed the state season in this area, stipulating that the season remain closed for 3 years or until 100 moose are counted in the area. The City of Goodnews Bay submitted a petition for emergency action to the Board of Game in September 2007, which requested that a 7 to 10 day hunting season be opened in the area of Unit 18 near the community. The Board of Game did not open the season because it would have been inconsistent with the agreement made at an October 2005 meeting involving Goodnews Bay residents, Department of Fish and Game, and Fish and Wildlife Service to not reopen the season in this area until 100 or more moose are counted in winter surveys. Department surveys conducted in 2006 and 2007 counted approximately 55-60 moose in the Goodnews River drainage. The Fish and Wildlife Service counted 81 moose in a December 2007 survey and approximately 115 moose in a February 2008 survey.

Conservation Issues: When moose hunting is reauthorized in this area, a harvest allocation must be instituted to reduce the potential for overharvest that would limit herd growth in order to assure improved moose hunting opportunity in future years. Based on herd composition data, a harvest allocation of no more than 5-10 moose is anticipated if a season is opened in 2008.

Enforcement Issues: Establishing only a federal season could increase the potential for enforcement problems due to the mixed land ownership patterns in the area. If only a federal season is established, hunters would have to travel about 10 miles to reach the federal public lands nearest to Goodnews Bay village, and hunters would have to ensure they do not hunt on state or private lands.

Other Comments: Potential confusion in the proposed regulation has been addressed in the staff analysis by indicating that it involves the area south of the Kanektok and Arolik river drainages. This area more closely corresponds to the area that is currently closed in state regulation.

Recommendation: Oppose original proposal. At the March 2008 meeting, the Alaska Board of Game addressed a request from Goodnews Bay and reopened the moose season in Unit 18, the Goodnews Bay drainage south to the unit boundary. The August 25 – September 20 season will have a harvest limit of one antlered bull by registration permit only, and permits will only be issued in Goodnews Bay. Up to 10 antlered bulls may be taken.

If Proposal WP08-34 is adopted as modified in the Office of Subsistence Management Conclusion and by the Yukon-Kuskokwim Delta Regional Council, the federal hunt would be administered by state registration permit and occur in the same area defined in state regulation. Federal lands also will be open to non-federally qualified subsistence users, but federal lands will remain closed to non-federally qualified subsistence users if no action is taken on this modified proposal. The Yukon-Kuskokwim Delta Regional Advisory Council developed its position with the intent to create a federal hunt modeled after the moose hunt in Unit 17A.

WRITTEN PUBLIC COMMENTS

Support. We are writing in support of Proposal WP08-34 submitted by Togiak National Wildlife Refuge to open Goodnews River Drainage for 2008 moose fall hunt.

When the community of Goodnews Bay agreed to the Moratorium (officially signed) of not hunting moose in 2005 we agreed not to hunt moose for three (3) years until either of two happens, three (3) years or until one hundred (100) moose are counted within Goodnews River Drainage.

The community of Goodnews Bay stopped hunting in 2004 but there was some misunderstanding of when the three year moratorium started but we sat down and worked with Togiak National Wildlife Refuge (TNWR) Service Officials and cleared that up.

Sometime in week February 10, the personnel from the TNWR did a moose count survey within Goodnews River Drainage area and counted over one hundred moose, about 113.

The community of Goodnews Bay honored and abided to the Moratorium for four long years. Now it is time for the regulators to do their part and that it is to honor the agreement that was signed and accommodate the wish(es) of the community. Proposal WP08-34 would grant that and by passing this proposal the regulators would abide to their end of the bargain. We did our part and our hope is for regulators to do their part.

We know for sure that the population of the moose would continue to grow and by the time the fall 2008 comes around there may be even more. With continued rising price of oil and gas it is very hard for the community hunters to go far (i.e. Togiak or Kuskokwim area) to hunt.

We, the community of Goodnews Bay through this letter of support to the Proposal WP08-34, hereby request that the Federal Subsistence Board pass this proposal to accommodate the agreement that was signed and open the Goodnews River Drainage to 2008 fall moose hunt. *Submitted by the Native Village of Goodnews Bay*

WP08-36/37/38 Executive Summary	
General Description	**Proposal WP08-36** requests opening a Federal subsistence moose hunting season in the Unalakleet River drainage in central Unit 22A from August 1–September 30 with a one bull limit. *Submitted by the Native Village of Unalakleet* **Proposal WP08-37** also requests opening a Federal subsistence moose hunting season in the Unalakleet River drainage in central Unit 22A from August 1–September 30 with a one bull limit by Federal registration permit. The proposal contains a provision whereby the local Bureau of Land Management (BLM) manager would issue up to 20 Federal permits annually in coordination with the Alaska Department of Fish and Game. *Submitted by the Seward Peninsula Regional Advisory Council* **Proposal WP08-38** requests a Federal registration permit be issued to the Native Village of Unalakleet for five bull moose to be harvested in central Unit 22A by designated hunters selected by the Native Village of Unalakleet Council and a harvest season from August 1 through September 15. *Submitted by the Native Village of Unalakleet*
Proposed Regulation	*See the analysis for the proposed regulatory language.*
Seward Peninsula Regional Council Recommendation	**Support** Proposals WP08-36 and WP08-37 **with modification** to establish an Aug. 15–Sept. 14 season; to lift the closure only for residents of Unalakleet; to delegate authority to open and close the season to the BLM; and to not specify the number of permits to be issued. **Oppose** Proposal WP08-38.
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Oppose** Proposals WP08-38/37/38.
Written Public Comments	**None**

REGIONAL ADVISORY COUNCIL RECOMMENDATION

SEWARD PENINSULA SUBSISTENCE REGIONAL ADVISORY COUNCIL

WP08-36 and WP08-37

Support Proposals WP08-36 and WP08-37 **with modification** to establish an Aug. 15–Sept. 14 season; to lift the closure only for residents of Unalakleet; to delegate authority to open and close the season to the BLM; and to be less specific about the number of permits to be issued.

The modified regulation should read:

Unit 22A — that portion in the Unalakleet drainage and all drainages flowing into Norton Sound north of the Golsovia River drainage and south of the Tagoomenik and Shaktoolik River drainages — Federal public lands are closed to the taking of moose ***except by residents of Unalakleet hunting under these regulations. 1 bull by Federal registration permit, administered by the BLM Anchorage Field Office with the authority to open and close the season in consultation with ADF&G.***	~~*No Federal open season*~~ ***Aug. 15–Sept. 14***

The proposed season would allow the residents of Unalakleet to hunt moose in conjunction with fall fishing, as is their traditional practice. Unalakleet residents hunt mostly on Federal lands and they know where those lands are since they have hunted in Unalakleet their whole lives. Limiting the hunt to only Unalakleet residents is consistent with local hunting patterns. Having an August 15–September 14 season will allow enough time to harvest the limit. The BLM Anchorage Field Office in cooperation with ADF&G would administer the moose season. The number of permits to be issued would be determined by estimating a target harvest rate of 4% based on the most recent population survey on all State, private and Federal public lands within the Unalakleet River drainage and its tributaries.

WP08-38

Oppose Proposal WP08-38. The designated hunter proposal (WP08-38) was not supported because the issue was taken care of in the Council's recommendation on Proposals 36 and 37.

STAFF ANALYSIS
WP08-36/37/38

ISSUES

Proposal WP08-36, submitted by the Native Village of Unalakleet, requests opening a Federal subsistence moose hunting season in the Unalakleet River drainage in central Unit 22A from August 1–September 30 with a one bull limit.

Proposal WP08-37, submitted by the Seward Peninsula Regional Advisory Council, also requests opening a Federal subsistence moose hunting season in the Unalakleet River drainage in central Unit 22A from August 1–September 30 with a one bull limit by Federal registration permit. The proposal contains a provision whereby the local Bureau of Land Management (BLM) manager would issue up to 20 Federal permits annually in coordination with the Alaska Department of Fish and Game (ADF&G).

Proposal WP08-38, submitted by the Native Village of Unalakleet, requests that a Federal registration permit be issued to the Native Village of Unalakleet for five bull moose to be harvested in Unit 22A by designated hunters selected by the Native Village of Unalakleet Council and a harvest season from August 1 through September 15.

DISCUSSION

The proponent for WP08-36 states that an aerial survey conducted by ADF&G in the spring of 2006, following a three-year moratorium on hunting, showed a significant increase in moose numbers in central Unit 22A.

The proponent for WP08-37 states that subsistence users will benefit by re-opening the moose season in the Unalakleet River drainage because it will give local residents an opportunity to harvest moose closer to home. The proponent also states that the anticipated impact on the moose population will be negligible because the harvest will be limited to 20 bulls.

The proponent for Proposal WP08-38 states that the moose will be distributed only to the elders of Unalakleet, thereby allowing for traditional sharing of the harvest.

The possibility of re-opening of the State moose hunting season in central Unit 22A, after the three-year moratorium, was part of the original plan agreed upon by ADF&G and the Village of Unalakleet. Because of an increase in moose numbers, the Southern Norton Sound Fish and Game Advisory Committee submitted a proposal to the Alaska Board of Game asking for a September 1–14 moose season with a limited number of registration permits and a one bull harvest limit. The Alaska Board of Game voted to re-open central Unit 22A to moose hunting at its meeting in Bethel in November 2007, and anticipated a harvest of five bulls in 2008 for the area.

Existing Federal Regulation

Unit 22A—Moose

Unit 22A — that portion in the Unalakleet drainage and all drainages flowing into Norton Sound north of the Golsovia River drainage and south of the Tagoomenik and Shaktoolik river drainages — Federal public lands are closed to the taking of moose.	*No Federal open season*

Proposed Federal Regulation

Proposal WP08-36

Unit 22A—Moose

Unit 22A — that portion in the Unalakleet drainage and all drainages flowing into Norton Sound north of the Golsovia River drainage and south of the Tagoomenik and Shaktoolik river drainages — Federal public lands are closed to the taking of moose 1 bull.	*~~No Federal open season~~* ***Aug. 1–Sept. 30***

Proposal WP08-37

Unit 22A—Moose

Unit 22A — that portion in the Unalakleet drainage and all drainages flowing into Norton Sound north of the Golsovia River drainage and south of the Tagoomenik and Shaktoolik river drainages — Federal public lands are closed to the taking of moose. 1 bull by Federal registration permit. Up to 20 permits to be given out by the local land manager (BLM).	*~~No Federal open season~~* ***Aug. 1–Sept. 30***

Proposal WP08-38

Unit 22A—Special Provisions

A Federal registration permit will be issued to the Native Village of Unalakleet for 5 bulls to be harvested by designated hunters selected by the Native Village of Unalakleet Council.	***Aug. 1–Sept. 15***

Relevant Federal Regulations

General Provisions—Designated Hunter

(e) Hunting by designated harvest permit. In Units 1–8, 9D, 10–16, and 18–26, if you are a Federally qualified subsistence user (recipient), you may designate another Federally qualified subsistence user to take deer, moose and caribou on your behalf unless you are a member of a community operating under a community harvest system or unless unit-specific regulations in Section ___.26 preclude or modify the use of the designated hunter system or allow the harvest of

additional species by a designated hunter. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients, but may have no more than two harvest limits in his/her possession at any one time, unless otherwise specified in unit-specific regulations in §___.26.

Existing State Regulation

Unit 22A—Moose

Unit 22A — that portion in the Unalakleet drainage and all drainages flowing into Norton Sound north of the Golsovia River drainage and south of the Tagoomenik and Shaktoolik river drainages.	*No open season*

State Regulation Effective July 1, 2008

Unit 22A—Moose

Unit 22A — that portion in the Unalakleet drainage and all drainages flowing into Norton Sound north of the Golsovia River drainage and south of the Tagoomenik and Shaktoolik river drainages, 1 bull by registration permit.	*~~No open season~~* ***Sept. 1–Sept. 14***

Extent of Federal Public Lands

Federal public lands comprise approximately 59.7% of Unit 22A, of which 50.6% is administered by the BLM and 9.1% is administered by the U.S. Fish and Wildlife Service (see **Map 1).**

Customary and Traditional Use Determination

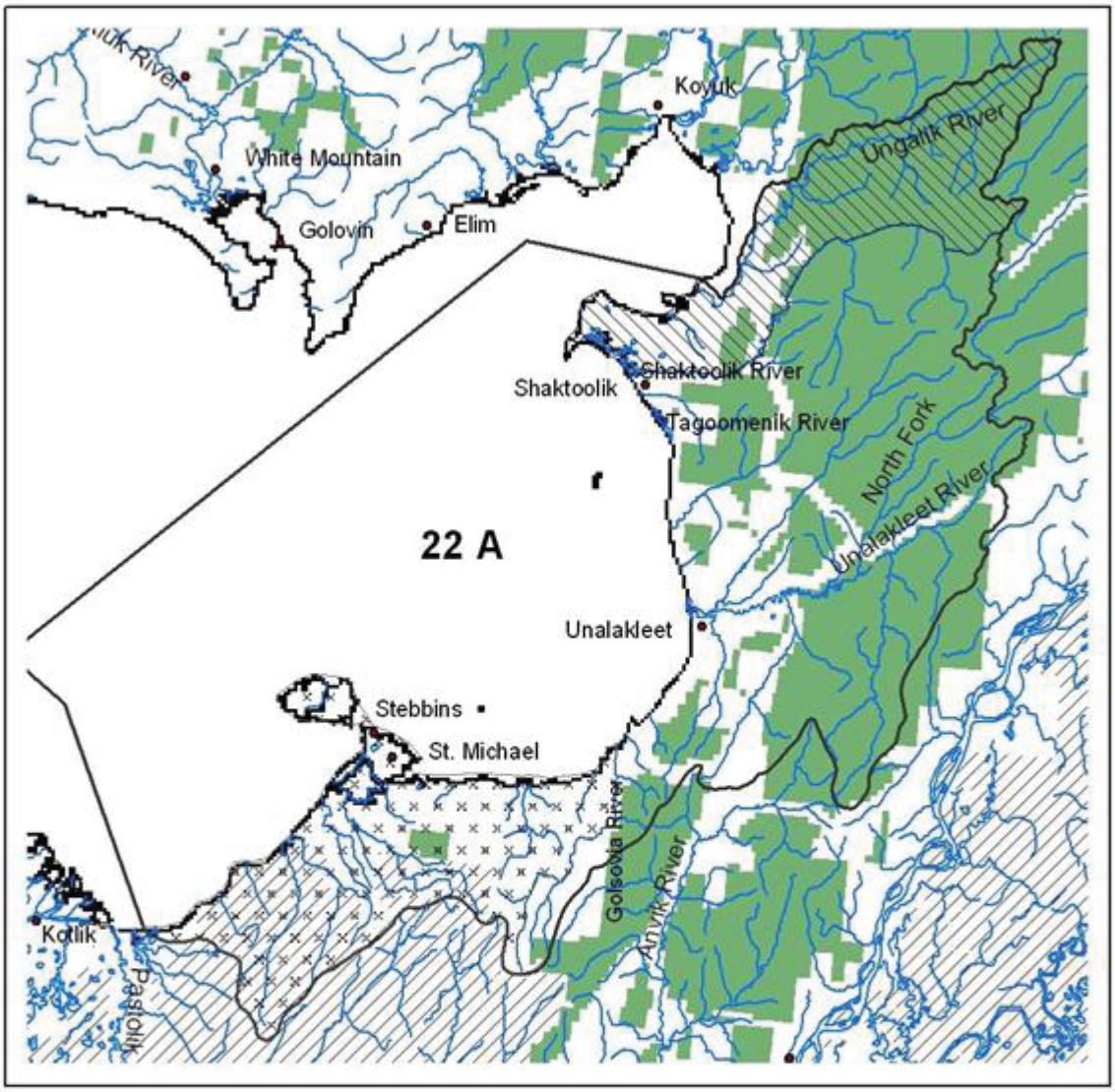
All residents of Unit 22 have a positive customary and traditional use determination for moose in Unit 22A.

Regulatory History

In 1995, the Federal Subsistence Board (Board) adopted a modified proposal that lengthened the Federal subsistence moose hunting season in Unit 22A, but restricted a portion of the season to Unit 22A residents only. The intention was to give subsistence users who were still out fishing in September a chance to hunt for moose later in the fall after fishing was completed (FSB 1995*a*). Based on a request for reconsideration (RFR) filed by the State, the season extension was repealed by the Board in September 1995 prior to it going into affect (FSB 1995*b*). During the 1996 proposal cycle, the issue of the season extension was raised again along with the question of closing all Federal public lands to all but Federally qualified subsistence users. The Board determined in 1996 that the population and harvest information did not support either extending the moose season or closing Federal public lands to all but Federally qualified users (FSB 1996). In May 1998, the Board adopted WP98-86 with a modification to change the moose harvest limit from one antlered bull to one bull during both the fall (August 1–September 30) and winter (December 1–January 31) seasons.

In November 2003, the Alaska Board of Game made a number of changes to the State regulations in Unit 22A, which included revising the descriptions of the hunt areas, as well as changing the harvest

Map 1: Unit 22A



BLM Administered Lands
FWS Administered Lands
Unit 22 A
Hunt Areas
Shaktoolik Area
Unalakleet Area
Remainder 22A

Miles
0 5 10 20 30 40

limit and season dates. In the Unalakleet River drainage, the State nonresident season was closed; the fall resident season was shortened by three weeks to August 15–September 25; and the winter season was closed entirely. In November 2003, the State issued Emergency Order 05-05-03, shortening the fall moose season by an additional five days to August 1–September 25. The resident winter season was also shortened one month to December 1–December 31. In addition, the State harvest limit was changed from one bull to one antlered bull in a portion of Unit 22A north and south of the Golsovia River drainage. In December 2003, Federal subsistence regulations were aligned with the State regulations, by the Federal Board adopting Special Action WSA03-14, which shortened the fall Federal subsistence moose season by five days, closing on September 25.

Unalakleet residents have been concerned about declining moose numbers and poor hunting in their area for some time. At a June 2005 Southern Norton Sound Fish and Game Advisory Committee (Advisory Committee) meeting, ADF&G staff, Advisory Committee members, and Unalakleet residents discussed options for reducing hunting pressure and protecting the declining moose population. The Advisory Committee developed a Board of Game proposal asking for a four-year moratorium on moose hunting in central Unit 22A, and then asked both ADF&G and Federal managers to issue Emergency Orders and Special Actions, respectively, to close the fall 2005 moose season. The State issued Emergency Order 05-04-05, temporarily closing the moose season in the central portion of Unit 22A.

In July 2005, a BLM biologist consulted with a Seward Peninsula Subsistence Regional Advisory Council (Council) member from Unalakleet and others regarding the moose hunting moratorium. The BLM subsistence biologist reported wide, although not unanimous, support for the moratorium. The Council member from Unalakleet suggested that the closure be reviewed in two years, in case the moose population showed more rapid recovery than expected, rather than having to wait four years before being able to reconsider whether or not the closure was still warranted (Brelsford 2005, pers. comm.). The Council Chair also participated in discussions concerning the proposed moose hunting closure in Unit 22A, beginning when the Advisory Committee took action, as well as during subsequent consultations in Unalakleet. The Chair recognized that a conservative biological approach to management in the area was needed and supported adoption of Special Action WSA05-03 (Cross 2005, per. comm.).

The Council addressed the Unalakleet moose situation again at its October 13, 2005 meeting. Testimony was given that the moose population had decreased significantly and that something drastic needed to be done to aid the moose population in the area. The Council voted unanimously to submit a proposal to place Special Action WSA05-03 closure language into permanent regulation. However, the Council also stated that if the moose population were to recover to a point where harvest could again occur, the issue should be revisited. The Alaska Board of Game closed the fall resident moose season in the central portion of Unit 22A at its November 2005 meeting.

Then, on November 16, 2005, the State issued Emergency Order 05-08-05, which immediately shifted the resident winter moose season in Unit 22A remainder from December 1–December 31 to January 1–January 31. The Federal Board made similar temporary changes in the Federal subsistence regulations by implementing Special Action WSA05-12/13 for Unit 22A remainder. The State regulation change became permanent on July 1, 2006, after the Board of Game adopted Proposal 6 at its November 2005 meeting. The Federal Subsistence Board again aligned Federal regulations with the Alaska Board of Game regulations and adopted WP06-38 in May 2006, shifting the winter Federal subsistence moose season in Unit 22A remainder from December 1–December 31 to January 1–January 31. In addition, the Federal Subsistence Board closed both the fall and winter subsistence seasons on Federal public lands in Unit 22A by adopting WP06-39.

At its November 2007 meeting, the Alaska Board of Game considered two regulatory proposals to reopen moose hunting in central Unit 22A. Proposal 18, submitted by Kathy Johnson, President of the Native Village of Unalakleet, requested that the resident season for moose hunting be reopened. Proposal 19, submitted by the Southern Norton Sound Advisory Committee, requested a September 1–14 moose season using limited registration permits. ADF&G recommended that Proposal 19 be adopted, noting that it anticipates "...a harvest of approximately five bull moose per year in the near term" and that it would "...work with user groups to provide registration permit hunt conditions that ensure reasonable opportunity for resident hunters while avoiding over-harvest" (ADF&G 2007*b*). The Alaska Board of Game established a September 1–14 moose season for one antlered bull by registration permit for Unit 22A in the Unalakleet River drainage and all drainages flowing into Norton Sound north of Golsovia River drainage and south of the Tagoomenik and Shaktoolik River drainages. The State regulations are to take affect beginning July 1, 2008. The Board of Game took no action on Proposal 18 based on its action on Proposal 19.

Biological Background

ADF&G's population management objective for Unit 22A is 600–800 moose with a post–hunting season bull:cow ratio of 30 bulls:100 cows (Persons 2004). Normally, aerial moose surveys are conducted by ADF&G on a rotational basis with the objective of surveying one of the five subunits in Unit 22 every fall/winter. Beginning in approximately 1989, the moose population began a precipitous decline in Unit 22A. Increased survey efforts began in 2003, with additional aerial surveys in 2005 and 2006. During the most recent survey in 2006 (**Table 1**), 164 moose were counted along the main stem of the Unalakleet River, Old Woman, Ten Mile, Chiroskey, South, Golsovia, Egavik, and North Rivers, including the coastal drainages. The recruitment rate estimated from the 2006 survey was 20 calves:100 adults (Gorn 2007, pers. comm.).

Table 1. Unit 22A moose recruitment surveys in the Unalakleet River drainage (Gorn 2007, Pearsons 2004).

Year	Size of Survey Area	Adults	Calves	Total Moose	Calves: 100 adults	Percent Calves	Estimated Density
1989	1124 mi^2	273	52	325	19	16	0.29 mi^2
2003	2000 mi^2	64	11	75	15	15	0.05 mi^2
2005	2400 mi^2	112	10	123	9	8	0.05 mi^2
2006	2400 mi^2	137	27	164	20	16	0.05 mi^2
Total	—	586	100	687	—	—	—
Average	1981 mi^2	147	25	172	17	15	0.12 mi^2

During the March 2005 survey, ADF&G and BLM biologists estimated 123 moose ± 33.8% (81–164 moose) at 90% C.I. in a 2400 mi^2 survey area between the Golsovia and Tagoomenik river drainages, including the Unalakleet River drainage (Gorn 2007, pers. comm.). The low 2005 density estimate of 0.05 moose per mi^2 was similar to the 2003 survey results. The recruitment rate of 9 yearlings per 100 adults in 2005 suggested that few moose were surviving to reproductive age.

Prior to the hunting closure in the Unalakleet River drainage in March 2003, ADF&G and BLM completed a survey using a spatial census technique. The moose population from this survey was

estimated at 75 animals; the calf:adult ratio was 15 calves:100 adults (Gorn 2007, pers. comm.). The increase in moose numbers from 2003 to 2005 was a result of expanding the survey area by 400 mi^2 to include the Egavik River drainage, as well as several small coastal drainages that flow into Norton Sound, but the density of moose remained unchanged.

Although there are no estimates of moose numbers for the entire Unalakleet River drainage prior to 2003 with which to compare, the population decline likely took place since 1989, when an estimated 325 moose ± 42.6% (187–464 moose) at 90% C.I. were counted in a portion of the 2005 survey area (Gorn 2007, pers. comm.). During the four years that moose surveys were completed in Unit 22A, the population averaged 17 calves:100 adults; 15% calves; and 0.12 moose per mi^2 (**Table 1)**

Harvest History

The ADF&G harvest ticket database for Unit 22A provides a reasonably accurate summary of harvest by nonresident and non-local Alaskans, but local harvest is thought to be underreported (Persons 2003, Pers. comm.). In addition, the ADF&G Community Profile Database has limited information on moose harvests in Unit 22A. For example, only one year of data is available for the Village of Stebbins (ADF&G 2001). The most complete moose harvest data available for Unit 22A comes from the large mammal harvest surveys conducted by ADF&G and Kawerak in Shaktoolik in 1999, 2000 and 2003; in Unalakleet in 2002 and 2004; in Stebbins in 2002; and in St. Michael in 2003.

From 1997 through 2006, an average of 20 moose per year were reported taken in Unit 22A via ADF&G moose harvest tickets (ADF&G 2007*a*) (**Table 2**). Residents of Unalakleet harvested nearly half of the moose taken in Unit 22A on an annual basis during this time period. From 1983–2004, residents of Unalakleet had an overall harvest success rate of 24%, taking 271 moose (out of 1117 permits) in Uniform Coding Units (UCUs) 0301–0307 (Table 3) (ADF&G 2004). During this 21-year time period, Unalakleet residents were responsible for approximately 87% of the reported harvest in UCUs 0301–0307.

Most moose harvest in the northern portion of Unit 22A is by residents of the Village of Shaktoolik. In 1999, Shaktoolik residents reported taking two moose (ADF&G 2007*a)*. However, village harvest surveys found that 19 moose were harvested in Shaktoolik that year (ADF&G 2001). In 2000, no harvests were recorded in the ADF&G permit database reports, but the village harvest surveys reported that 14 moose were taken. In 2003, Shaktoolik residents also reported harvesting two moose, but the village harvest survey recorded a harvest of 10 moose. Most of the Shaktoolik harvest occurs in August. Before 1999, there was almost no nonresident harvest in this area.

In the central portion of Unit 22A, residents of Unalakleet reported that 13 moose were harvested in 2002 (ADF&G 2007*a*), while a village harvest survey in Unalakleet found that an additional 15 moose were taken but not reported (Persons 2003, pers. comm.). In 2004, four moose were reported on harvest tickets. Three additional moose were reported taken from central Unit 22A during the village harvest survey. The village harvest survey found that 81% of the harvest took place in September, which is thought to be typical (Persons 2003, pers. comm.). Most moose hunting in the Unalakleet River drainage by residents of Unalakleet occurs upstream of where the Chiroskey River enters the Unalakleet, and is on Federal public lands (Ivanoff, 2007 pers. comm.) (see **Map 2**).

The southern portion of Unit 22A includes harvests by residents of St. Michael and Stebbins, but much of the moose harvest is not reported on harvest tickets from these areas either. In 2002, four moose were reported harvested by residents of Stebbins (ADF&G 2007*a*), but an additional 16 moose were reported in a Stebbins village harvest survey (Persons 2003, pers. comm.). In 2003, an additional three moose were harvested by residents of St. Michael. Since 2000, 62% of the known harvest by residents of Stebbins

Table 2, Unit 22A moose harvest reported on moose harvest tickets, 1997–2006 (ADF&G 2007*a*).

Residence	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Unalakleet	13	8	22	11	8	13	6	4		2
St. Michael	2	3	6	1	2	3	2	2	2	3
Shaktoolik	2	1	2		2		2			
Stebbins			1	1	1	4	3		5	
Russian Mission			1							
Kotlik		1	1							
Kaltag		1	1		1				1	
Mountain Village								1		
Koyuk										1
Alaknak										1
Barrow						1				
Fairbanks		1				1	1			
Anchorage	2	1	1		1	1	1		2	
Eagle River								1		
Soldotna									1	
Non-residents	2	1	9	5	5	4	4	3	2	5
Totals	21	17	44	18	20	27	19	11	13	12

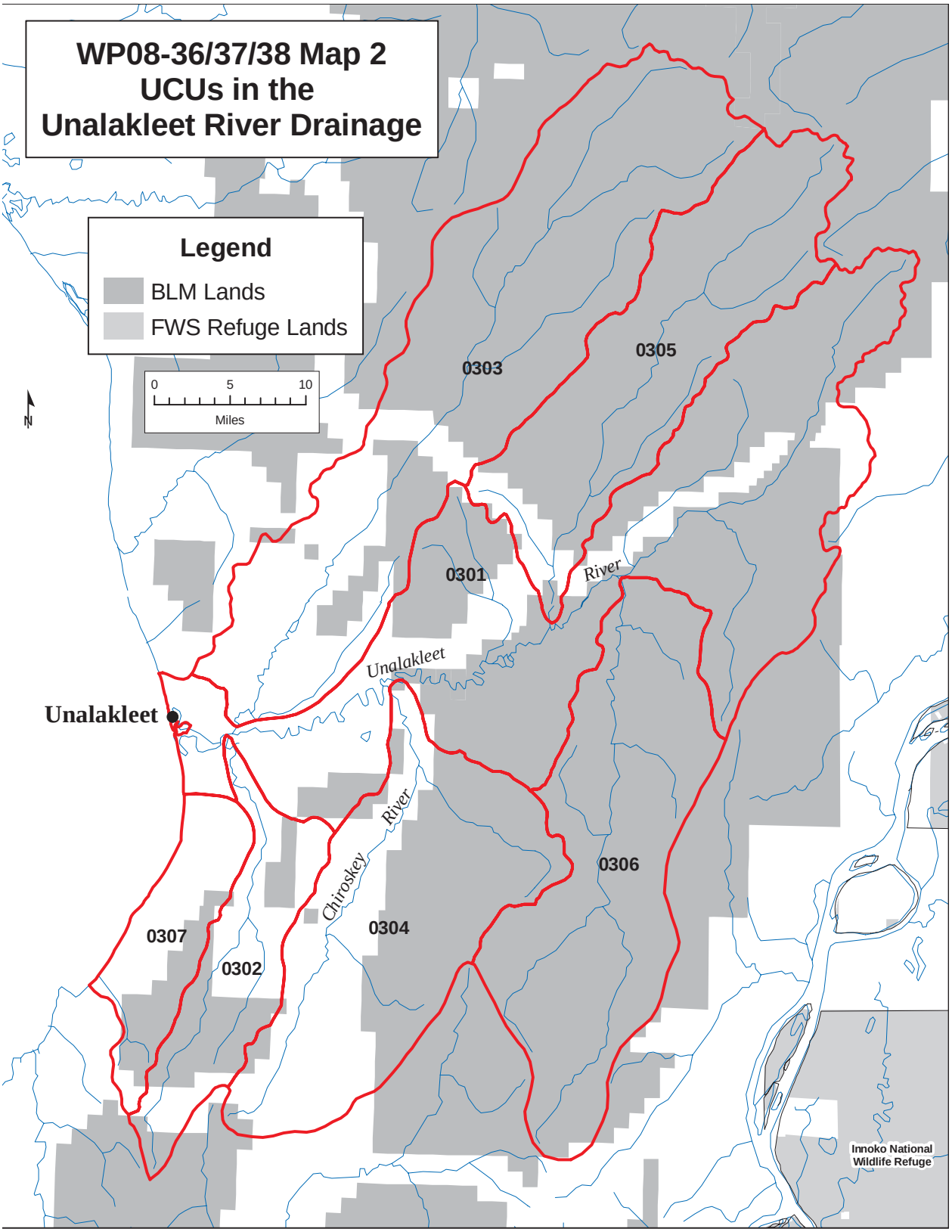
and St. Michael has occurred in December or January. The preferred time to hunt is during the winter because moose habitat is difficult to access before freeze up. Harvest during the fall season is very low. In summary, the actual harvest by Federally qualified rural residents in Unit 22A appears to be more than double what is reported on harvest tickets. Most of the nonresident harvest has occurred in the Golsovia River drainage, where apparently few moose are harvested by Unit 22A residents.

Current Events Involving Species

As noted, the Alaska Board of Game adopted Proposal 19 at its November 2007 meeting, thereby opening a September 1–14 resident registration hunting season for antlered bull moose in Unit 22A in the Unalakleet River drainage and all drainages flowing into Norton Sound north of the Golsovia River drainage and south of the Tagoomenik and Shaktoolik River drainages (ADF&G 2007*b*). In Proposal 19, the Southern Norton Sound Fish and Game Advisory Committee proposed that ADF&G distribute up to 20 antlered moose permits, depending on the results of the current year's spring survey. A 24-hour reporting period will be required to facilitate careful monitoring of the harvest. During February 2008, ADG&G conducted a moose census in Unit 22A. There were an estimated 339 moose ± 23.5% (259 to 419) at a 90% C.I. The population averaged 21 calves:100 adults; 21% calves; and 0.14 moose per mi^2.

Section 804 Analysis

Section 804 of ANILCA mandates that the taking on public lands of fish and wildlife for nonwasteful subsistence uses shall be accorded priority over the taking on such lands of fish and wildlife for other purposes. Section 804 further requires that whenever it is necessary to restrict the taking of populations of fish and wildlife on such lands for subsistence uses in order to protect the continued viability of


WP08-36/37/38 Map 2
UCUs in the
Unalakleet River Drainage
Legend
BLM Lands
FWS Refuge Lands
0 5 10
Miles
N
0303
0305
0301
River
Unalakleet
Unalakleet
River
Chiroskey
0306
0304
0307
0302
Innoko National
Wildlife Refuge

such populations, or to continue such uses, such a priority shall be implemented through appropriate limitations based on the application of three criteria, including customary and direct dependence upon the populations as the mainstay of livelihood; local residency; and the availability of alternative resources. A Section 804 analysis was developed for this proposal due to small number of moose available for harvest in the Unalakleet River drainage in Unit 22A and the large number of subsistence users with a customary and traditional use determination to harvest moose in Unit 22A.

As noted, all Unit 22 residents have a customary and traditional use determination to harvest moose in Unit 22A, including the Unalakleet River drainage. The communities in Unit 22 are: Shishmaref, Wales, Little Diomede, Gambell, Savoonga, Brevig Mission, Teller, Mary's Igloo, King Island, Nome, Solomon, Council, White Mountain, Golovin, Elim, Koyuk, Shaktoolik, Unalakleet, Saint Michael and Stebbins. Of these communities, only Unalakleet, Saint Michael, Stebbins, and Shaktoolik are in Unit 22A.

The following paragraphs address the three criteria as they relate to each of the communities having a customary and traditional use determination for moose in Unit 22A.

1. Customary and Direct Dependence upon the Populations as a Mainstay of Livelihood

Communities Using the Unalakleet River Drainage in Unit 22A: Published subsistence studies of the communities that have customary and traditional use of moose in Unit 22 are few, but include, Georgette et al. 2004, Magdanz and Olanna 1986, Olanna Conger and Magdanz 1990, Paige et al. 1996, Sobelman 1985, Thomas 1980*a* and *b*, Thomas 1982, and Wolfe 1981. Other sources of information include the ADF&G Community Profile Database, the ADF&G Harvest Ticket Database, and the Bering Straits Region Community Profiles.

Unit 22 residents generally harvest moose close to their communities. Harvest data from 1983 through 2004 indicate that Unalakleet residents take the majority of the moose in the Unalakleet River drainage (Uniform Coding Units [UCUs] 0301 through 0307) (see **Map 2**). From 1983 to 2004, a total of 313 moose were reported harvested by Alaska residents and nonresidents in the Unalakleet River drainage. Of these 313 moose, 284 were reported harvested by Unit 22A residents. Of the total harvest, 87% (271) of the moose were harvested by Unalakleet residents, 4% (13) by St. Michael, less than 1% (1) by Nome residents, and none by Stebbins and Shaktoolik. The remaining 9% (28) were harvested by non-Unit 22A Alaska residents or non-residents (**Table 3**) (ADF&G 2004).

Other communities have recorded harvests of moose in Unit 22A (Savoonga, Koyuk, Golovin, and Nome), but, with the exception of Nome, none of these communities harvested moose in the Unalakleet River drainage (**Table 4**).

In a study conducted by Georgette et al. (2004), 14% of Unalakleet households harvested moose for a total of 29 animals.

As previously noted in the analysis, there is a tendency for the moose harvest in Unit 22 to be under reported. Conventional ADF&G harvest reporting systems do not always reflect the true level of harvest, but they do provide an idea about the relative participation and where hunting occurs by community.

2. Local Residency — Proximity to the Resource

Unalakleet is the community in closest proximity to the Unalakleet River drainage (see **Unit 22** Map). The next closest communities to the Unalakleet River drainage are Stebbins and St. Michael to the south and Shaktoolik to the north.

Table 3. Total number of moose permits and harvests in the Unalakleet River drainage (UCUs 0301 – 0307) from 1983 – 2004 by residency[1] (ADF&G 2004).

	UCU 0301		UCU 0302		UCU 0303		UCU 0304		UCU 0305		UCU 0306		UCU 0307		TOTAL MOOSE HARVESTED IN UNALAKLEET DRAINAGE	
Community	**Permits/ Hunt**	**Harv.**	**Permits/ Hunt**	**Harv.**	**Permits/ Hunt**	**Harv.**	**Permits/ Hunt**	**Harv.**	**Permits/ Hunt**	**Harv.**	**Permits/ Hunt**	**Harv.**	**Permits/ Hunt**	**Harv.**	**Permits/ Hunt**	**Harv.**
Unalakleet	759	157	32	19	130	48	90	22	67	18	38	6	1	1	1117	271
Stebbins	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0
St. Michael	8	7	8	5	0	0	2	1	1	0	0	0	0	0	19	13
Shaktoolik	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0
Nome	2	0	0	0	0	0	1	1	0	0	0	0	1	0	4	1
Non-Unit 22 resident	43	8	4	1	3	0	7	3	0	0	5	2	0	0	62	14
Non-Resident	26	5	6	4	2	1	3	2	2	0	1	1	1	1	41	14
TOTAL	839	177	50	29	135	49	103	29	71	18	44	9	3	2	1245	313

[1] Data from ADF&G harvest ticket database, which is known to be under-reported in Unit 22 communities. Harvests may be significantly higher.

Table 4. Recorded moose harvests in Unit 22A and the percentage of harvest in the Unalakleet River drainage (ADF&G 2004).

Community	# Permits Hunted	# Harvested	% of total Unit 22A moose harvest	# Harvested in Unalakleet River Drainage	% in Unalakleet River Drainage
Savoonga	1,230	0	0%	0	0%
Koyuk	37	1	< 1%	0	0%
Golovin	100	0	0%	0	0%
Nome	75	4	< 1%	1	< 1%
Non-Unit 22A residents	108	24	5%	14	
Non-Alaska residents	129	59	12%	14	
Unit 22A residents (see Table 5)	1,442	406	82%	284	
TOTAL	1,695	494	100%	313	—

3. Availability of Alternative Resources

All of the communities in Unit 22 are subsistence-based communities. Residents of Unit 22 communities rely on the resources available to them as is typical of rural Alaska. Resources relied upon vary somewhat according to geographic location of the community, but generally include fishes, birds, seals, walruses, beluga whales, caribou, moose, bears, beavers, lynx, martens, otters, wolves, wolverines, foxes, and rabbits. Bowhead and grey whales are available to residents of St. Lawrence Island. Some of the communities also rely on reindeer or muskoxen. With the exception of Nome, seasonal and part-time employment is more common than year-round, permanent jobs in Unit 22 communities.

Nome is the regional center of the Bering Strait/Seward Peninsula region (Bering Straits Community Profiles 2007). In Nome, government services provide the majority of cash employment. Approximately 60 residents hold commercial fishing permits. Retail services, transportation, mining, medical and other businesses provide year-round income. Subsistence activities contribute to the local diet, but do not provide a mainstay for most households as is typical of the remaining Unit 22 communities. At any point in time, roughly 36% of Nome residents are not in the labor force. Others who are employed may not have full time, permanent employment.

The Unit 22 customary and traditional use determination recognizes all residents of Unit 22 as having customary and traditional use of moose. Residents of the unit generally harvest moose closer to home; hunting in other areas generally occurs when visiting relatives. Thus, limiting the Unalakleet River drainage to one or more communities through this Section 804 analysis would not mean that the remaining communities would not be able to harvest moose. Instead, it would mean that these communities would not be able to harvest moose in the Unalakleet River drainage; they could continue to harvest moose closer to their own communities, which is the typical practice.

From 1983 to 2004, Unalakleet residents harvested a few moose (11%) outside of the Unalakleet River drainage, but the majority was in the Unalakleet River drainage (89%) (**Table 5**). Stebbins, St. Michael, and Shaktoolik have alternative areas closer to their communities to harvest moose and, therefore, take the majority of their moose in other parts of Unit 22A instead of the Unalakleet River drainage (**Table 5**).

Table 5. Recorded moose harvests in Unit 22A and the percentage of harvest in the Unalakleet River drainage by Unit 22A communities[a] (ADF&G 2004).

Community	# Permits Hunted	# Harvested	% of total Unit 22A moose harvest	# Harvested in Unalakleet River Drainage	% in Unalakleet River Drainage
Unalakleet	1,230	305	75%	271	89%
Stebbins	37	16	4%	0	43%
St. Michael	100	50	12%	13	26%
Shaktoolik	75	35	9%	0	0%
TOTAL	1,442	406	100%	284	—

[a] Data from ADF&G harvest ticket database, which is known to be under-reported in Unit 22 communities. Harvests may be significantly higher.

Summary of the Section 804 Analysis

The residents of Unalakleet demonstrate the highest dependency on moose harvested in the Unalakleet River drainage and are in the closest proximity to the area. Stebbins and St. Michael also have a history of harvesting moose in the Unalakleet River drainage, but with a much lower dependency than Unalakleet. Stebbins and St. Michael harvest most of their moose in other areas outside of the Unalakleet River drainage, whereas 89% of Unalakleet's recorded moose harvest has been in the Unalakleet River drainage.

Distributing Permits

Proposal WP08-38 requests that one Federal registration permit be issued to the Native Village of Unalakleet for five bull moose to be harvested in Unit 22A by designated hunters selected by the Native Village of Unalakleet Council. Federal Subsistence Management Program regulations have not generally designated tribal councils or IRA councils as having responsibility for issuing permits. Rather, permit distribution has been left up to the land manager. However, land managers have issued permits for memorial potlatches, special celebrations, or cultural/educational events to tribal or IRA councils[1]. Another example of an IRA assisting in the distribution of permits is in Unit 22 for harvesting muskoxen where a limited number of muskoxen permits are available. In the areas where the permits have been distributed by the National Park Service, public meetings have been held in the communities to determine how best to distribute the permits. The community made the decisions—some communities decided that the IRA should assist the NPS in administering permits and some decided to have a drawing in the community. None of this is on the permit or in regulation. In Unit 22B where there are primarily BLM lands, the BLM has chosen to distribute the muskox permits on a first-come, first-served basis (Adkisson 2007, pers. comm.).

1 These include permits for 1) moose issued by the Cordova District Ranger to the Native Village of Eyak for their annual Memorial/Sobriety Day potlatch; 2) moose for the Batzulnetas Culture Camp, hunters designated by the Mt. Sanford Tribal Consortium; 3) moose for the Kaltag/Nulato Stickdance, with permits issued by the Koyukuk/Nowitna National Wildlife Refuge Manager to individuals at the request of the Native Village of Kaltag or Nulato; 4) moose and muskox for the Kingikmuit Dance Festival issued by the Bering Land Bridge National Park Superintendent to individuals at the request of the Native Village of Wales; and 5) moose for the Nuchalawoyya Potlatch, with permits issued by the Koyukuk/Nowitna National Wildlife Refuge Manager to individuals at the request of the Native Village of Tanana.

The BLM is the Federal agency in charge of distributing moose permits in the Unalakleet River drainage. If precedence is followed, the BLM would decide how to distribute the limited permits that might be available. The number of permits would depend on the Board's decision in Proposals WP08-36 and 37.

It should be noted that there is a difference between a designated hunter permit and designating who will get permits. The designated hunter provision, noted earlier in the "Relevant Federal Regulations, General Provisions" section of this analysis, is already allowed in Unit 22 for harvesting moose and caribou. What the proponent is asking for is a little different from a designated hunter permit. The proponent is asking that the Native Village of Unalakleet be allowed to designate who will harvest five bull moose.

Other Alternative Considered

Because of the limited availability of moose to be harvested in central Unit 22A, a Section 804 analysis was developed which found that the community of Unalakleet was the most dependent on and in closest proximity to the resource. As a result, hunting opportunity on Federal public lands would only be available to residents of Unalakleet. One alternative considered maintains the closure of the Federal public lands to everyone except the residents of Unalakleet, and aligns with the new September 1–September 14 State registration permit season, which is open to all Alaskans. This alternative would require the use of a Federal registration permit to be issued by the BLM Field office; establish an annual harvest quota; and be monitored closely to ensure that over-harvest does not occur.

Implementing parallel State and Federal seasons would be less confusing to hunters, and law enforcement problems would likely be less of an issue, especially in an area where landownership patterns are mixed because both State and Federal lands would be open at the same time. However, as noted in the Harvest History, most moose hunting in central Unit 22A takes place above the Chiroskey River (Ivanoff, 2007 pers. comm.), which is all Federal public lands. It would also be easier for BLM to administer the hunt if it only lasted 14 days, as there is no BLM office in Unalakleet.

This alternative appears to be in keeping with the agreements and decisions made during meetings over a three-year period of cooperative planning between the residents of the Village of Unalakleet, ADF&G, the Southern Norton Sound Fish and Game Advisory Committee, and Seward Peninsula Subsistence Regional Advisory Council, which would help promote good relations and enhance trust and cooperation in the future between these entities.

This alternative was not advanced, however, because (1) aligning the Federal subsistence moose season with the new State registration permit season, which is open to all Alaskans, coupled with the points that follow, may not provide for a subsistence priority as required by ANILCA; (2) the results of the section 804 analysis excludes everyone—except for the residents of Unalakleet—from hunting moose in central Unit 22A, including many local residents with a positive customary and traditional use determination for moose in Unit 22A; and (3) the September 1–14 season dates are not responsive to the proponents' request for a longer season.

Current Events—Regional Council Discussion

During the 2008 winter Seward Peninsula Regional Advisory Council meeting, several residents of the Village of Unalakleet recommended—via telephone conference—a change in their preferred season dates from what was originally proposed. Residents recommended changing the moose season dates from August 1–September 30 to August 15–September 14, stating that this time period would allow residents the opportunity to hunt moose and fish for salmon at the same time.

The Council voted to unanimously support the Unalakleet residents' recommendation, giving them the opportunity to hunt in conjunction with fall fishing, as is their traditional practice. They also noted that an August 15–September 14 moose season would give residents of Unalakleet sufficient time to harvest the established quota. In addition, because Unalakleet residents hunt for moose primarily on Federal public lands above the Chiroskey River; have been hunting the area their entire lives; and are very familiar with land ownership patterns, potential law enforcement problems associated with hunting on closed lands would be unlikely.

Effects of the Proposal

Low numbers and poor recruitment resulted in closing the moose hunting in the central portion of Unit 22A in order to allow the population a chance to rebuild. Since 2003, the herd appears to have increased; although it remains at a low level compared to the 1989 survey. Based on cooperative efforts between the Village of Unalakleet, the Southern Norton Sound Fish and Game Advisory Committee, Seward Peninsula Subsistence Regional Advisory Council, and State and Federal land managers, there is now nearly unanimous agreement to re-open the season and allow for a small harvest.

Proposal WP08-36, submitted by the Native Village of Unalakleet, and Proposal WP08-37, submitted by the Seward Peninsula Council, would open the Federal subsistence hunting season in the central portion of Unit 22A, which includes the Unalakleet River drainage and all drainages flowing into Norton Sound north of the Golsovia River and south of the Tagoomenik and Shaktoolik River drainages. The proposed Federal subsistence season would run from August 1–September 30 and have either a one bull harvest limit or a one bull harvest limit by Federal registration permit with up to 20 permits issued.

If Proposals WP08-36 and WP08-37 were adopted, the Federal subsistence moose hunting season would last six and a half weeks longer than the State registration permit season recently approved by the Alaska Board of Game, which ends on September 14. If Proposal WP08-38 were adopted, the Federal season would still be longer than the State season by four weeks, but would end on September 15, one day later than the State season. The different season dates between the new State season and the proposed Federal subsistence seasons might cause some confusion among hunters. From a biological standpoint, a longer season would not affect the moose population in Unit 22A any more than a shorter season—if the target harvest was the same under all scenarios. It would, however, give Federally qualified subsistence users more time to harvest a moose.

Because it is necessary to restrict the taking of moose on Federal public lands in central Unit 22A and prioritize amongst Federally qualified subsistence users through a section 804 analysis, Federal public lands should be closed to the harvest of moose except by residents of Unalakleet.

If Proposal WP08-38 were adopted, it would allow the Native Village of Unalakleet to have control over who receives moose hunting permits. Providing five permits only to the Native Village of Unalakleet would put into regulation the distribution of permits. In the past, the Federal Subsistence Management Program has not regulated how a limited number of permits are distributed in the community, but has left permit distribution up to the discretion of the land manager. However, if Proposal WP08-38 is rejected and Proposals WP08-36 and/or 37 are adopted, the BLM could still choose to work with the Native Village of Unalakleet and community members to assure that: (1) there would still be a moose harvest and season; (2) permit distribution is done in a fair and equitable manner in the community; and (3) close cooperation occurs between ADF&G, the Federal land manager and the Native Village of Unalakleet in order to assure equitable distribution of the permits so that the total harvest on Federal, State, and private lands combined does not exceed the estimated allowable harvest for the Unalakleet River drainage moose population.

OSM CONCLUSION

Support Proposals WP08-36 and WP08-37 **with modification** to open an Aug. 15–Sept. 14 season; to lift the closure only for residents of Unalakleet; to delegate authority to open and close the season to the BLM; and to be less specific about the number of permits to be issues.

The modified regulation should read:

Unit 22A—Moose

Unit 22A — that portion in the Unalakleet drainage and all drainages flowing into Norton Sound north of the Golsovia River drainage and south of the Tagoomenik and Shaktoolik River drainages — Federal public lands are closed to the taking of moose ***except by residents of Unalakleet hunting under these regulations. 1 bull by Federal registration permit, administered by the BLM Anchorage Field Office with the authority to open and close the season in consultation with ADF&G.***	~~*No Federal open season*~~ ***Aug. 15–Sept. 14***

Oppose Proposal WP08-38.

Justification

ANILCA directs that if it is necessary to restrict the taking of populations of fish and wildlife on public lands for subsistence uses, a priority shall be implemented based on the application of three criteria. Such an analysis helps ascertain which subsistence users are most dependent on the resource. Because of the small number of moose available for harvest in central Unit 22A, a Section 804 analysis was developed; it demonstrated that residents of Unalakleet are most dependent on moose in the Unalakleet River drainage. While the communities of Stebbins and St. Michael also have a history of hunting moose in the Unalakleet River drainage, they have other areas where they can hunt moose; therefore Unalakleet was determined to be more dependent on moose from the Unalakleet River drainage. Because it is necessary to restrict the taking of moose on Federal public lands in central Unit 22A and prioritize amongst Federally qualified subsistence users through a section 804 analysis, Federal public lands should be closed to the harvest of moose except by residents of Unalakleet. While it is desirable to simplify and align Federal and State regulations, ANILCA Section 804 requires that a priority be given to Federally qualified subsistence users when a resource is in short supply.

Adopting the proposal with the modifications described above would increase moose hunting opportunities in central Unit 22A for Federally qualified subsistence users, specifically for residents of Unalakleet, allowing them to hunt closer to home; yet not jeopardize the progress made by the increasing moose population as a result of the recent three-year moratorium on hunting. Through careful, joint monitoring of the harvest by the BLM Field Office land manager and local ADF&G wildlife biologist using a mandatory reporting period, the moose population in central Unit 22A should not be adversely affected.

Proposal WP08-38 is opposed because providing five permits to only the Native Village of Unalakleet would put into regulation the distribution of permits. In the past, the Federal Subsistence Management Program has not regulated how a limited number of permits are distributed in the community, but has left

permit administration to the discretion of the land manager. Instead, BLM would work with the Native Village of Unalakleet and community members to assure that permit distribution is done in a fair and equitable manner in the community.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-36/37/38

The Interagency Staff Committee (ISC) found the staff analysis for Proposal WP08-36/37/38 to be a thorough and accurate evaluation of the proposal and that it provides a sufficient factual basis for the Regional Council recommendation and Federal Subsistence Board action on the proposal.

Although the ISC recognizes the strong support of the modified proposal by the Regional Council, we suggest several points be considered by the Board in the deliberation of these proposals.

The Alaska Board of Game established a September 1–14 moose season open only to state residents for one antlered bull by registration permit issued only in Unalakleet. Other areas in Unit 22A have a more liberal State and Federal moose season, so we feel it is unlikely that residents outside of the village of Unalakleet will travel to Unalakleet 30 days prior to the season opener in order to obtain a permit and then return for the actual hunt. If the Federal season opens August 15, it is possible that the quota may be reached before the state season opens, thereby eliminating the State season.

Also, if passed, the proposal would limit the hunt to Federal public lands. Although past moose harvest has occurred predominantly on public lands, there are significant areas of state or private land that are closer to the village that would not be open to moose hunting. However, the Council was aware of this when making its recommendation.

Finally, if the proposal is adopted as recommended by the Regional Council, then Federal public lands would remain closed to the taking of moose except by residents of Unalakleet. We suggest the Board consider whether this action is consistent with the Board's Closure Policy.

Comments on WP08-36, 37, and 38
April 2, 2008, Page 1 of 2

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposals WP08-36, 37, and 38: Reopen a federal subsistence moose hunting season in central Game Management Unit 22A, (that portion in the Unalakleet River drainage and all drainages flowing into Norton Sound north of the Golsovia River and south of the Tagoomenik and Shaktoolik river drainages). Both WP08-36 and WP08-37 request an August 1 – September 30 season for one bull, while WP08-37 requests up to 20 federal registration permits. WP08-38 would authorize a harvest season from August 1 – September 15 for designated hunters selected by the Native Village of Unalakleet Council to take 5 bull moose in Unit 22A under provisions of a federal registration permit issued to the Native Village of Unalakleet.

Introduction: In response to a significant moose population decline attributed to predation, severe winters, and hunting pressure, the Alaska Board of Game closed the moose season in central Unit 22A by Emergency Order (05-04-05) in July 2005. The Federal Subsistence Board took similar action by adopting Special Action WSA05-03 in August 2005. Both boards later adopted proposals to temporarily close the seasons beginning in the 2006-07 regulatory year. The goal was to retain the closed seasons for three years.

Impact on Subsistence Users: Unalakleet residents were observing and harvesting very few moose in the years immediately preceding the closure and supported a moratorium as a necessary step to rebuild the moose population in central Unit 22A. Proposals WP08-36 and WP08-37 request federal seasons and/or harvest limits that are not sustainable and would be detrimental to subsistence users because they would eliminate or significantly delay any chance of this moose population recovering and would likely result in closure of preferred hunting areas that are easily accessible to Unalakleet residents.

Opportunity Provided by State: The moose season was closed in 2005 in the central portion of Unit 22A for conservation purposes. The Department of Fish and Game worked closely with the Southern Norton Sound Advisory Committee and residents of Unalakleet to develop a proposal for consideration at the Board of Game November 2007 meeting that would allow for a limited harvest of moose in this area. The Alaska Board of Game established a September 1-14 season open only to state residents for one antlered bull by registration permit issued only in Unalakleet. A moose census conducted by the Department in the Unalakleet River drainage in February 2008 estimated a population of 339 moose in the 2,400 square mile survey area. Therefore, the season will be closed by emergency order when the harvest quota of 14 bulls is met (a 4% harvest rate). Successful hunters must report their harvest within 24 hours. A closely-managed state registration permit hunt with specific guidelines provides a reasonable way to resume limited hunting in an area where a depleted moose population is showing signs of recovery. Moose hunting by Unalakleet residents occurs primarily in central Unit 22A and most other resident hunters have more accessible and productive alternate places to hunt moose.

Conservation Issues: Limiting the harvest to only 3-4% of the population is essential for sustained yield management and to support continued population recovery in central Unit 22A. The moose population appears to have stabilized, and the percent of calves observed has increased.

Proposal WP08-37 requests a long federal season and a harvest quota of 20 antlered bulls, which would exceed the 4% harvest rate established by the Department and would represent a harvest rate that far exceeds the harvest rate currently applied anywhere in Unit 22.

Enforcement Issues: Differences in federal and state regulations resulting from adoption of any of these proposals or of the proposals as modified by the Seward Peninsula Regional Council and in the Office of Subsistence Management Conclusion will create enforcement problems in areas with mixed land ownership. Federally-qualified subsistence users will not be authorized to harvest on state and private lands that are closer to Unalakleet if any of these proposals or modified proposal is adopted. Therefore, federal enforcement must be a high priority if a federal permit hunt is established.

Other Comments: Federal public lands in the hunt area would be closed to non-federally qualified subsistence users if either of the modified proposals is adopted. While less problematic than any of the actual proposals, these options would still result in an unnecessarily complicated federal hunt. Participants in the state hunt who are federally-qualified subsistence users will be authorized to hunt on either state or federal lands, while hunters who have a federal registration permit could only hunt on federal lands that are located at least 10-15 miles away from Unalakleet. Parallel state and federal hunts would require that the few moose available for harvest be divided between the state and federal hunts. How an equitable allocation would be determined is unclear.

Recommendation: Oppose all three proposals and either do not adopt the modified proposals or modify them to match the state regulations. The limited moose hunting opportunity currently available in central Unit 22A can be administered most effectively under state regulations. Even if the modifications recommended by the Seward Peninsula Regional Advisory Council or in the Office of Subsistence Management Conclusion are adopted, the Department still plans to issue registration permits in Unalakleet beginning August 1 and will close the State season by Emergency Order whenever the quota of 14 bull moose is reached. Whether or not a state hunt actually is held, all hunting must be closed when 14 bulls have been harvested. Higher harvest levels would be inconsistent with sound wildlife management principles and would be detrimental to long term subsistence use. The federal registration permit proposed for use if a federal hunt is implemented will need to require successful hunters to report within 24 hours of harvest, which will facilitate closing the season quickly when the quota is reached.

WP08-39 Through 45 Executive Summary		
General Description	Proposals WP08-39 through WP08-45, request customary and traditional use determinations for residents of Unit 22 for beaver, Arctic fox, red fox, hare, lynx, marten, and wolverine in Unit 22. These proposals were deferred by the Federal Subsistence Board on May 18, 2006 (WP06-42 through WP06-48) and again on May 2, 2007 (WP07-39 through WP06-45). *Submitted by Kawerak, Inc.*	
Proposed Regulation	**Unit 22** *Beaver, Arctic fox, red fox, hare, lynx, marten and wolverine*	**Customary and Traditional Use Determination** *All rural residents* ***of Unit 22***
Yukon/Kuskokwim Delta Regional Council Recommendation	**Oppose**	
Western Interior Regional Council Recommendation	**Oppose**	
Seward Peninsula Regional Council Recommendation	**Support** Proposals WP08-39 though 45 **with modification** to include Units 18, 21 and 23.	
Northwest Arctic Regional Council Recommendation	**Oppose**	
Interagency Staff Committee Comments	*See comments following the analysis.*	
ADF&G Comments	**Oppose**	
Written Public Comments	**None**	

REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

YUKON/KUSKOKWIM DELTA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposals WP08-39 through 45. There is lack of information to support Proposals 39-45. Seward Peninsula's modification is too broad.

WESTERN INTERIOR SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposals WP08-39–45. The Council unanimously opposed these proposals because customary and traditional use determinations are not needed for these species. Adoption of unit specific determinations would be precedent setting and rejecting these proposals would have no negative effect on the subsistence users of Unit 22 or the surrounding units. All the customary and traditional proposals before the Council for Unit 22 appear to be a desire to have recognition of customary uses and not a narrowing of eligibility. Passage of these proposals would have a negative impact on Federal qualified subsistence users outside Unit 22 who hunt within the Unit.

SEWARD PENINSULA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposals WP08-39–45 **with modification** to include Units 18, 21 and 23. The proposals would recognize customary and traditional uses of all animals, including small game. Neighboring units (18, 21, and 23) were added to accommodate their needs, as they may need to harvest these species while traveling in Unit 22. This was traditionally done by our ancestors.

The modified regulation should read:

Unit 22	Customary and Traditional Use Determination
Beaver, Arctic fox, red fox, hare, lynx, marten and wolverine	*All rural residents* ***of Units 18, 21, 22, and 23***

NORTHWEST ARCTIC SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposals WP08-39-45. The need for unit-specific customary and traditional use determinations has not been demonstrated for these resources. Consequently, the Board typically does not make determinations for these resources in most units. Additionally, there is insufficient community-specific harvest data and use area information to narrow the existing customary and traditional use determinations for beaver, Arctic fox, red fox, hare, lynx, marten, and wolverine. Information from research conducted by the ADF&G and FWS, and comments from Regional Advisory Council members are in concurrence, showing that furbearers have been harvested in Unit 22 by subsistence users from the surrounding regions or units. However, there is insufficient harvest data for each of the furbearers in this proposal for each community. Thus, it would be better to keep the customary and traditional use determinations for these species open to all rural Alaskan residents, rather than attempting to define the uses more narrowly. This is consistent with the way customary and traditional use determinations have been recognized for other resources statewide. If these proposals were adopted as proposed, people in adjacent units would be excluded from harvesting these resources under Federal subsistence management regulations. Opposing the proposal has no effect on subsistence users in Unit 22 or the surrounding units; they would continue to be able to harvest under the "all rural residents" determination.

STAFF ANALYSIS
WP08-39 THROUGH 45

ISSUES

Proposals WP08-39 through WP08-45, submitted by Kawerak, Inc., Nome, request customary and traditional use determinations for residents of Unit 22 for beaver, Arctic fox, red fox, hare, lynx, marten, and wolverine in Unit 22. These proposals were deferred by the Federal Subsistence Board on May 18, 2006 (WP06-42 through WP06-48) and again on May 2, 2007 (WP07-39 through WP06-45).

DISCUSSION

The Federal Subsistence Board (Board) has never made customary and traditional use determinations in Unit 22 for beaver (WP08-39), red fox (WP08-40), Arctic fox (WP08-41), hare (WP08-42), lynx (WP08-43), marten (WP08-44), or wolverine (WP08-45). As a result, all rural residents statewide are eligible to harvest these species under Federal subsistence regulations in Unit 22.

With the exception of beaver in Units 9 and 17 (in 1997), the Board has not made unit-specific customary and traditional use determinations statewide for beaver, Arctic fox, red fox, hare, lynx, marten, and wolverine,. Other than this exception, the customary and traditional use determinations for beaver, Arctic fox, red fox, hare, lynx, marten, and wolverine statewide is for all rural residents.

These proposals have been combined into one analysis because the patterns of use of beaver, Arctic fox, red fox, hare, lynx, marten, and wolverine are similar.

Existing Federal Regulation

Unit 22	Customary and Traditional Use Determination
Beaver, Arctic fox, red fox, hare, lynx, marten and wolverine	*All rural residents*

Proposed Federal Regulation

Unit 22	Customary and Traditional Use Determination
Beaver, Arctic fox, red fox, hare, lynx, marten and wolverine	*All rural residents* ***of Unit 22***

Extent of Federal Public Lands

Federal public lands comprise 32% of Unit 22 and consist of 18% Bureau of Land Management lands, 12% National Park Service (NPS) lands, and 2% U. S. Fish and Wildlife lands. The NPS managed lands are part of the Bering Land Bridge National Preserve. The FWS lands are managed as a small portion of the Yukon Delta National Wildlife Refuge in Unit 22A (**see Unit 22 Map**).

Regulatory History

Prior to 2006, the Board had never addressed customary and traditional use determinations for beaver, Arctic fox, red fox, hare, lynx, marten, or wolverine in Unit 22. The State also had never made

community or unit-specific customary and traditional use determinations for these species in Unit 22. Where no customary and traditional use determination has been made, all rural residents statewide are eligible to harvest the resource. The Board deferred Proposals WP06-42 through WP06-48 on May 18, 2006 in order to give the neighboring Regional Advisory Councils time for additional input into these determinations. The Board again deferred Proposals WP07-39 through WP07-45 on May 2, 2007 because the proponent requested that they be deferred in order to give the Regional Advisory Councils and the proponent an opportunity to make a recommendation on the staff conclusion to oppose the proposals.

Eight Factors for Determining Customary and Traditional Uses

A community or area's customary and traditional use is generally exemplified through the 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 Federal Subsistence Board makes customary and traditional use determinations based on an 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)).

There is relatively little written information documenting subsistence uses of the resources in these proposals by Unit 22 communities. Consequently, at this writing, there is insufficient information to specifically address every community within Unit 22 relative to each of the eight factors. Accordingly, unless otherwise noted, this analysis assumes that the narrative addressing each of the eight factors applies to all of the communities in Unit 22.

Beaver, Arctic fox, red fox, hare, lynx, marten, and wolverine are all known to have been hunted and trapped by the residents of Unit 22 as well as residents of neighboring units for many centuries, although not all species are available and not all are harvested throughout the units (ADF&G 2001, Nelson 1899, Scott and Kephart 2002, Ray 1984). Many of these resources show up in legends and are part of ancient and contemporary Native folklore (Kaplan 1988, Nelson 1899). Furbearers have characteristically been used in clothing and incorporated into Native art as symbols in drawings, etchings, figurines, masks, amulets, etc. (Nelson 1899, Ray 1984). All of the furbearers in these proposals are harvested generally in the fall and winter months when the pelts are prime and most useful for clothing. The natural seasonal changes shaped much of the trapping traditions that are used for many furbearing animals (Ahmasuk 2005, pers. comm., Nelson 1899).

The Board has never considered the resources in these proposals for customary and traditional use determinations in Unit 22 or other neighboring units. It is known that surrounding regions come into Unit 22 to harvest other resources. Residents from surrounding units have a customary and traditional

use determination to harvest caribou in Unit 22: residents from Unit 21D (west of the Koyukuk and Yukon rivers), Unit 23, 24, and—in Unit 18 north of the Yukon River—Kotlik, Emmonak, Hooper Bay, Scammon Bay, Chevak, Marshall, Mountain Village, Nunam Iqua, Pilot Station, Pitka's Point, Russian Mission, St. Marys, and Alakanuk. The only other resource that has customary and traditional use determinations from outside of Unit 22 is for wolf, which also includes rural residents of Units 21D (north and west of the Yukon River), Unit 23, and Kotlik.

Beaver are harvested by the residents of Shishmaref, Wales, Brevig Mission, Teller, Mary's Igloo, King Island, Nome, Solomon, Council, White Mountain, Golovin, Elim, Koyuk, Shaktoolik, Unalakleet, Saint Michael, and Stebbins. Beaver have only recently colonized the western Seward Peninsula in Unit 22E and are likely not harvested much in these areas (Gorn 2005, pers. comm.). Beaver are believed to be increasing in Unit 22E in the Serpentine River drainage (Scott and Kephart 2002). Beaver are not found on St. Lawrence Island (Ahmasuk 2005, pers. comm., ADF&G 2001). Ray (1975:75) indicated that the residents of "Atuik," near present day Stebbins traded beaver with the early Russian explorer, Khromchenko, on the expedition of 1822. Nelson (1899) noted tools made from beaver teeth. Beaver pelts remains sellable throughout the year, but become most useful for garments in the fall and winter months (Ahmasuk 2005, pers. comm.).

Beaver are plentiful and available within close proximity to Unit 22 villages. As beaver have colonized western areas of the Seward Peninsula, beaver hunting and trapping has become much easier as beaver inhabit tidally influenced portions of rivers and make lodges in the river banks (Ahmasuk 2005, pers. comm.).

Hare are harvested by the residents of Shishmaref, Wales, Little Diomede, Gambell, Savoonga, Brevig Mission, Teller, Mary's Igloo, King Island, Nome, Solomon, Council, White Mountain, Golovin, Elim, Koyuk, Shaktoolik, Unalakleet, Saint Michael, and Stebbins (Ahmasuk 2005, pers. comm., ADF&G 2001). Hare are not resident on Saint Lawrence nor Little Diomede Island, but they stray to the islands occasionally and are taken by residents occasionally. Hare have traditionally been used in clothing and incorporated into Native art as symbols in drawings, etchings, figurines, masks, amulets, etc. Ray (1975:49) indicated that the Eskimos of the Bering Strait traded "vests" of young caribou and [rabbit] Alpine hare, with agents of the *Billings Expedition* of 1778 to 1791.

Arctic fox are harvested by the residents of Shishmaref, Wales, Little Diomede, Gambell, Savoonga, Brevig Mission, Teller, Mary's Igloo, King Island, Nome, Solomon, Council, White Mountain, Golovin, Elim, Koyuk, Shaktoolik, Unalakleet, Saint Michael and Stebbins (Ahmasuk 2005, pers. comm., ADF&G 2001). Arctic fox, like red fox, have characteristically been used in clothing and incorporated into Native art as a symbol in art forms such as drawings, etchings, figurines, masks, and amulets. Popov (1761) reported that Arctic fox were plentiful in the Seward Peninsula. The residents of Unit 22 depend upon several key marine mammal species including polar bear, and Arctic fox often accompany polar bears into the marine environment to scavenge from its kills. As such, Native hunters and trappers were able to harvest the Arctic fox upon the frozen ocean as well as on land (Ahmasuk 2005, pers. comm.).

Red fox are harvested by residents of Shishmaref, Wales, Little Diomede, Gambell, Savoonga, Brevig Mission, Teller, Mary's Igloo, King Island, Nome, Solomon, Council, White Mountain, Golovin, Elim, Koyuk, Shaktoolik, Unalakleet, Saint Michael, and Stebbins (Ahmasuk 2005, pers. comm., ADF&G 2001). Red fox accompany polar bear, similar to Arctic fox, and are resident on Saint Lawrence Island and the marine communities in Unit 22. Ray (1975:118) indicated that fox neck fur was used as ruffs and trimmings by the Eskimos prior to the Siberian fur trade.

Arctic fox, red fox, and marten are harvested from November to April of each year (Ahmasuk 2005, pers. comm.).

Lynx are harvested by the residents of Shishmaref, Wales, Brevig Mission, Teller, Mary's Igloo, King Island, Nome, Solomon, Council, White Mountain, Golovin, Elim, Koyuk, Shaktoolik, Unalakleet, Saint Michael, and Stebbins (Ahmasuk 2005, pers. comm., ADF&G 2001). Lynx are not resident on Saint Lawrence nor Little Diomede Island. Ray (1975:54) described uses of lynx in clothing and in art.

Marten are harvested by residents in Council, White Mountain, Golovin, Elim, Koyuk, Shaktoolik, Unalakleet, Saint Michael, and Stebbins (Ahmasuk 2005, pers. comm., ADF&G 2001). Marten are not resident throughout all of Unit 22 and occur most frequently in the forested areas of the Seward Peninsula and eastern Norton Sound. Ray (1975:54) indicated that marten were traded and acquired by King Island Natives who got them from the mainland.

Wolverine are harvested by the residents of Shishmaref, Wales, Brevig Mission, Teller, Mary's Igloo, King Island, Nome, Solomon, Council, White Mountain, Golovin, Elim, Koyuk, Shaktoolik, Unalakleet, Saint Michael, and Stebbins (Ahmasuk 2005, pers. comm., ADF&G 2001). From 1998 to 2003, reported wolverine harvests in Unit 22 ranged from 1 to 23 animals with 2 – 4% of households participating in the harvest. All mainland Unit 22 communities harvested wolverine in a 12-month study conducted in 2001–2003, with the exception of Golovin, which did not harvest any wolverines that particular year (Georgette et al. 2004). Wolverines are not permanently resident on Saint Lawrence or Little Diomede Island, but they stray to the islands frequently. Ray (1975:118) indicated that wolverine fur was used for trimming around the face as it does not freeze.

Lynx and wolverine are harvested from September to April when the fur is prime (Ahmasuk 2005, pers. comm.).

Numerous ingenious traditional devices were used that would strangle, instantly kill, or harvest by leg hold the furbearing animal. Dog teams allowed easier access to distant lands to trap furbearers in historic and contemporary times (Ahmasuk 2005, pers. comm., Nelson 1899). Leather or sinew of animals, baleen, or other fibrous materials were used to make snares; they rarely lasted more than a season and were replaced often. Today, man-made materials such as single and multi-strand wire are available to construct snares and seldom need replacing except when lost and can be replaced for very little cost. In rural villages any available materials are used to construct tools for subsistence living as stores are distant and money is limited. Typical leg hold traps may be used or modern conibear type traps are used as well (Ahmasuk 2005, pers. comm., Nelson 1899, Ray 1984).

Arctic fox, hare, wolverine, lynx, and marten are plentiful and also are available within close proximity to Unit 22 villages. Wolverine, lynx, and marten are elusive, but are still available. Hare and lynx experience periods of abundance. As the hare population increases, the lynx population increases. As these populations grow or decline, hunting and trapping activity responds with increasing and decreasing harvests (Ahmasuk 2005, pers. comm.).

It is well known that subsistence users are opportunistic. At the Northwest Arctic Subsistence Regional Advisory Council meeting, a statement was made that ". . . wherever they're at, you're traveling for, you all know we'll get what we can" (NWRAC 2006:68). Given this opportunistic hunting, it could be assumed that while subsistence hunters were traveling into Unit 22 to harvest caribou, bear, or furbearers, if meat were needed for the evening meal, then the subsistence user would take whatever might be available..

There is some anecdotal information regarding subsistence users from outside of Unit 22 coming into Unit 22 to harvest these resources (Grishowsky 2006), but there is little information regarding the areas of use in the literature or the harvest data bases. People from Kaltag hunt furbearers in Unit 22A along the Unalakleet Trail (Kaltag Portage) following the trail to the coast (WIRAC 2006:136; USFWS 1987:109). Some people outside of Unit 22A have marten trap lines along the Unalakleet Trail and would harvest a number of these resources if needed while they were out trapping (WIRAC 2006:136). Seward Peninsula Subsistence Regional Advisory Council members also noted that residents from Unit 21D take furbearers—beaver was specifically mentioned—in Unit 22A (SPRAC 2006:102, 107). Mention was also made of friends from Unit 23 who come over to hunt beaver (SPRAC 2006:107). There are some people from Unit 23 who like to go to Granite Mountain Hot Springs in Unit 22 and might need to take one of these resources while they are on their trip (NWRAC 2006:68). Subsistence use maps created for Unit 18 communities show that the Unit 18 subsistence use area for furbearers includes Unit 22A (USFWS 1988:145).

There are several traditional methods of preparation to tan furbearers, but two figure prominently as traditional methods for skins. Hides were skinned either cased or open, fleshing with appropriate and locally made fleshing tools, including scraper, scraper board, stretched upon some sort of frame. All methods allowed the hide to dry for application of tannin. Two tannins also figured prominently; the brain or urine were used to tan hides. The hides were scraped or worked over some object to "break" the fibers to make garments. Today those same methods are used with some refinements (Ahmasuk 2005, pers. comm.).

Knowledge of hunting, trapping, fishing, skinning, gathering, woodcraft, cooking, dog mushing, boating, and the environment has been consistently handed down from generation to generation in Inupiaq culture. It is the passing down of knowledge that has sustained the culture and continues to sustain the culture. Teaching young children all of this knowledge sustains the subsistence way of life. Specific to these proposals, the knowledge surrounding the harvesting of these furbearers has been passed down from generation to generation (Ahmasuk 2005, pers. comm.).

On the Seward Peninsula, all of the communities have a high dependence on subsistence resources and share the resources (ADF&G 2001; Magdanz et al. 2005). Wolfe (1981) observed that sharing is typified by "super hunting households" that harvest 70% of all subsistence resources in a village, but only comprise 30% of all households. That ratio fluctuates from community to community. The super hunting households share generally via large family networks and usually are single male households or couples with no children who share with extended family members. Giving and receiving food is basic to social relationships within Inupiaq, Yupik, and Athbaskan culture. Wolfe (1981:207) writes that "giving and receiving food were basic to social relationships . . . food products flowed so frequently between individuals as a part of normal social interaction that it seemed doubtful that any significant social relationships existed without associated food transfers."

All of the communities within Units 22, 23, 24, and 18 are subsistence based communities and they depend very heavily on a wide diversity of subsistence harvested resources which provide substantial cultural, economic, social, and nutritional elements to the communities. These resources include large and small marine mammals, large and small land animals, freshwater and marine fishes, migratory birds, marine invertebrates, greens, roots, and berries (ADF&G 2001).

Effects of the Proposal

Adopting these proposals would have no effect on subsistence users in Unit 22. All rural residents in Unit 22 are already eligible to harvest the resources in these proposals because there are no determinations,

thus there would be no change to harvests for Unit 22 residents if these proposals were adopted. Some people living in adjacent units may travel to Unit 22 to harvest caribou, furbearers, or bear. As a result, some people from adjacent units may opportunistically take some of the resources under consideration in this proposal. There also is some indication that some trappers from adjacent units may travel into Unit 22 to trap furbearers. If these proposals were adopted as proposed, some people in adjacent units may be excluded from taking these resources under Federal subsistence regulations. There is insufficient community-specific harvest data and use area information regarding beaver, Arctic fox, red fox, hare, lynx, marten, and wolverine to narrow the existing customary and traditional use determinations. There is some information from research conducted by ADF&G, the FWS, and from Regional Advisory Council comments that furbearers have been harvested in Unit 22 by other subsistence users from the surrounding regions or units, however, there is insufficient harvest data regarding each of the furbearers in this proposal for each community.

If the proposals were rejected, there would be no effect on subsistence users in Unit 22 or the surrounding units, because they would continue to be able to harvest under the "all rural residents" determination.

Adopting or rejecting these proposals would not be expected to have any effects on nonsubsistence hunters or trappers.

OSM CONCLUSION

Oppose Proposals WP08-39 through 45.

Justification

With the exception of beaver in Units 9 and 17, the Board has not made unit-specific customary and traditional use determinations statewide for beaver, Arctic fox, red fox, hare, lynx, marten, and wolverine. Other than this exception, the customary and traditional use determinations for beaver, Arctic fox, red fox, hare, lynx, marten, and wolverine statewide is for all rural residents. Narrowing the customary and traditional use finding for beaver, Arctic fox, red fox, hare, lynx, marten, and wolverine in Unit 22 to residents of Unit 22 is confounded by the lack of community-specific harvest data and use area information for these species. Further, limited evidence (studies by ADF&G and FWS, and Regional Advisory Council comments) indicate that furbearers in Unit 22 have been harvested by other subsistence users from the surrounding regions or units, and if these proposals were adopted as proposed, people in adjacent units would be excluded from taking these resources under Federal subsistence management regulations. Retaining the customary and traditional use determinations for all rural Alaskan residents rather than attempting to define the uses more narrowly is consistent with customary practices and with the available data.

Opposing the proposal has no effect on subsistence users in Unit 22 or the surrounding units, because they would continue to be able to harvest beaver, Arctic fox, red fox, hare, lynx, marten, and wolverine under the "all rural residents" determination.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-39 THROUGH WP08-45

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Councils to be consistent with ANILCA Section 805(c).

Comments on WP08-39-45
April 2, 2008, Page 1 of 1

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposals WP08-39 through WP08-45: Establish customary and traditional use determinations in Game Management Unit 22 for beaver, red fox, Arctic fox, hare, lynx, marten, and wolverine.

Introduction: Because the Federal Subsistence Board has not made customary and traditional use determinations for these furbearer species in Unit 22, all rural residents qualify to harvest them in Unit 22 under federal regulations. Adoption of these proposals as written would limit eligibility only to residents of Unit 22 and disallow harvest under federal regulations by other rural residents. The Federal Subsistence Board deferred action on these proposals at its May 2006 and May 2007 meetings in order to allow time for neighboring regional councils to provide input and for staff to assemble information on use of these species by rural residents in Unit 22 and adjoining units.

Impact on Subsistence Users: Adoption of these proposals would not affect federally-qualified subsistence users in Unit 22 but would disqualify other residents from adjoining units from harvesting furbearers in Unit 22 under federal regulations. The effect of establishing customary and traditional use determinations is to provide a federal preference to rural residents to harvest a particular species on federal public land. Nonlisted rural residents and other state subsistence users are subject to limits on participation in times of shortage. The Federal Subsistence Board should establish a priority use based on substantial evidence of customary and traditional use of each species for each geographic area by more than just the residents of Unit 22; otherwise, other residents, such as those in adjoining units that have a history of harvesting these resources in Unit 22, will be inappropriately eliminated.

Other Comments: The Federal Subsistence Board previously made customary and traditional use determinations for other species where substantial evidence resulted in inclusion of more than just Unit 22 residents, so findings for additional species should also evaluate available information on uses by other residents. At its May 1997 meeting, the Federal Subsistence Board narrowed an existing customary and traditional use finding for wolves in Unit 22 to rural residents of Units 21D (north of the Yukon River), 22, 23, and Kotlik. Areas and communities outside of Unit 22 were included on the basis of testimony from the Northwest Arctic and Western Interior Regional Advisory Councils.

Recommendation: Oppose. The staff analysis contains insufficient information to specify which rural residents have a history of use of the specific wildlife populations for subsistence purposes in specific geographic areas in Unit 22. The federal regulatory standard for a customary and traditional use determination requires that a community or area "generally exhibit" the eight factors listed in 50 CFR 100.16(b). The regulations require that the Federal Subsistence Board's determination "identify the specific community's or area's use of specific fish stocks or wildlife populations." In order to identify these uses by a community or area for federal lands in Unit 22, substantial evidence must support a decision after meaningful Board discussion for each of the eight factors on the record.

WP08-46/47 Executive Summary		
General Description	Proposals WP08-46 and 47 request customary and traditional use determinations for residents of Unit 22 for spruce grouse and ptarmigan (rock and willow) in Unit 22. These proposals were deferred (WP06-49 and 50) by the Federal Subsistence Board May 18, 2006 and again on May 2, 2007 (WP07-46 and 47). *Submitted by Kawerak, Inc.*	
Proposed Regulation	**Unit 22** *Grouse (spruce) and ptarmigan (rock and willow)*	**Customary and Traditional Use Determination** ***All*** *rural residents of Units 22 ~~11, 13, 15,16, 20D,23, and Chickaloon~~*
Yukon/Kuskokwim Delta Regional Council Recommendation	**Oppose**	
Western Interior Regional Council Recommendation	**Oppose**	
Seward Peninsula Regional Council Recommendation	**Support** Proposals 46/47 **with modification** to include Units 18, 21 and 23.	
Northwest Arctic Regional Council Recommendation	**Oppose**	
Interagency Staff Committee Comments	*See comments following the analysis.*	
ADF&G Comments	**Oppose**	
Written Public Comments	**None**	

REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

YUKON/KUSKOKWIM DELTA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposals WP08-46/47. There is lack of information to support Proposals 46/47.

WESTERN INTERIOR SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposals WP08-46/47. Customary and traditional use determinations are not needed for these species. Adoption of unit specific determinations would be precedent setting and rejecting these proposals would have no negative effect on the subsistence users of Unit 22 or the surrounding units. All the customary and traditional proposals before the Council for Unit 22 appear to be a desire to have recognition of customary uses and not a narrowing of eligibility. Passage of these proposals would have a negative impact on Federal qualified subsistence users outside Unit 22 who hunt within the Unit.

SEWARD PENINSULA SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposals WP08-46/47 **with modification** to include Units 18, 21 and 23. The proposal would recognize customary and traditional uses of all animals, including small game. Neighboring units (18, 21, and 23) were added to accommodate their needs, as they may need to harvest these species while traveling in Unit 22. This was traditionally done by our ancestors.

The modified regulation should read:

Unit 22	**Customary and Traditional Use Determination**
Grouse (spruce) and ptarmigan (rock and willow)	***All*** *rural residents of Units ~~11, 13, 15,16, 20D,~~* ***18, 21,*** *22,* ***and*** *23 ~~, and Chickaloon~~*

NORTHWEST ARCTIC SUBSISTENCE REGIONAL ADVISORY COUNCIL

Oppose Proposals WP08-46/47. The existing customary and traditional use determinations were originally adopted from State regulations. While there is sufficient information to generally fulfill the eight factors, and to recommend that all rural residents of Unit 22 should continue to have a positive customary and traditional use determination for spruce grouse and ptarmigan, there is not sufficient harvest data or other information regarding ptarmigan and spruce grouse to narrow the existing customary and traditional use determinations. These species are also harvested by subsistence users from surrounding regions when they are hunting or trapping in Unit 22. Narrowing the customary and traditional use determination to Unit 22 residents only would affect those living outside of the unit who also may harvest these resources. The need for unit-specific customary and traditional use determinations has not been demonstrated for ptarmigan or spruce grouse; consequently, the Board has not made unit-specific determinations for these resources.

STAFF ANALYSIS
WP08-46/47

ISSUES

Proposals WP08-46 and 47, submitted by Kawerak, Inc. in Nome, request customary and traditional use determinations for residents of Unit 22 for spruce grouse and ptarmigan (rock and willow) in Unit 22 for ground squirrels and porcupine in Unit 22. These proposals were deferred (WP06-49 and 50) by the Federal Subsistence Board May 18, 2006 and again on May 2, 2007 (WP07-46 and 47).

DISCUSSION

The current customary and traditional use determination for grouse (spruce) (WP08-46) and ptarmigan (rock and willow) (WP08-47) in Unit 22 was adopted by the Federal Subsistence Board (Board) from State regulations. The determination is broad in scope and includes rural residents of Units 11, 13, 15, 16, 20D, 22, 23, and Chickaloon. It is not clear from the record why the customary and traditional use determination is what it is.

The Board has not made unit-specific customary and traditional use determinations statewide for spruce grouse and ptarmigan. All of the existing customary and traditional use determinations for these resources were adopted from the State. These determinations are broad in scope covering multiple units and regions throughout the state or are for all rural residents.

These proposals have been combined into one analysis because the patterns of use of spruce grouse and ptarmigan are similar.

Existing Federal Regulation

Unit 22	Customary and Traditional Use Determination
Grouse (spruce), ptarmigan (rock and willow)	*Rural residents of Units 11, 13, 15, 16, 20D, 22, 23, and Chickaloon*

Proposed Federal Regulation

Unit 22	Customary and Traditional Use Determination
Grouse (spruce) and ptarmigan (rock and willow)	***All*** *rural residents of Units~~ 11, 13, 15,16, 20D,~~ 22 ~~23, and Chickaloon~~*

Extent of Federal Public Lands

Federal public lands comprise 32% of Unit 22 and consist of 18% Bureau of Land Management lands, 12% National Park Service (NPS) lands, and 2% U. S. Fish and Wildlife lands. The NPS managed lands are part of the Bering Land Bridge National Preserve. The FWS lands are managed as a small portion of the Yukon Delta National Wildlife Refuge in Unit 22A (**see Unit 22 Map**).

Regulatory History

The Federal Subsistence Board adopted the customary and traditional use determinations for grouse (spruce) and ptarmigan (rock and willow) in Unit 22 from the State. The determinations were broad in scope and included very distant communities and regions. The Federal Subsistence Board deferred Proposals WP06-49 and WP06-50 on May 18, 2006 in order to give the neighboring Regional Advisory Councils time for additional input into these determinations. The Board deferred these proposals again on May 2, 2007 (WP07-46 and 47) because the proponent requested that they be deferred in order to give the Regional Advisory Councils and the proponent an opportunity to make a recommendation on the staff conclusion to oppose the proposals.

Eight Factors for Determining Customary and Traditional Uses

A community or area's customary and traditional use is generally exemplified through the 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 Federal Subsistence Board makes customary and traditional use determinations based on an 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 following narrative addressing each of the eight factors applies to all of the communities in Unit 22. It is possible that there are some differences between uses between communities, but generally the uses will be relatively similar.

Spruce grouse and ptarmigan (rock and willow) are all known to have been hunted and trapped by the residents of Unit 22 customarily and traditionally for many centuries (ADF&G 2001, Nelson 1899, Scott and Kephart 2002, Ray 1984).

Grouse are harvested by residents in Shishmaref, Wales, Brevig Mission, Teller, Mary's Igloo, King Island, Nome, Solomon, Council, White Mountain, Golovin, Elim, Koyuk, Shaktoolik, Unalakleet, Saint Michael, and Stebbins (Ahmasuk 2005, pers. comm., ADF&G 2001). Grouse are not resident on Saint Lawrence or Little Diomede Island. Trigg (2003) indicated that 186 spruce grouse were harvested by Eastern Norton Sound residents in 2002.

Ptarmigan are plentiful and within close proximity to villages. Ptarmigan are harvested by the residents of Shishmaref, Wales, Brevig Mission, Teller, Mary's Igloo, King Island, Nome, Solomon, Council, White Mountain, Golovin, Elim, Koyuk, Shaktoolik, Unalakleet, Saint Michael, and Stebbins (Ahmasuk 2005,

pers. comm., ADF&G 2001) as well as Gambell and Savoonga (SPRAC 2006:110). Ray (1975:146) indicated that the Eskimos from *Kuksuktopaga* at the time relied heavily on ptarmigan and a little oil (presumably seal oil). As with other wild birds, ptarmigan wing and leg bones comprised the raw materials for small hooks or darts, as those bones are lighter but tougher and harder than mammal bones (Nelson 1899).

Harvest surveys did not specifically ask about ptarmigan, thus evidence about the numbers of ptarmigan harvested is not available.

Residents of surrounding regions travel into Unit 22 to harvest other resources; ptarmigan and spruce grouse are likely taken by all of the communities in the surrounding units. Residents from surrounding as well as other units have a customary and traditional use determination to harvest caribou in Unit 22: residents from Unit 21D (west of the Koyukuk and Yukon rivers), Unit 23, 24, and—in Unit 18 north of the Yukon River—Kotlik, Emmonak, Hooper Bay, Scammon Bay, Chevak, Marshall, Mountain Village, Nunam Iqua, Pilot Station, Pitka's Point, Russian Mission, St. Marys, and Alakanuk. The only other resource that has customary and traditional use determinations from outside of Unit 22 is for wolf which also includes rural residents of Units 21D (north and west of the Yukon River), Unit 23, and Kotlik. It is known that subsistence hunters will often harvest grouse and ptarmigan while hunting or trapping if they are in need of a meal.

Grouse hunting occurs primarily in the fall. Information providing numbers of grouse harvested is sparse. Trigg (2003) indicated that 177 were reported harvested in Unit 22 in the fall and 9 were harvested in the spring of 2002.Ptarmigan typically inhabit every area of the Seward Peninsula and Norton Sound Region throughout the year. The eggs are harvested in the spring, and adult and juvenile birds are harvested in the fall and winter. It is likely that ptarmigan hunting occurrs throughout the year with a very brief period in the summer when ptarmigan are not harvested. Ptarmigan are key birds harvested in the Bering Strait and Norton Sound region (Ahmasuk 2005, pers. comm.).

Sling shots and bolas were used to harvest ptarmigan. There are many residents in the Seward Peninsula who have used nets for harvesting ptarmigan in the past. The practice of using nets to take ptarmigan continues today in some parts of Unit 22. Hunting practices include loosely stretching a net among the willows where ptarmigan feed. As ptarmigan fly between the willows, they become tangled in the net. Nets are checked daily and reset as needed. Other practices included stringing a net between poles, and raising the net as ptarmigan feed upslope in the morning and dropping the net on the birds, thereby trapping them. Local indigenous knowledge indicates that the use of nets is very efficient at capturing a large number of birds in a short period of time. Ptarmigan is used, along with other resources such as hares, during the winter as a fresh-meat supplement to the food put up during the spring, summer, and fall. Shotguns or rifles are primarily used today to harvest ptarmigan (Ahmasuk 2005, pers. comm.).

It is well known that subsistence users are opportunistic. At the Northwest Arctic Regional Advisory Council meeting, a statement was made that ". . . wherever they're at, you're traveling for, you all know we'll get what we can" (NWRAC 2006:68). Given this opportunistic hunting, it could be assumed that while subsistence hunters were traveling into Unit 22 to harvest caribou, if meat were needed for the evening meal, then the subsistence user would take whatever might be available, such as ptarmigan or grouse.

There is some anecdotal information regarding subsistence users from outside of Unit 22 coming into Unit 22 to harvest these resources (Grishowsky 2006), but there is little information regarding the areas of use in the literature or the harvest data bases. People from Kaltag hunt fur bearers in Unit 22A along the Unalakleet Trail (Kaltag Portage) following the trail to the coast. Some people have marten trap lines

along the trail and would harvest ptarmigan and grouse if needed while they were out trapping (WIRAC 2006:136). There are some people from Unit 23 who like to go to Granite Mountain Hot Springs in Unit 22 and might need to take ptarmigan or grouse while they are on their trip (NWRAC 2006:68).

Two traditional methods prevail for the preservation of bird skins. Birds were skinned either cased or open, fleshing with appropriate and locally made fleshing tools, i.e. scraper, scraper board, or stretched upon some sort of frame (Ahmasuk 2005, pers. comm.).

Knowledge of hunting, trapping, fishing, skinning, gathering, woodcraft, cooking, dog mushing, boating, and the environment has been consistently handed down from generation to generation in Inupiaq culture. It is the passing down of knowledge that has sustained the culture. Teaching young children all of this knowledge sustains the subsistence way of life. Specific to these proposals, the knowledge surrounding the harvesting of ptarmigan and grouse has been passed down from generation to generation (Ahmasuk 2005, pers. comm.).

On the Seward Peninsula, all of the communities have a high dependence on subsistence resources which includes sharing the resources (ADF&G 2001). All of the communities within Units 22, 21D, 23, 24 and 18 are subsistence based communities and depend very heavily on a wide diversity of subsistence harvested resources which provide substantial cultural, economic, social, and nutritional elements to the communities. These resources include large and small marine mammals, large and small land animals, freshwater and marine fishes, migratory birds, marine invertebrates, greens, roots, and berries (ADF&G 2001).

Effects of the Proposal

Adopting these proposals would have no effect on subsistence users in Unit 22. All rural residents in Unit 22 are already eligible to harvest the resources in Unit 22. Some people living in other units may travel to Unit 22 to take bear, caribou, or furbearers and may take grouse or ptarmigan opportunistically when they are in Unit 22. If these proposals were adopted as proposed, people in other units would be excluded from taking these resources under Federal subsistence management regulations when they were traveling in Unit 22. It is not clear from the record why the customary and traditional use determination includes residents of distant areas such as Units 11, 13, 15, 16, and Chickaloon, except that the State of Alaska made broad, sweeping customary and traditional use determinations. There is no information regarding the uses of these areas of ptarmigan and grouse in Unit 22.

If the proposals were rejected, there also would be no effect on subsistence users in Unit 22 or other units, because they would continue to be able to harvest under the broad, existing determination.

No effects are anticipated on nonsubsistence hunters from these proposals.

OSM CONCLUSION

Oppose Proposals WP08-46 and WP08-47.

Justification

The Board has not made unit-specific customary and traditional use determinations statewide for spruce grouse and ptarmigan. The existing customary and traditional use determinations for these resources were adopted from the State. These determinations are either broad in scope covering multiple units and regions throughout the state or are for all rural residents. Narrowing the customary and traditional use

finding for spruce grouse and ptarmigan in Unit 22 to residents of Unit 22 is confounded by the lack of community-specific harvest data and use area information for these species. Further, limited evidence (studies by ADF&G and FWS, and Regional Advisory Council comments) indicate that these resources in Unit 22 have been harvested by other subsistence users from the surrounding regions or units, and if these proposals were adopted as proposed, people in adjacent units would be excluded from taking these resources under Federal subsistence management regulations. Retaining the current broad customary and traditional use determinations rather than attempting to define the uses more narrowly is consistent with customary practices and with the available data.

Rejecting the proposal has no effect on subsistence users in Unit 22 or other units, because they would continue to be able to harvest spruce grouse and ptarmigan under the existing broad customary and traditional use determination.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-46/47

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Councils to be consistent with ANILCA Section 805(c).

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposals WP08-46 and 47: Establish customary and traditional use determinations for spruce grouse and rock and willow ptarmigan in Game Management Unit 22.

Introduction: Because the Federal Subsistence Board has not made customary and traditional use determinations for these game birds in Unit 22, all rural residents qualify to harvest them in Unit 22 under federal regulations. Adoption of these proposals as written would limit eligibility only to residents of Unit 22 and disallow harvest under federal regulations by other rural residents. The Federal Subsistence Board deferred action on these proposals at its May 2006 and May 2007 meetings in order to allow time for neighboring regional councils to provide input and for staff to assemble information on use of these species by rural residents in Unit 22 and adjoining units.

Impact on Subsistence Users: Adoption of these proposals would not affect federally-qualified subsistence users in Unit 22 but would disqualify other residents from harvesting game birds in Unit 22 under federal regulations. The effect of establishing customary and traditional use determinations is to provide a federal preference to rural residents to harvest a particular species on federal public land. Nonlisted rural residents and other state subsistence users are subject to limits on participation in times of shortage. The Federal Subsistence Board should establish a priority use based on substantial evidence of customary and traditional use of each species for each geographic area by more than just the residents of Unit 22; otherwise, other residents, such as those in adjoining units that have a history of harvesting these resources in Unit 22, will be inappropriately eliminated.

Opportunity Provided by State: The state and federal season and harvest limit for grouse are the same in Unit 22. State regulations allow a harvest of 20 ptarmigan per day and 40 in possession during a September 1 – April 30 season in Unit 22.

Other Comments: The Federal Subsistence Board previously made customary and traditional use determinations for other species where substantial evidence resulted in inclusion of more than just Unit 22 residents, so findings for additional species should also evaluate available information on uses by other residents. At its May 1997 meeting, the Federal Subsistence Board narrowed an existing customary and traditional use finding for wolves in Unit 22 to rural residents of Units 21D (north of the Yukon River), 22, 23, and Kotlik. Areas and communities outside of Unit 22 were included on the basis of testimony from the Northwest Arctic and Western Interior Regional Advisory Councils.

Recommendation: Oppose. The staff analysis has insufficient information to specify which rural residents have a history of use of grouse and ptarmigan populations for subsistence purposes in specific geographic areas in Unit 22. The federal regulatory standard for a customary and traditional use determination requires that a community or area "generally exhibit" the eight factors listed in 50 CFR 100.16(b). The regulations require that the Federal Subsistence Board's determination "identify the specific community's or area's use of specific fish stocks or wildlife populations." In order to identify these uses by a community or area for federal lands in Unit 22, substantial evidence must support a decision after meaningful Board discussion for each of the eight factors on the record.

WP08-50/51 Executive Summary	
General Description	**Proposal WP08-50** requests changing the time period in the special provision that restricts aircraft use over the Noatak Controlled Use Area from August 25–September 15 to August 30–September 30. *Submitted by Virgil Adams* **Proposal WP08-51** requests changing the time period in the special provision that restricts aircraft use over the Noatak Controlled Use Area from August 25–September 15 to August 25–October 30. *Submitted by the Maniilaq Association*
Proposed Regulation	**Proposal WP08-50** **Unit 23—Special Provisions** *(A) You may not use aircraft in any manner either for hunting of ungulates, bear, wolves, or wolverine, or for transportation of hunters or harvested species in the Noatak Controlled Use Area for the period August ~~25~~ **30**–September ~~15~~ **30**. The Area consists of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Noatak River, and extending upstream to the mouth of Sapun Creek. This closure does not apply to the transportation of hunters or parts of ungulates, bear, wolves, or wolverine by regularly scheduled flights to communities by carriers that normally provide scheduled air service.* **Proposal WP08-51** **Unit 23—Special Provisions** *(A) You may not use aircraft in any manner either for hunting of ungulates, bear, wolves, or wolverine, or for transportation of hunters or harvested species in the Noatak Controlled Use Area for the period August 25– September ~~15~~ **October 30**. The Area consists of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Noatak River, and extending upstream to the mouth of Sapun Creek. This closure does not apply to the transportation of hunters or parts of ungulates, bear, wolves, or wolverine by regularly scheduled flights to communities by carriers that normally provide scheduled air service.*
Northwest Arctic Regional Council Recommendation	**Support**
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	*See comments following the analysis.*
Written Public Comments	**None**

REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

NORTHWEST ARCTIC SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposals WP08-50/51. The Council understood that local residents in the region could be restricted from utilizing their own aircraft to fly into the controlled use area. The Council would like the Federal land managing agencies to know that aircraft use is impacting subsistence users. This proposal's intent was to minimize displacement of local subsistence users who utilize these lands for subsistence hunting of caribou and do not have aircraft. Although the specific dates differ between the two proposals, the Council supported the intent of the proposals in principle.

STAFF ANALYSIS
WP08-50/51

ISSUES

Proposal WP08-50, submitted by Virgil Adams, requests changing the time period in the special provision that restricts aircraft use over the Noatak Controlled Use Area from August 25–September 15 to August 30–September 30.

Proposal WP08-51, submitted by the Maniilaq Association, requests changing the time period in the special provision that restricts aircraft use over the Noatak Controlled Use Area from August 25–September 15 to August 25–October 30.

DISCUSSION

The proponent for WP08-50 states that because caribou are migrating later the restriction on flying aircraft over the Noatak Controlled Use Area should be changed accordingly. The proponent also states that this will improve caribou harvests for subsistence users.

The proponent for WP08-51 states, "Much has changed since the village of Noatak first requested the prohibition on the use of aircraft on the Noatak drainage in 1984. With climate change, the western arctic caribou are migrating later and later, and freeze up of the river and streams do not occur until mid-October." The proponent also states that restricting the use of aircraft over the Noatak Controlled Use Area through the end of October will allow caribou to migrate on their normal routes, which will improve subsistence hunting opportunities.

Existing Federal Regulation

Unit 23—Special Provisions

(A) You may not use aircraft in any manner either for hunting of ungulates, bear, wolves, or wolverine, or for transportation of hunters or harvested species in the Noatak Controlled Use Area for the period August 25–September 15. The Area consists of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Noatak River, and extending upstream to the mouth of Sapun Creek. This closure does not apply to the transportation of hunters or parts of ungulates, bear, wolves, or wolverine by regularly scheduled flights to communities by carriers that normally provide scheduled air service.

Proposed Federal Regulation

Proposal WP08-50

Unit 23—Special Provisions

*(A) You may not use aircraft in any manner either for hunting of ungulates, bear, wolves, or wolverine, or for transportation of hunters or harvested species in the Noatak Controlled Use Area for the period August ~~25~~ **30**–September ~~15~~ **30**. The Area consists of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Noatak River, and extending upstream to the mouth of Sapun Creek. This closure does not apply*

to the transportation of hunters or parts of ungulates, bear, wolves, or wolverine by regularly scheduled flights to communities by carriers that normally provide scheduled air service.

Proposal WP08-51

Unit 23—Special Provisions

(A) You may not use aircraft in any manner either for hunting of ungulates, bear, wolves, or wolverine, or for transportation of hunters or harvested species in the Noatak Controlled Use Area for the period August 25– September ~~15~~ ***October 30****. The Area consists of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Noatak River, and extending upstream to the mouth of Sapun Creek. This closure does not apply to the transportation of hunters or parts of ungulates, bear, wolves, or wolverine by regularly scheduled flights to communities by carriers that normally provide scheduled air service.*

Existing State Regulation

Unit 23—Special Provisions

Noatak Controlled Use Area: a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Noatak River, and extending upstream to the mouth of Sapun Creek. The area is closed from August 25–September 15 to the use of aircraft in any manner for big game hunting, including transportation of big game hunters, their hunting gear, and/or parts of big game; however, this does not apply to the transportation of big game hunters or parts of big game to and between public airports.

Extent of Federal Public Lands

Federal public lands comprise approximately 56.3% of Unit 23, of which 9.1% is administered by Bureau of Land Management, 7.3% is administered by the U.S. Fish and Wildlife Service and 39.9% is administered by the National Park Service (NPS) (**Unit 23 map**).

Customary and Traditional Use Determination

All rural residents of Unit 23 have a customary and traditional use determination to hunt and trap in Unit 23. In addition, rural residents of Unit 21D west of the Koyukuk and Yukon rivers; Unit 22 residents; residents of Wiseman in Unit 24; residents of 26A; and residents of Galena have a customary and traditional use determination for caribou in Unit 23. Only residents of Unit 23 have a customary and traditional use determination for moose in Unit 23.

Regulatory History

The Noatak Traditional Council first recommended the creation of a controlled use area in the Noatak valley in the spring of 1985 (Georgette and Loon 1988). The Alaska Board of Game tabled the proposal. In November 1986, the Noatak Traditional Council resubmitted their proposal to the Alaska Board of Game, but it was returned because the Alaska Board of Game was dealing with the new subsistence law and not considering other proposals. In February 1987, the Kotzebue Fish and Game Advisory Committee submitted a proposal to the Alaska Board of Game requesting the formation of a controlled use area (CUA) for a five-mile wide corridor on the Noatak River that extended from the mouth of the Eli River

to the mouth of the Nimiuktuk for approximately 125 miles. The Alaska Board of Game implemented the Noatak Controlled Use Area in 1988 (**Map 1**), restricting the use of aircraft in any manner for big game hunting from August 20 through September 20; however, the Alaska Board of Game amended the proposal to limit the original CUA to that section of river between the mouths of Sapun Creek and the Kugururok River. The Federal Subsistence Board adopted the State's Controlled Use Area regulations in 1990 when the Federal government assumed responsibility to assure the Federal subsistence priority on Federal public lands in Alaska.

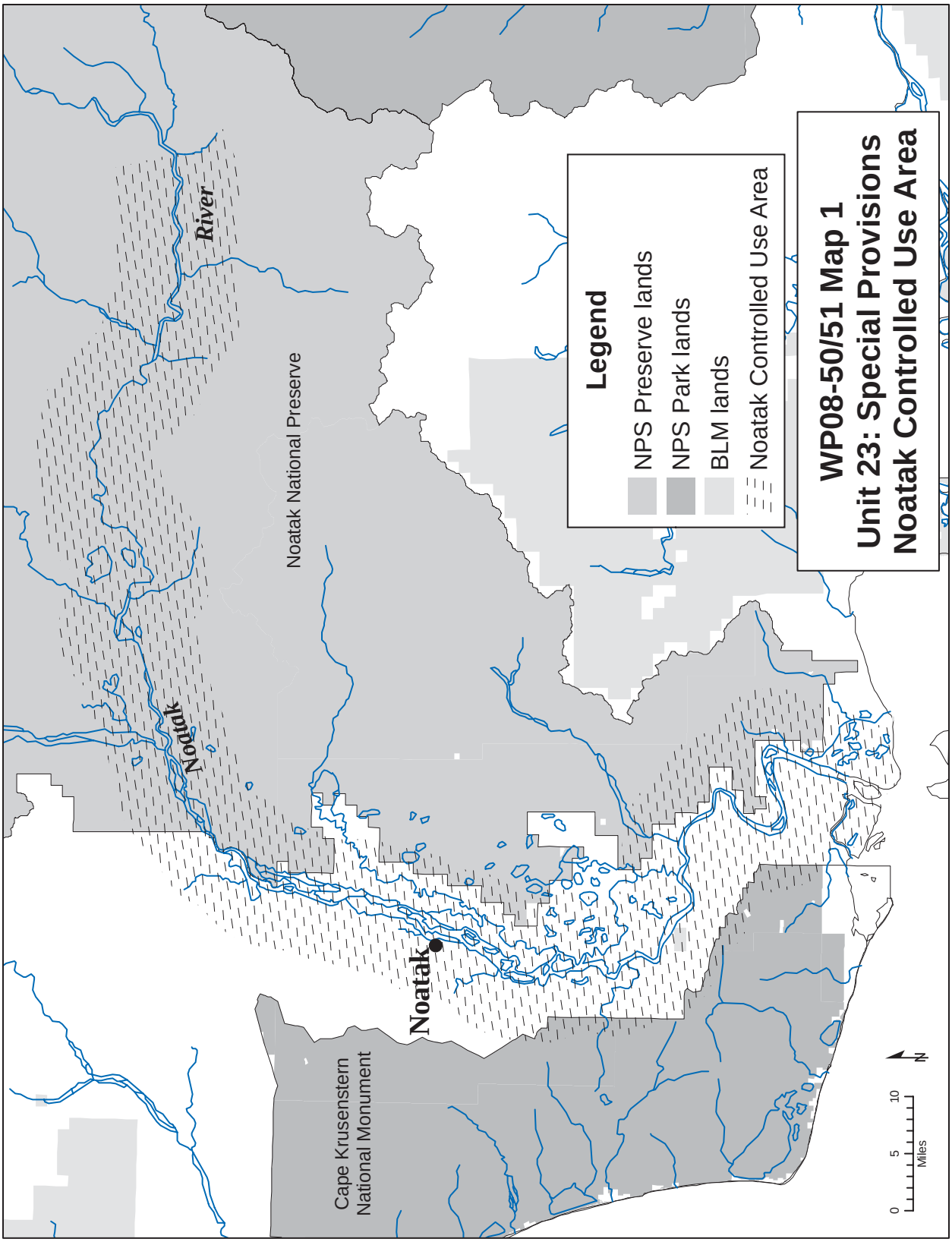
The Alaska Board of Game modified the CUA boundaries beginning with the 1994–95 regulatory year, to a five-mile corridor on either side of the Noatak River beginning at the mouth of the Noatak River and extending upstream to the mouth of Sapun Creek. The CUA restrictions were in effect from August 25 to September 15. The Federal Subsistence Board incorporated these changes into the Federal subsistence regulations effective beginning the 1995/96 regulatory year, when it adopted Proposal 50 at its April 1995 meeting.

Much of the Noatak Controlled Use area is within the Noatak National Preserve, established by Congress in the Alaska National Interest lands Conservation Act (ANILCA) in 1980, and is administered by the NPS. There are few regulations affecting the use of aircraft in the Noatak valley. Air taxis, guides and transporters operating within the preserve are required to obtain a business license from the NPS and report on their activities annually. The NPS does not have other restrictions on airplane use in the Noatak Preserve, though the agency recommends that aircraft maintain an altitude of 2,000 feet when flying over park lands. Currently, the NPS is considering the possibility of administrative options for addressing the user conflict issue within the preserve and to make sure that caribou are able to migrate without being disturbed (Goodwin 2007, pers. comm.).

Biological Background

The headwaters of the Noatak River lie in the central Brooks Range in mountains that divide it from the Yukon and Kobuk drainages. The Noatak is heavily braided above and immediately below the community of Noatak and boating in this area is challenging, requiring considerable skill. The rest of the Noatak is generally confined to a deeper channel and is easier to pilot. The tributaries are shallow and rocky, however, and generally not traveled by skiff except for short distances and only during high water.

The Western Arctic Caribou Herd (WACH) passes repeatedly through the Noatak valley on its seasonal north-south migration. Calving occurs primarily from late May through early June along the headwaters of North Slope rivers such as the Colville, Ketik, Meade and Utukok (Georgette and Loon 1988, Dau 2005). After calving, the herd generally moves southwest, then eastward into the high country of the DeLong Mountains to avoid mosquitoes. In early July, as mosquito harassment increases and flies hatch, the WACH form large aggregations—sometimes numbering over 100,000 animals—and begin moving through the northern foothills of the Brooks Range toward Howard and Anaktuvuk passes (Dau 2005). By early- to mid-August, insect harassment diminishes and most of the WACH disperses west and north to their summer range on the Arctic Coastal Plain. However, some caribou stay near Howard and Anaktuvuk passes. In mid-August to mid-September, the fall migration begins as the WACH moves southwest toward Kotzebue and Norton Sound, through mountain passes and across the Noatak River to winter range in the upper Kobuk drainage, Nulato Hills or areas on the Seward Peninsula. Although caribou cross the Noatak every fall, the route and timing of their migration varies from year to year and from decade to decade. According to Dau (2005) by late November, "No matter where caribou are, directed and lengthy


WP08-50/51 Map 1
Unit 23: Special Provisions
Noatak Controlled Use Area
Legend
NPS Preserve lands
NPS Park lands
BLM lands
Noatak Controlled Use Area
Noatak National Preserve
Noatak
River
Noatak
Cape Krusenstern
National Monument
0
5
10
Miles
N

migratory movements generally cease by this time, and they become relatively sedentary until April when the spring migration begins."

The State of Alaska Department of Fish and Game (ADF&G) management goals for the WACH are: (1) protect and maintain the WACH and its habitat; (2) provide for subsistence and recreational hunting on a sustained yield basis; (3) provide for viewing and other uses of caribou; and (4) perpetuate associated wildlife populations, including carnivores. The management objectives center on habitat protection; cooperation among State and Federal agencies, as well as local governing bodies; simple, consistent and understandable regulations; minimizing conflict between user groups; and the understanding, appreciation and integration of both scientific information and traditional knowledge in the management of the herd.

The first aerial census of the WACH took place in 1970, when ADF&G estimated a population of 243,000 animals (Dau 2005). The herd reached a low in 1976 when the population was estimated to contain only 75,000 caribou (Davis et al. 1985). Since then, the population has grown dramatically. By 1987 the population increased to about 230,000 and by 2003 rose as high as ≥ 490,000. Because the WACH range over such a large area, the average density throughout their range is about 3.5 caribou/mi^2, but because caribou exhibit a clumped distribution in both space and time, seasonal densities provide a more useful measure for evaluating effects of density on range, as well as on individual animals. For example, in 2003, 99% of the WACH (486,000 of 490,000 animals) was on summer range resulting in a density of 11.2 caribou/mi^2 (Dau 2005). The fall population composition of the WACH from 1961–2004 averaged 44 calves:100 cows; 23 calves:100 adults; and 48 bulls:100 cows. There has been no clear trend in calf production in the WACH other than it gradually increased through the mid-1980s; however, it has slowly declined since.

State and Federal biologists consider the WACH healthy and have few concerns about the amount of hunting pressure on them. Thus, Unit 23 caribou regulations—both State and Federal—are some of the most liberal in Alaska. Currently, however, scientists and native hunters alike are concerned that the WACH population may crash because of competition for food resources; loss of forage from extensive tundra fires; and inability to access food on wintering areas because of icing.

Though user conflicts have long been considered a problem in Unit 23, there is not a uniform conclusion about the effects of aircraft on caribou movements in Alaska. Opinions of biologists, researchers, subsistence hunters, and recreational hunters differ. Calef et al. (1976) concluded that aircraft should fly at a minimum of 500 feet above the ground during migrations to avoid stampedes or collisions, and at least 1,000 feet in altitude to avoid mild responses such as caribou moving away from the airplane. Calef et al. also noted that caribou appear to have increased sensitivity to aircraft during the rut, in the calving period, and in early winter. The authors of this study observed that caribou at river crossings reacted more to aircraft than traveling or feeding animals. Resting caribou were the least reactive.

Harvest History

People in the Noatak valley have a long history of hunting caribou in the upper Noatak River valley (Georgette and Loon 1988), especially in the fall, when they prefer to take large, fat bulls prior to the rut. During most of the twentieth century, caribou were reliably found in the upper Noatak—in contrast to other areas—where they were accessible by traditional hunting methods; i.e., primarily by snow machines from late October–early May (Dau 2005). Few local hunters use aircraft to hunt caribou. In contrast, nonlocal hunters rely almost entirely on aircraft to access caribou hunting areas in Unit 23. Once in the

field, nonlocal hunters use boats to float the river, or 4-wheelers supplied by hunting guides, who store them at remote camps.

In Unit 23 some village residents transport nonlocal moose and caribou hunters up the Noatak by boat. This has created strife within some villages because many local residents believe that nonlocal hunters compete with them for the best hunting areas; aircraft disrupt migrating caribou, especially at river crossings; and waste meat and leave litter (Dau 2005).

During recent years, the general consensus of subsistence hunters is that the WACH is migrating later and later, making them more difficult to hunt. Attamuk Shiedt Sr. (Shiedt 2007, pers. comm.), a Northwest Arctic Subsistence Regional Advisory Council member and a voting member of the WACH Working Group states, "Everything needs to be pushed back so locals have a chance to get their caribou before nonlocals come in." Willie Goodwin (Goodwin 2007, pers. comm.) NPS Subsistence Coordinator and Community Liaison states, "For centuries we have seen that colder weather gets the caribou moving and because the colder weather is late, caribou are migrating later. This is traditional knowledge. Sport hunting should be moved to later in the season to allow the first caribou to start the migration."

An estimated 10,000 caribou are taken annually in Unit 23 by subsistence hunters (Dau 2005; Dau 2007, pers. comm.). Subsistence harvest comprises on average 95% of the total harvest in Unit 23 (**Table 1**); although the total nonlocal harvest has increased incrementally each year since 1999. The average annual harvest by nonlocal hunters between 1999 and 2006 has been 578 animals (ADF&G 2007), which represents 5.7% of the total harvest.

Table 1. Unit 23 Western Arctic caribou harvest 1999–2006. Subsistence harvest data is from Community Harvest Surveys using a Generalized Least Squares modeling technique (Dau 2005, Dau 2007, pers. comm.); nonlocal resident and non-resident harvest data is from ADF&G harvest ticket report on-line database (ADF&G 2007).

Regulatory Year	Subsistence Harvest	Nonlocal Resident Harvest	Non-Resident Harvest	Total Nonlocal Harvest
1999–2000	10,478	237	194	448
2000–2001	10,424	382	271	658
2001–2002	10,279	208	213	428
2002–2003	9,979	317	225	556
2003–2004	7,269	310	237	560
2004–2005	11,787	317	305	632
2005–2006	10,883	307	376	686
2006–2007[a]	—	237	386	662
Totals	**71,099**	**2,315**	**2,207**	**4,630**
Averages	**10,157**	**289**	**276**	**578**

[a] Subsistence harvest data not available for this year.

Current Events Involving Species

Conflicts among nonlocal hunters, commercial operators (guides and transporters) and local subsistence hunters have been an on-going problem for many years in parts of Unit 23, including the Noatak Controlled Use Area. The issue is complex and involves all hunters, not just caribou hunters, who are affected by: (1) use of aircraft by nonlocal hunters and commercial operators in contrast to local

hunters' use of boats and snow machines; (2) shortened seasons, reduced bag limits, crowding, and few trophy class animals in other parts of Alaska; and (3) fewer places to hunt multiple species of big game animals—especially for non-residents (Dau 2005). The limiting factors driving these conflicts are access points and space to accommodate all users. Some high-volume transporters control virtually entire drainages in Unit 23 by contracting their services to numerous clients and monopolizing access points (Dau 2005).

During its November 2007 meeting in Bethel, the Alaska Board of Game rejected a similar proposal (Proposal 52) to change the timing of the no-fly restrictions in the Noatak Controlled Use Area. Instead, the Alaska Board of Game endorsed the creation of a Unit 23 user conflict working group to do an in-depth study to document and quantify the extent of perceived problems between local subsistence hunters, nonlocal hunters and commercial enterprises. A two-year study was approved by the Alaska Board of Game and State House Representative, Reggie Joule, inserted $50,000 into the Capital budget to begin the project (Jacobson 2007). ADF&G, NPS, BLM and FWS personnel are working together to secure additional funding to support the Unit 23 user conflict study, which is anticipated to begin work in early 2008. The primary objectives of the working group/committee are to (1) determine the social carrying capacity of hunters, guides, air taxis and transporters in Unit 23; (2) minimize impacts to resources; (3) insure quality hunting opportunities exist for individuals hunting under State regulations; (4) insure that subsistence hunting opportunities and other cultural elements are preserved; and (5) insure that transporter activities are conducted in a manner that do not disrupt caribou, other wildlife, or subsistence user activities.

The Alaska Board of Game noted that the Noatak Controlled Use Area was so large that recreational hunters have already been eliminated from the best time to hunt (Jacobson 2007). In addition, because the WACH is at an all-time high population level, the Alaska Board of Game stated that it was impossible to justify reducing nonlocal hunting opportunity any further. In an initial effort to reduce user conflicts, the Alaska Board of Game (1) adopted a harvest limit of one caribou for non-resident hunters beginning in the 2007–2008 State regulatory caribou hunting season in Unit 23; (2) increased salvage requirements for moose and caribou taken between 1 July and 1 October; and (3) directed ADF&G to create educational materials informing hunters about salvage and care of meat as well as other factors that contribute to conflicts among users.

Effects of the Proposal

If either WP08-50 or WP08-51 were adopted by the Federal Subsistence Board, it would not decrease the amount of air traffic within the Noatak Controlled Use Area because Federal regulations only apply to Federally qualified subsistence users on Federal public lands. If the proposals were adopted, lengthening or adjusting the restrictions on aircraft use within the Noatak Controlled Use Area would penalize the few Federally qualified subsistence users, mostly from Kotzebue, who use aircraft to hunt the area. It would not affect nonlocal hunters hunting under State regulations who access the Noatak River drainage using light aircraft. Nonlocal hunters who use air taxi service providers, transporters or big game guides and outfitters to access the Noatak River drainage during August and September to hunt caribou all operate under State hunting regulations.

A Federal Subsistence Board proposal could only be effective in lengthening or adjusting the dates that the air traffic restrictions are in place if they are done in conjunction with the Alaska Board of Game, which would be preferable to a Federal public lands closure. This is extremely unlikely because there are no conservation concerns for the Western Arctic caribou herd. Nevertheless, competition between Federally qualified subsistence users and nonlocal hunters can be considered a reason to limit nonlocal

harvest even for an abundant a resource. However, more quantifiable information is needed to document such competition before the Federal Subsistence Board could justify additional restrictions on nonlocal hunters. Controlled Use Areas are State of Alaska management areas and the Federal Subsistence Board has not modified CUA wording from that provided in State regulations.

OSM CONCLUSION

Oppose Proposals WP08-50 and WP08-51.

Justification

Changing the time period in the special provision that restricts aircraft use over the Noatak Controlled Use Area would not reduce the user conflicts in Unit 23. Nonlocal hunters hunting under State regulations would not be affected by the change in the Federal subsistence regulations. The proposal would, however, penalize the few subsistence users who use aircraft to hunt in the area. The Federal Subsistence Management Program has not modified Controlled Use Area wording in regulations because they are State-managed areas. Changes to the Noatak Controlled Use Area should be postponed until the results of the Unit 23 user conflict study indicates the best course of action to take.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-50/51

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Council to be consistent with ANILCA Section 805(c).

Comments WP08-50 and 51
April 10, 2008, Page 1 of 2

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposals WP08-50 and 51: Modify the August 30 – September 15 dates during which aircraft cannot be used for hunting in the Noatak Controlled Use Area in Game Management Unit 23. WP08-50 requests an August 30 – September 30 closure, while WP08-51 requests an August 25 – October 30 closure.

Introduction: The Noatak Controlled Use Area (CUA) was established in the 1988-89 regulatory year to reduce conflicts between local hunters, who access hunting areas by boat, and commercial operators and nonlocal hunters, who primarily use aircraft for access. The CUA was enlarged for the 1994-95 regulatory year, and its duration shortened primarily to more effectively reduce conflicts while minimizing impacts on nonlocal hunters and to reduce moose harvests in the Noatak River drainage. The CUA clearly reduced hunting-related aircraft activity in the protected corridor, thereby reducing conflicts in the lower Noatak drainage during the fall season. Moose hunter numbers and harvest levels in the Noatak drainage declined from the 1992-93 to the 1999-2000 regulatory years, reportedly because moose hunting was better in other portions of the unit. Since then, the number of moose hunters in the Noatak drainage has slowly increased while harvests have shown no clear trend.

The timing of the fall migration of the Western Arctic Caribou Herd has been more variable and generally has occurred 2-6 weeks later since the CUA was last modified. In recent years, few caribou have been present in the lower Noatak drainage before the CUA restrictions expire on September 15. Caribou harvest data prior to 1998-99 are not available to evaluate the effects of this CUA on caribou hunting.

Impact on Subsistence Users: These proposals would increase the period during which aircraft cannot be used for hunting in the Noatak Controlled Use Area. The proposals are based on the presumption that expanding the dates of the prohibition would reduce conflicts or competition from nonlocal hunters and improve caribou hunting by local residents.

Opportunity Provided by State: At its November 2007 meeting, the Alaska Board of Game considered a proposal to extend the aircraft closure period to October 30 in the CUA. Had the Alaska Board of Game chosen to modify the dates, the Alaska Department of Fish and Game would have recommended a closure period of September 1-30 to accommodate changes in the caribou migration. Beginning the closure on September 1 would accommodate greater variability in the onset of the fall caribou migration and minimize conflicts during the critical early part of the fall hunting season. The Alaska Board of Game did not adopt this proposal and instead supported creation of a working group to evaluate the need for regulatory changes to the CUA to address user conflicts.

Enforcement Issues: Adoption of either proposal would result in divergent federal and state season dates during which aircraft could not be used for hunting in the Noatak Controlled Use Area. There are substantial amounts of both state and federal lands within the Noatak CUA, and hunting occurs on lands under both state and federal jurisdiction. The state's CUA dates apply to all lands, while the federal prohibition would only apply to federally-qualified users on federal

lands. Adoption of either WP08-50 or WP08-51 would create unnecessarily complex regulations in the Noatak CUA, with resultant compliance and enforcement problems.

Other Comments: A working group is being formed to address user conflicts in Unit 23 and is expected to recommend changes that could reduce user conflicts in the Noatak CUA. The working group should have an opportunity to address these user conflicts at its meeting in Kotzebue on April 23-24, 2008, and submit regulatory proposals to the Alaska Board of Game and Federal Subsistence Board for action during the same regulatory cycle.

Recommendation: Either oppose or take no action on this proposal until the Unit 23 working group has met and made recommendations concerning the Noatak CUA regulations. If regulatory changes are proposed, we recommend that the Federal Subsistence Board and Alaska Board of Game consider the changes during the same wildlife regulatory cycle.

WP08-52 Executive Summary	
General Description	Proposal WP08-52 requests the addition of Unit 23 to the list of areas from which the skin, hide, pelt or fur, including claws, of brown bears harvested under Federal subsistence regulations can be used to make handicrafts for sale. *Submitted by the Northwest Arctic Subsistence Regional Advisory Council*
Proposed Regulation	**Bear Handicrafts** *§___.25(j)(7) If you are a federally qualified subsistence user, you may sell handicraft articles made from the fur of a brown bear taken from Units 1–5, 9A–C, 9E, 12, 17, 20,* ***23,*** *or 25.*
Western Interior Regional Council Recommendation	**Defer** to the Northwest Arctic Subsistence Regional Advisory Council.
Northwest Arctic Regional Council Recommendation	**Support**
North Slope Regional Council Recommendation	**Support**
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Oppose**
Written Public Comments	**Defer** to the home [Northwest Subsistence] Regional Advisory Council.

REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

WESTERN INTERIOR SUBSISTENCE REGIONAL ADVISORY COUNCIL

Defer Proposal WP08-52 to Northwest Arctic Subsistence Regional Advisory Council.

NORTHWEST ARCTIC SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-52. The Council supports the proposal consistent with the OSM staff analysis. For several years, the Council has considered similar proposals and has consistently supported region-specific regulations for brown bear handicrafts.

NORTH SLOPE SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-52.

STAFF ANALYSIS
WP08-52

ISSUES

Proposal WP08-52, submitted by the Northwest Arctic Subsistence Regional Advisory Council (Northwest Arctic RAC), requests the addition of Unit 23 to the list of areas from which the skin, hide, pelt or fur, including claws, of brown bears harvested under Federal subsistence regulations can be used to make handicrafts for sale.

DISCUSSION

The Northwest Arctic RAC stated that they submitted the proposal so that subsistence users may more completely utilize brown bears they harvest under Federal subsistence regulations. The Federal Subsistence Board (Board) and Regional Advisory Councils statewide have considered several proposals related to brown bear handicrafts and have repeatedly emphasized the importance of the region-specific approach to bear handicraft regulations (FSB 2004: 209–274). The Northwest Arctic RAC has supported some and opposed other of the various bear handicraft proposals. The addition of Unit 23 to the list of units with brown bear handicraft regulations is consistent with Section 803 of ANILCA.

Existing Federal Regulation

Bear Handicrafts

§___.25(j)(7) If you are a federally qualified subsistence user, you may sell handicraft articles made from the fur of a brown bear taken from Units 1–5, 9A–C, 9E, 12, 17, 20, or 25.

Proposed Federal Regulation

Bear Handicrafts

§___.25(j)(7) If you are a federally qualified subsistence user, you may sell handicraft articles made from the fur of a brown bear taken from Units 1–5, 9A–C, 9E, 12, 17, 20, ***23,*** *or 25.*

ANILCA §803

As used in the ANILCA, the term "subsistence uses" means,

> *the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of non-edible byproducts of fish and wildlife resources taken for personal and family consumption; for barter, or sharing for personal or family consumption; and for customary trade.*

Extent of Federal Public Lands

Federal public lands comprise approximately 56% of Unit 23 and consist of 40% National Park Service (NPS), 9% Bureau of Land Management (BLM) and 7% and U.S. Fish and Wildlife Service (FWS) lands (**Unit 23 map**).

Customary and Traditional Use Determinations

Rural residents of Units 21 and 23 have a positive customary and traditional use determination for brown bear in Unit 23.

Regulatory History

The Board has considered numerous proposals regarding the sale of handicrafts made from the nonedible byproducts of black and brown bears harvested under Federal subsistence regulations. The Board has adopted bear handicraft regulations for specific regions that have requested them and has acknowledged the importance of region-specific regulations because of cultural differences throughout the state. The Northwest Arctic RAC has supported some and opposed other of the various brown bear handicraft proposals. The sale of nonedible wildlife parts, primarily caribou antlers, has been cause for concern in the Northwest Arctic region (NWARAC 2005:50).

In May 2002, the Board considered a proposal (WP02-01) to classify black and brown bears as furbearers for the purpose of allowing the sale of bear hides and parts. While the Board denied this request citing conservation concerns, it did adopt a regulation allowing the use of black bear fur for handicrafts, seeking to align with the regulation adopted by the State of Alaska in 1998. The Northwest Arctic RAC voted to oppose the proposal but supported alignment with State regulations regarding the sale of handicrafts made from black bear fur (FWS 2002: 2).

In 2004, a proposal (WP04-01) to allow the sale of handicraft items made from the fur of brown bear was considered by the Federal Subsistence Board. This same proposal was submitted to and adopted by the Alaska Board of Game in spring 2004. After extensive discussion, the Board adopted Federal regulations that allow for the sale of handicrafts made from brown bear fur including claws. Various Regional Advisory Councils held different views of the proposal. The Board adopted the proposal, but only for those three regions whose Regional Advisory Councils considered it appropriate: Eastern Interior, Bristol Bay and Southeast Alaska (Units 1–5, 9A–C, 9E, 12, 17, 20 and 25). The Northwest Arctic RAC voted to oppose the proposal on the basis that it should not have been a statewide proposal; they felt that the proposed regulations should have been addressed region-by-region (FWS 2004: 16). During the May 2004 Board meeting, the Chair of the Northwest Arctic RAC indicated that the Northwest Arctic RAC planned to submit a proposal for brown bear handicraft regulations for their region during the next wildlife proposal cycle (FSB 2004: 217, 220).

In 2005, proposal WP05-01, which asked to clarify the definition of handicrafts and to prevent commercialization of bear handicrafts, was submitted by the USFWS. The proposal addressed regulations for the sale of handicrafts made from both black and brown bears. The Board adopted the proposal with modifications. The Northwest Arctic RAC opposed this proposal due to concerns about past experience with wanton waste of caribou taken only for antlers, which led to State prohibitions on the sale of caribou antlers in Unit 23[1] (NWARAC 2005:50, FSB 2005: 206).

WP08-52 is the result of discussions at the fall 2007 Northwest Arctic RAC meeting, NPS suggested the inclusion of Unit 23 to the Northwest Arctic RAC and the Council voted to submit this proposal. The Northwest Arctic RAC Chair noted, “I’m glad to see this is possible…it’s been controversial in the past, maybe it will be again, especially the bear claws. I firmly believe it’s just a byproduct…of the animal” (NWARAC 2007: 17).

[1] For more information on this issue, refer to Magdanz and Loon, 1990, Trade in Wild Antlers in Northwest Alaska.

Effects of the Proposal

The Federal harvest limit for brown bear in Unit 23 is one bear per year. This proposal does not change the harvest limit; if adopted therefore, it should have little or no effect on other users. Adoption of this proposal will allow for increased utilization of brown bears already harvested under Federal subsistence regulations. Adoption of this proposal may provide subsistence users with a small amount of cash if they opt to make and sell handicrafts from the skin, hide, pelt or fur, including claws, of brown bears harvested for food. As noted, subsistence harvest limits for brown bears are in place and these regulations dictate that edible meat must be salvaged. Thus, the amount of brown bear skin, hide, pelt or fur, including claws, for handicrafts is limited by these regulations.

OSM CONCLUSION

Support Proposal WP08-52.

Justification

For several years, the Northwest Arctic RAC has considered including the units within its purview to the list of those that participate in selling handicrafts made from the skin, hide, pelt or fur, including claws, of brown bears harvested in their area. The Northwest Arctic RAC has supported some and opposed other of the various brown bear handicraft proposals. The addition of Unit 23 to the list of areas from which the skin, hide, pelt or fur, including claws, of brown bears harvested under Federal subsistence regulations can be used to make handicrafts for sale is consistent with Section 803 of ANILCA.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-52

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Councils to be consistent with ANILCA Section 805(c).

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP08-52 would allow the sale of handicrafts made from the fur, including claws, of brown bear harvested in Unit 23.

Introduction: Federal regulations authorizing sale of handicrafts made from the skin, hide, fur, or pelt, including claws, of brown bears do not apply to brown bears taken in Units 23. This proposal would allow such sales. Where such sales are allowed under federal law, they are limited only by an unenforceable regulation that prohibits sales constituting a "significant commercial enterprise," which is undefined. Under state law, sales and purchases of handicrafts made with brown bear claws are prohibited. The state opposes these proposals as written but notes that sales of bear fur handicrafts without claws would be allowed without adoption of this proposal if proposal WP08-05 is adopted.

Impact on Subsistence Users: This proposal would not further subsistence use of brown bear because sales of brown bear handicrafts are not customary and traditional in Units 23, 24B, and 26. The Federal Subsistence Board's current allowance of such sales in other units was not based upon a determination that such sales are customary and traditional but upon the Board's unsupported argument that the Board can authorize any use if the take is customary and traditional.[1] Bartering brown bear handicrafts with anyone is already allowed under federal regulations, and, therefore, this proposal is not needed to allow rural residents or urban Natives to obtain such handicrafts for ceremonial, religious, and cultural purposes. Adoption of this proposal will increase the likelihood that federal subsistence users will face state prosecution for engaging in sales that are prohibited under state law when they are on state or private lands.

Opportunity Provided by State: State regulations allow the purchase, sale, and barter of handicrafts made from the fur of a bear, but the state's definition of fur does not include claws. Under 5 AAC 92.900, handicrafts made with bear fur may be sold to anyone, but sales of handicrafts made with claws are prohibited.

Conservation Issues: Regulations allowing the sales of high value bear claws create a legal market for bear claws which is likely to mask illegal sales, compounding problems with the international trade of Endangered Species and contributing to the illegal harvest, overharvest, and waste of bears in other states and countries as well as Alaska. Brown bears develop slowly and have a low reproductive rate, making small populations extremely susceptible to overharvest. Allowing widespread sale of high value bear parts without any kind of tracking mechanism is an invitation to illegal harvest. Existing unit-specific regulations are unenforceable and inconsistent with sound management principles. Adoption of these proposals will incrementally increase these problems.

Enforcement Issues: Adoption of this proposal will increase enforcement problems in several ways. First, by expanding the pool of eligible sellers and potential numbers of legal sales of high value bear parts, it will contribute to increased masking of illegal sales and bolster the economic incentives for poaching in other states and countries as well as Alaska. Second, it will add another unenforceable unit specific sales authorization with no tracking mechanism for linking handicrafts to the location where a bear is harvested. Third, adoption of this proposal will increase the likelihood that federal

[1] See for example Chairman Demientieff letter to ADF&G on January 17, 2006

subsistence users will face prosecution for attempting to engage in sales on state or private land that are prohibited under state law.

Jurisdiction Issues: The State continues to maintain that the federal government lacks jurisdiction to allow sales of any wildlife handicrafts where such sales are not customary and traditional. In the past, the Federal Subsistence Board has rejected this argument, asserting that if any use is customary and traditional the Board can authorize any other use. The Board's argument is inconsistent with its litigation stance in the Chistochina Unit 12 moose case where it argued that customary and traditional use is related to how a resource is used after it is taken and not to or a prerequisite condition for the taking itself.[2]

Recommendation: Oppose WP08-52 and support WP08-05 instead. No evidence is presented in either the proposal or staff analysis demonstrating that the production and sale of brown bear handicrafts is a customary and traditional activity in Unit 23. Furthermore, such sales will create enforcement problems for subsistence users and are contrary to accepted principles of wildlife management in light of the endangered species and sustainability issues. Sales of bear fur handicrafts without claws would be allowed without adoption of this proposal if proposal WP08-05 is adopted.

[2] *State v. Fleagle*, (Case 3:06-cv-00107-HRH) Doc 32 at 22

WRITTEN PUBLIC COMMENTS

Defer Proposal WP08-52 to the home [Northwest Subsistence] **Regional Advisory Council.** The Subsistence Resource Commission defers to the customary practices of subsistence users in their home regions. *Submitted by the Gates of the Arctic Subsistence Resource Commission*

WP08-53 Executive Summary	
General Description	Proposal WP08-53 requests the addition of Units 24B and 26 to the list of areas from which the skin, hide, pelt or fur, including claws, of brown bears harvested under Federal subsistence regulations can be used to make handicrafts for sale. *Submitted by the North Slope Regional Subsistence Advisory Council*
Proposed Regulation	*§___.25(j)(7) If you are a federally qualified subsistence user, you may sell handicraft articles made from the fur of a brown bear taken from Units 1–5, 9A–C, 9E, 12, 17, 20,* ***24B****, 25 or* ***26****.*
Western Interior Regional Council Recommendation	**Support** Proposal WP08-53 **with modification** to delete Unit 24B.
Northwest Arctic Regional Council Recommendation	**Support**
North Slope Regional Council Recommendation	**Support**
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Oppose**
Written Public Comments	**Defer** Proposal WP08-53 to the home [North Slope Subsistence] Regional Advisory Council **with modification** to remove Unit 24B from the proposal.

REGIONAL ADVISORY COUNCIL RECOMMENDATIONS

WESTERN INTERIOR SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-53 **with modification** to delete Unit 24B. The Council unanimously supported proposal 53 with the modification to delete Unit 24B. Council members personally knew of Anaktuvuk Pass residents who made masks from the fur of brown bears harvested. The Council desired the removal of Unit 24B for Interior Alaska cultural reasons.

NORTHWEST ARCTIC SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-53. The Council supports the proposal consistent with the OSM staff analysis. For several years, the Council has considered similar proposals and has consistently supported region-specific regulations for brown bear handicrafts.

NORTH SLOPE SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-53. Anaktuvuk Pass residents harvest brown bears in Units 24B and 26 and other residents of Unit 26 use the brown bear skin, hide, pelt and fur, including claws, for handicrafts.

STAFF ANALYSIS
WP08-53

ISSUES

Proposal WP08-53, submitted by the North Slope Regional Subsistence Advisory Council (North Slope RAC), requests the addition of Units 24B and 26 to the list of areas from which the skin, hide, pelt or fur, including claws, of brown bears harvested under Federal subsistence regulations can be used to make handicrafts for sale.

DISCUSSION

The North Slope RAC stated that this proposal was submitted so that subsistence users in its region may more completely utilize brown bears they harvest under Federal subsistence regulations. The Federal Subsistence Board (Board) and Regional Advisory Councils statewide have considered several proposals related to brown bear handicrafts and have repeatedly emphasized the importance of the region-specific approach to bear handicraft regulations (FSB 2004: 209–274). The North Slope RAC has consistently supported region-specific regulations for brown bear handicrafts.

The North Slope RAC included Units 24B and 26 in its proposal; the former was included so that the community of Anaktuvuk Pass, which is located just under the border of Unit 26 in Unit 24B, was covered in the proposed regulation. Anaktuvuk Pass is represented by the North Slope RAC due to shared heritage (Inupiat). The majority of people living in Unit 24B, however, are Athabascan, and are represented by the Western Interior Subsistence Regional Advisory Council (Western Interior RAC). Cultural beliefs about brown bears vary greatly across these two regions. The Western Interior RAC has consistently opposed allowing brown bear handicrafts for sale in their region. However, it has supported region-specific proposals for brown bear handicrafts in other regions.

In Unit 24B, the majority of Federal public lands accessed by residents of Anaktuvuk Pass are within Gates of the Arctic National Park.

Existing Federal Regulation

Bear Handicrafts

§___.25(j)(7) If you are a Federally qualified subsistence user, you may sell handicraft articles made from the fur of a brown bear taken from Units 1–5, 9A–C, 9E, 12, 17, 20,or 25.

Proposed Federal Regulation

Bear Handicrafts

§___.25(j)(7) If you are a Federally qualified subsistence user, you may sell handicraft articles made from the fur of a brown bear taken from Units 1–5, 9A–C, 9E, 12, 17, 20, ***24B****, 25 or* ***26****.*

ANILCA §803

As used in the ANILCA, the term "subsistence uses" means,

> *the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of non-edible byproducts of fish and wildlife resources taken for personal and family consumption; for barter, or sharing for personal or family consumption; and for customary trade.*

Extent of Federal Public Lands

Federal public lands comprise approximately 58% of Unit 24B and consist of 38% NPS, 14% FWS, and 5% BLM lands (**Unit 24 map**).

Federal public lands comprise approximately 67% of Unit 26 and consist of 66% BLM, 13% FWS, and 6% NPS lands (**Unit 26 map**).

Customary and Traditional Use Determinations

Unit 24B consists of the Koyukuk river drainage upstream from Dog Island to the Unit 24A boundary. Rural residents of Unit 24 and Stevens Village have a positive customary and traditional use determination for brown bear in the portion of Unit 24 south of Caribou Mountain and on Federal public lands within and adjacent to the Dalton Highway Corridor Management Area. Rural residents of Unit 24 also have a positive customary and traditional use determination for brown bear in the remainder of Unit 24.

Rural residents of Unit 26, Anaktuvuk Pass and Point Hope have a positive customary and traditional use determination for brown bear in Unit 26.

Cultural Issues

The people of Anaktuvuk Pass have made masks from a variety of animal skins and fur, including brown bear, for generations. The making and selling of brown bear handicrafts does not conflict with beliefs about bears in this community and in the remainder of Region 10, the area of the North Slope RAC. The support of bear handicraft regulations by the North Slope RAC reflects this preference.

In many Athabascan communities represented by the Western Interior RAC, beliefs about bears clearly proscribe what should and should not be done in relation to bears. These beliefs are reflected in the Western Interior RAC's consistent opposition to regulations for the sale of bear handicrafts in its region.

Regulatory History

The Board has considered numerous proposals regarding the sale of handicrafts made from the nonedible byproducts of black and brown bears harvested under Federal subsistence regulations. The Board has adopted bear handicraft regulations for specific regions that have requested them and has acknowledged the importance of region-specific regulations because of cultural differences throughout the state. The North Slope RAC has consistently supported region-specific regulations for brown bear handicrafts. As noted, the Western Interior RAC has consistently opposed regulations for brown bear handicrafts in

its region, but has generally supported region-specific regulations for brown bear handicrafts in regions where they are considered appropriate.

In May 2002, the Board considered a proposal (WP02-01) to classify black and brown bears as furbearers for the purpose of allowing the sale of bear hides and parts. While the Board denied this request citing conservation concerns, it adopted a regulation allowing the use of black bear fur for handicrafts, seeking to align with the regulation adopted by the State of Alaska in 1998. The North Slope RAC opposed the proposal (FWS 2002: 2).

In 2004, a proposal (WP04-01) to allow the sale of handicraft items made from the fur of brown bear was considered by the Board. This same proposal was submitted to and adopted by the Alaska Board of Game in spring 2004. After extensive discussion, the Board adopted Federal regulations that allow for handicrafts made from brown bear fur including claws. Various Regional Advisory Councils held different views of the proposal. The Board adopted the proposal, but only for those three regions whose Regional Advisory Councils considered it appropriate: Eastern Interior, Bristol Bay and Southeast Alaska (Units 1–5, 9A–C, 9E, 12, 17, 20 and 25). The North Slope RAC voted to oppose this proposal on the basis that it should not have been a statewide proposal; they felt that the proposed regulations should have been addressed region-by-region (FWS 2004: 16). At the May 2004 Board meeting, the Chair of the North Slope RAC stated that the RAC planned to submit proposals for brown bear handicraft regulations for their region during the next wildlife proposal cycle (FSB 2004: 217, 220).

In 2005, proposal WP05-01, which asked to clarify the definition of handicrafts and to prevent commercialization of bear handicrafts, was submitted by the USFWS. The proposal addressed regulations for the sale of handicrafts made from both black and brown bears. The Board adopted the proposal with modifications. The North Slope RAC voted to defer the proposal to the home regions (FWS 2005: 207). The Western Interior RAC took no action on WP05-01, in large part due to cultural sanctions that prevent many people from speaking publicly about brown bears (FWS 2005: 89).

WP08-53 is the result of discussions at the fall 2007 Regional Advisory Council meeting, in which the question of including Units 24B and 26 was raised in response to requests from residents of the region to the NPS (NSRAC 2007: 12).

Effects of the Proposal

Adoption of regulations for the sale of brown bear handicrafts in all of Unit 24B is not appropriate for the entire Unit. In an attempt to accommodate the beliefs of all residents of Unit 24B, the proposal has been modified to include only that portion of Unit 24B within Gates of the Arctic National Park. These are the Federal public lands closest to Anaktuvuk Pass in Unit 24B.

The Federal harvest limit for brown bear in Units 24B and 26 is one bear per year. This proposal does not change the harvest limit; if adopted, therefore it should have little or no effect on other users. Adoption of this proposal will allow for increased utilization of brown bears already harvested under Federal subsistence regulations. Adoption of this proposal may provide subsistence users with a small amount of cash if they opt to make and sell handicrafts from the skin, hide, pelt or fur, including claws, of brown bears harvested for food. As noted, subsistence harvest limits for brown bears are in place and these regulations dictate that edible meat must be salvaged. Thus, the amount of brown bear skin, hide, pelt or fur, including claws, for handicrafts is limited by these regulations.

OSM CONCLUSION

Support Proposal WP08-53 **with modification** to include only that portion of Unit 24B within Gates of the Arctic National Park.

The modified regulations should read:

> *§___.25(j)(7) If you are a Federally qualified subsistence user, you may sell handicraft articles made from the fur of a brown bear taken from Units 1–5, 9A–C, 9E, 12, 17, 20,* ***24B (only that portion within Gates of the Arctic National Park),*** *25 or* ***26.***

Justification

For several years, the North Slope RAC has considered including the units within their purview to the list of those that participate in selling handicrafts made from the skin, hide, pelt or fur, including claws, of brown bears harvested in their areas. The North Slope RAC has consistently supported region-specific regulations for brown bear handicrafts.

In contrast, the Western Interior RAC has consistently opposed regulations for the sale of bear handicrafts regulations in its region due to cultural concerns, but has supported region-specific regulations for brown bear handicrafts elsewhere. The modification accommodates diverse beliefs regarding the sale of bear handicrafts within the Western Interior Region and the adjoining North Slope region.

The addition of Units 24B and 26 to the list of areas from which the skin, hide, pelt or fur, including claws, of brown bears harvested under Federal subsistence regulations can be used to make handicrafts for sale is consistent with Section 803 of ANILCA.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-53

The Interagency Staff Committee found the staff analysis to be a complete and accurate evaluation of the proposal, and the recommendation of the Regional Advisory Councils to be consistent with ANILCA Section 805(c).

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP08-53 would allow the sale of handicrafts made from the fur, including claws, of brown bear harvested in Units 24B and 26.

Introduction: Federal regulations authorizing sale of handicrafts made from the skin, hide, fur, or pelt, including claws, of brown bears do not apply to brown bears taken in Units 24B and 26. These proposals would allow such sales. Where such sales are allowed under federal law, they are limited only by an unenforceable regulation that prohibits sales constituting a "significant commercial enterprise," which is undefined. Under state law, sales and purchases of handicrafts made with brown bear claws are prohibited. The state opposes these proposals as written but notes that sales of bear fur handicrafts without claws would be allowed without adoption of these proposals if proposal WP08-05 is adopted.

Impact on Subsistence Users: This proposal would not further subsistence use of brown bear because sales of brown bear handicrafts are not customary and traditional in Units 24B and 26. The Federal Subsistence Board's current allowance of such sales in other units was not based upon a determination that such sales are customary and traditional but upon the Board's unsupported argument that the Board can authorize any use if the take is customary and traditional.[1] Bartering brown bear handicrafts with anyone is already allowed under federal regulations, and, therefore, this proposal is not needed to allow rural residents or urban Natives to obtain such handicrafts for ceremonial, religious, and cultural purposes. Adoption of this proposal will increase the likelihood that federal subsistence users will face state prosecution for engaging in sales that are prohibited under state law when they are on state or private lands.

Opportunity Provided by State: State regulations allow the purchase, sale, and barter of handicrafts made from the fur of a bear, but the state's definition of fur does not include claws. Under 5 AAC 92.900, handicrafts made with bear fur may be sold to anyone, but sales of handicrafts made with claws are prohibited.

Conservation Issues: Regulations allowing the sales of high value bear claws create a legal market for bear claws which is likely to mask illegal sales, compounding problems with the international trade of Endangered Species and contributing to the illegal harvest, overharvest, and waste of bears in other states and countries as well as Alaska. Brown bears develop slowly and have a low reproductive rate making small populations extremely susceptible to overharvest. Allowing widespread sale of high value bear parts without any kind of tracking mechanism is an invitation to illegal harvests. Existing unit-specific regulations are unenforceable and inconsistent with sound management principles. Adoption of these proposals will incrementally increase these problems.

Enforcement Issues: Adoption of this proposal will increase enforcement issues in several ways. First, by expanding the pool of eligible sellers and potential numbers of legal sales of high value bear parts, it will contribute to increased masking of illegal sales and bolster the economic incentives for poaching in other states and countries as well as Alaska. Second, it will add another unenforceable unit specific sales authorization without any tracking mechanism for linking handicrafts to the location where a bear is harvested. Third, adoption of this proposal will increase the likelihood that

[1] See for example Chairman Demientieff letter to ADF&G on January 17, 2006

federal subsistence users will face prosecution for attempting to engage in sales on state or private land that are prohibited under state law.

Jurisdiction Issues: The State continues to maintain that the federal government lacks jurisdiction to allow sales of any wildlife handicrafts where such sales are not customary and traditional. In the past, the Federal Subsistence Board has rejected this argument, asserting that if any use is customary and traditional the Board can authorize any other use. The Board's argument is inconsistent with its litigation stance in the Chistochina Unit 12 moose case where it argued that customary and traditional use is related to how a resource is used after it is taken and not to or a prerequisite condition for the taking itself.[2]

Recommendation: Oppose WP08-53 and support WP08-05 instead. No evidence is presented in either the proposal or staff analysis demonstrating that the production and sale of brown bear handicrafts is a customary and traditional activity in Units 24B and 26. Furthermore, such sales will create enforcement problems for subsistence users and are contrary to accepted principles of wildlife management in light of the endangered species and sustainability issues. Sales of bear fur handicrafts without claws would be allowed without adoption of this proposal if proposal WP08-05 is adopted.

[2] *State v. Fleagle*, (Case 3:06-cv-00107-HRH) Doc 32 at 22

WRITTEN PUBLIC COMMENTS

Defer WP08-53 to the home [North Slope Subsistence] Regional Advisory Council **with modification** to remove Unit 24B from the proposal. The Subsistence Resource Commission defers to the customary practices of subsistence users in their home regions. The primary subsistence qualified users of 24B have social and cultural sanctions against the sale of bear handicrafts. *Submitted by the Gates of the Arctic Subsistence Resource Commission*

WP08-54 Executive Summary	
General Description	WP08-54 requests that the harvest quota for Kaktovik residents change from three moose to five moose (four bulls and one of either sex) in Unit 26C only, that there not be an opportunity for residents of Kaktovik to harvest moose in Unit 26B remainder (Canning River drainage), and that the closure of Federal public lands in Unit 26B remainder to moose hunting for all except Kaktovik residents be removed. Submitted by Lee Kayotuk of Kaktovik
Proposed Regulation	*Unit 26B, excluding the Canning River drainage —1 bull* — *Sept. 1–Sept. 14* *Unit~~s 26B remainder and~~ 26C — 1 moose by Federal registration permit by residents of Kaktovik only. The harvest quota is ~~3~~ **5** moose (~~2~~ **4** bulls and 1 of either sex)~~, provided that no more than 2 bulls may be harvested from Unit 26C and cows may not be harvested from Unit 26C~~. You may not take a cow accompanied by a calf. Only ~~3~~ **5** Federal registration permits will be issued. Federal public lands are closed to the taking of moose except by a Kaktovik resident holding a Federal registration permit and hunting under these regulations.* — *July 1–Mar. 31*
North Slope Regional Council Recommendation	**Support** Proposal WP08-54 **with modification** to change the harvest quota to five bulls with a shorter season from July 1–December 31.
Interagency Staff Committee Comments	*See comments following the analysis.*
ADF&G Comments	**Oppose**
Written Public Comments	**None**

REGIONAL ADVISORY COUNCIL RECOMMENDATION

NORTH SLOPE SUBSISTENCE REGIONAL ADVISORY COUNCIL

Support Proposal WP08-54 **with modification** to change the harvest quota to five bulls with a shorter season from July 1–December 31. The Council recommended that a population census be conducted in Unit 26B and C on an annual basis in the summer when the moose are in the area.

The modified regulation should read:

Unit 26B, excluding the Canning River drainage —1 bull	*Sept. 1–Sept. 14*
Unit 26 B remainder	***No Federal open season***
Units 26B remainder and 26C — 1 moose by Federal registration permit by residents of Kaktovik only. The harvest quota is ~~3~~ ***5 bulls*** *~~moose (2 bulls and 1 of either sex), provided that no more than 2 bulls may be harvested from Unit 26C and cows may not be harvested from Unit 26C. You may not take a cow accompanied by a calf~~. Only ~~3~~* ***5*** *Federal registration permits will be issued. Federal public lands are closed to the taking of moose except by a Kaktovik resident holding a Federal registration permit and hunting under these regulations.*	*July 1– ~~Mar.~~* ***Dec. 31***

Kaktovik residents believe that there are more moose in the area than the biologists have found. In particular, local residents have seen moose in drainages where the biologists say there are no moose. The Council recognizes the conservation concerns but also wanted to balance this with Kaktovik's subsistence uses. Based on conservation concerns, the Council recommended a shorter moose season for bulls only in an effort to protect cows from being accidently taken January 1–March 31, after most of the bulls drop their antlers. The Council's recommendation allows for an increased harvest of bulls in an effort to provide for the subsistence uses of the residents of Kaktovik.

STAFF ANALYSIS
WP08-54

ISSUES

WP08-54, submitted by Lee Kayotuk of Kaktovik, requests that the harvest quota for Kaktovik residents change from three moose to five moose (four bulls and one of either sex) in Unit 26C only, that there not be an opportunity for residents of Kaktovik to harvest moose in Unit 26B remainder (Canning River drainage), and that the closure of Federal public lands in Unit 26B remainder to moose hunting for all except Kaktovik residents be removed.

DISCUSSION

Kaktovik residents currently have a harvest quota of three moose (two bulls and one of either sex) in Unit 26C and in the Canning River drainage of Unit 26B. Under current Federal regulation, no more than two bulls may be harvested from Unit 26C and cows may not be harvested from Unit 26C. The proponent is requesting that the harvest quota be increased to five moose for Unit 26C only, allowing the harvest of up to one cow. The proponent states that Unit 26B is too far to travel to, and that harvesting moose only in Unit 26C would be safer and closer for Kaktovik hunters to ensure access to the resource.

Note: In the *Federal Subsistence 2008–2010 Wildlife Proposals* book, the existing and proposed regulations inadvertently omitted the Sept. 1–Sept. 14 season in Unit 26B, excluding the Canning River drainage. It was the proponent's intent to eliminate the Unit 26B remainder (Canning River drainage) portion of the regulation that is currently included in the harvest quota for Kaktovik residents.

Existing Federal Regulation

Units 26B and 26C–Moose

Unit 26B, excluding the Canning River drainage —1 bull	*Sept. 1–Sept. 14*
Units 26B remainder and 26C—1 moose by Federal registration permit by residents of Kaktovik only. The harvest quota is 3 moose (2 bulls and 1 of either sex), provided that no more than 2 bulls may be harvested from Unit 26C and cows may not be harvested from Unit 26C. You may not take a cow accompanied by a calf. Only 3 Federal registration permits will be issued. Federal public lands are closed to the taking of moose except by a Kaktovik resident holding a Federal registration permit and hunting under these regulations.	*July 1–Mar. 31*

Proposed Federal Regulation

Units 26B and 26C–Moose

Unit 26B, excluding the Canning River drainage —1 bull	*Sept. 1–Sept. 14*

Unit 26 B remainder	***No Federal open season***
*Unit~~s 26B remainder and~~ 26C — 1 moose by Federal registration permit by residents of Kaktovik only. The harvest quota is ~~3~~ **5** moose (~~2~~ **4** bulls and 1 of either sex)~~, provided that no more than 2 bulls may be harvested from Unit 26C and cows may not be harvested from Unit 26C~~. You may not take a cow accompanied by a calf. Only ~~3~~ **5** Federal registration permits will be issued. Federal public lands are closed to the taking of moose except by a Kaktovik resident holding a Federal registration permit and hunting under these regulations.*	*July 1–Mar. 31*

Existing State Regulation

Units 26B and 26C—Moose

Unit 26B, excluding the Canning River drainage: Residents ONLY: One bull by permit	*Sept. 1–Sept. 14*
OR One bull during the period Feb. 15 – April 15, up to a 14-day season may be announced by EO	*may be announced*
Remainder of Units 26B and 26C	*no open season*

Extent of Federal Public Lands

Federal public lands comprise approximately 30% Of Unit 26B and consist of 23% Arctic National Wildlife Refuge (NWR), 4% Bureau of Land Management (Dalton Highway Corridor Management Area), and 3% Gates of the Arctic National Park and Preserve. Unit 26C is almost solely composed of Federal public lands; 98% is Arctic NWR (**Map 1)**.

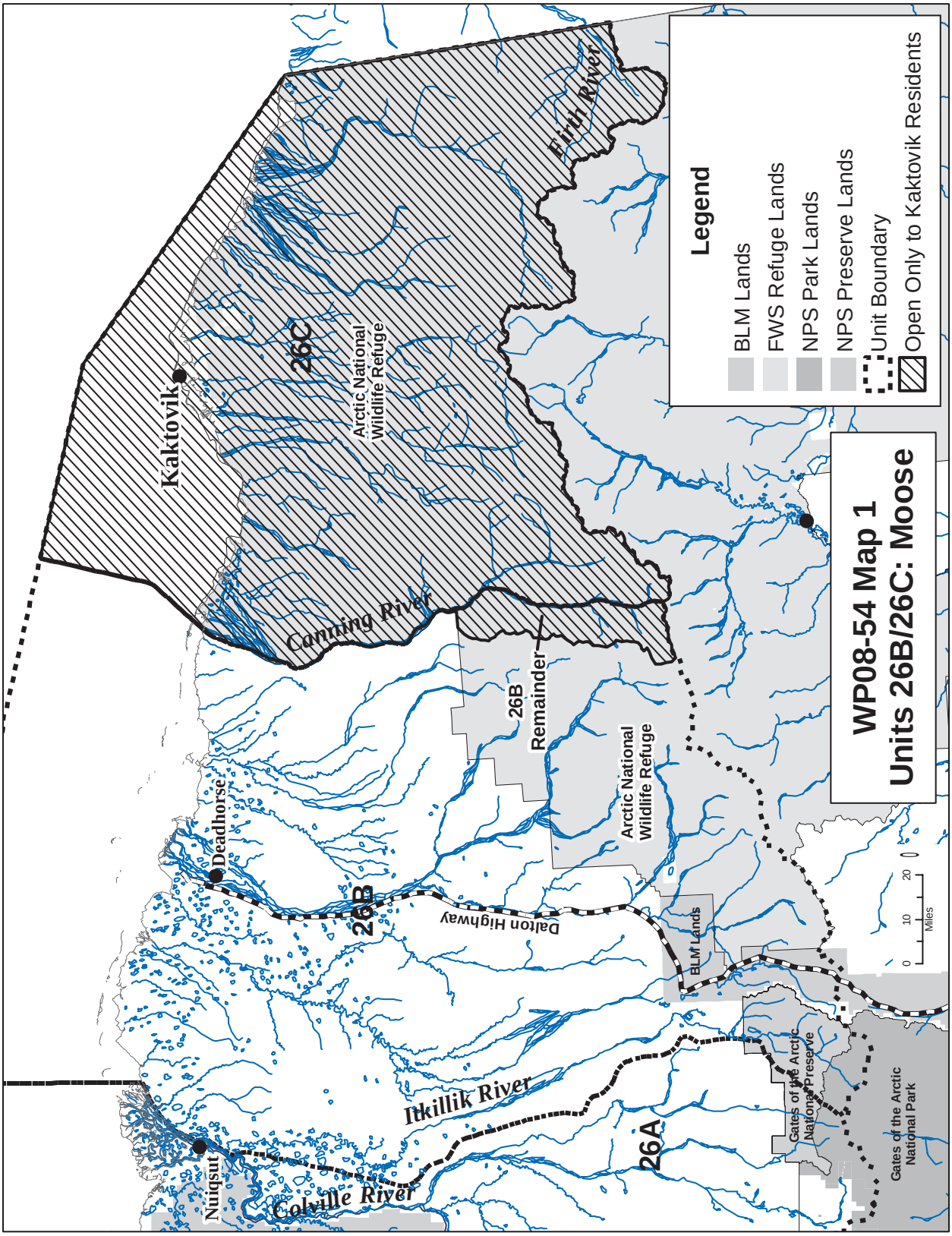
Customary and Traditional Use Determination

Rural residents of Unit 26, Point Hope, and Anaktuvuk Pass have a customary and traditional use determination for Units 26B and 26C.

Regulatory History

Prior to Federal Subsistence Board action in 1996, Unit 26C was open for 1 moose, Aug. 1–Dec. 31. Based on a moose population decline first documented in 1996, the Federal Subsistence Board closed the Federal moose harvest in all portions of Unit 26 except for Unit 26A. The Federal moose season was closed in Unit 26C until 2003 due to the low population of moose.

Similarly in State regulations, moose harvest occurred throughout Unit 26 until 1996, when parallel actions taken by the Alaska Board of Game closed all of Unit 26 except for Unit 26A. Prior to the 1996 change, State regulations for Unit 26C permitted State residents to take one bull, Sept. 5–Sept. 15 and


WP08-54 Map 1
Units 26B/26C: Moose
Legend
BLM Lands
FWS Refuge Lands
NPS Park Lands
NPS Preserve Lands
Unit Boundary
Open Only to Kaktovik Residents
Kaktovik
26C
Arctic National Wildlife Refuge
Firth River
Canning River
26B Remainder
Arctic National Wildlife Refuge
Deadhorse
26B
Dalton Highway
BLM Lands
Gates of the Arctic National Preserve
Gates of the Arctic National Park
Itkillik River
26A
Nuiqsut
Colville River
0 10 20 Miles

Nov. 1–Dec. 31, and nonresidents to take one bull (with a 50-inch or larger antler restriction) Sept. 5–Sept. 15 (Lenart 2006*a*).

Special Action WSA03-04 requested that residents of Kaktovik only be allowed to take one moose for their Thanksgiving feast and one moose for their Christmas feast under temporary regulations (FSB 2003). The City of Kaktovik originally asked for a limited moose harvest in Unit 26C for their community, but modified their request to a ceremonial harvest for Kaktovik residents only. Kaktovik is the only community in Unit 26C.

The Federal Subsistence Board (Board) adopted WSA03-04 on September 26, 2003 with the following modification: in order to minimize adverse affects on the moose population in Unit 26C, no more than one moose could be harvested from Unit 26C; the other moose could be harvested from Unit 26B. However, no moose were harvested under the permit authority of WSA03-04 because caribou moved near Kaktovik in large numbers and it was decided that it would be easier, cheaper, safer, and take less time to harvest caribou.

Federal subsistence regulations for Units 26B and 26C became effective in the 2004/05 regulatory year when the Board adopted a modified version of WP04-86b (FWS 2004). Proposal WP04-86b requested a community harvest quota of five moose be established for the residents of Kaktovik only. The combination of low moose numbers and low recruitment were clear indicators of a continuing conservation concern. The Board adopted a modification of the original request to provide a harvest quota of three moose in Units 26C and 26B, with no more than two bull moose harvested from 26C (FSB 2004). In addition, the Board closed Federal public lands to the taking of moose, except by a Kaktovik resident holding a Federal registration permit, for a July 1– Mar. 31 season. Also, the analysis for WP04-86a considered ANILCA Section 804 issues (restricting subsistence use by implementing a priority on a limited resource such as moose) and confirmed the appropriateness of limiting this hunt, with a small quota, to only the residents of Kaktovik.

Federal Wildlife Closure Review WCR06-31, which assessed the closure of Federal public lands in Units 26B and 26C for moose seasons, recommended that a proposal be initiated to address the closure (FWS 2006). Due to low moose numbers in Unit 26C, the recommendation was to maintain the closure of Federal public lands in Unit 26C as there continued to be a conservation concern. OSM recommended that the closure of Federal public lands be modified to apply only to Unit 26C and the Canning River drainage portion of Unit 26B.

Proposal WP07-63 requested the removal of the closure of Federal public lands in Unit 26B (excluding the Canning River drainage), to the taking of moose, except by Kaktovik residents (FWS 2007). The Federal Subsistence Board adopted the proposal, with modified language, to ensure the harvest quota for Kaktovik residents remained in effect for both Unit 26B within the Canning River drainage and Unit 26C (FSB 2007). Under the new Federal regulation adopted by the Board, Federal public lands in Unit 26B, excluding the Canning River drainage, would be open to non-Federally qualified subsistence users (**Map 1**). Also the modified proposal adopted by the Board included a Federal season from Sept. 1–Sept. 14 in Unit 26B to align with the State season previously established in 2006.

Current State regulations for Unit 26B became effective for the 2006/07 hunting season. For Units 26B and 26C, there had been no open season since the 1996/97 regulatory year, when the season was closed because of a decline in moose numbers. Beginning in the 2006/07 regulatory year, in Unit 26B, excluding the Canning River drainage, the Alaska Board of Game authorized hunting for Alaska residents only during a two-week fall season for 15 bull moose by drawing permit and a two-week spring season to be announced by emergency order during Feb. 15–Apr. 15.

Biological Background

Moose are on the northern limits of their range in Alaska on the Arctic NWR. Habitat in this area limits the potential size of moose populations. Moose rely on riparian shrub habitat during winter. During surveys in the 1970s and 1980s, small numbers of moose were observed in the Sadlerochit, Hulahula, Okpilak, Okerokovik, Jago, Aichilik, Egaksrak, and Kongakut drainages allowing for a limited harvest. Larger concentrations of moose were found on the Canning River and in drainages between the Sagavanirktok and Kavik Rivers, west of the Canning River (**Map 2**).

Complete moose censuses have not been conducted in Unit 26C, but the nature of the terrain and sparse, low vegetation makes it possible for trend surveys to account for a large percentage of the moose in areas where they are most likely to be found, i.e., drainages supporting riparian willows. Moose trend surveys conducted in spring 2003, 2005, and 2007 along drainages on the coastal plain and northern foothills of the Arctic NWR (from the Canadian border to the Canning River) show low numbers of moose using selected drainages, with no significant population increase (**Table 1**).

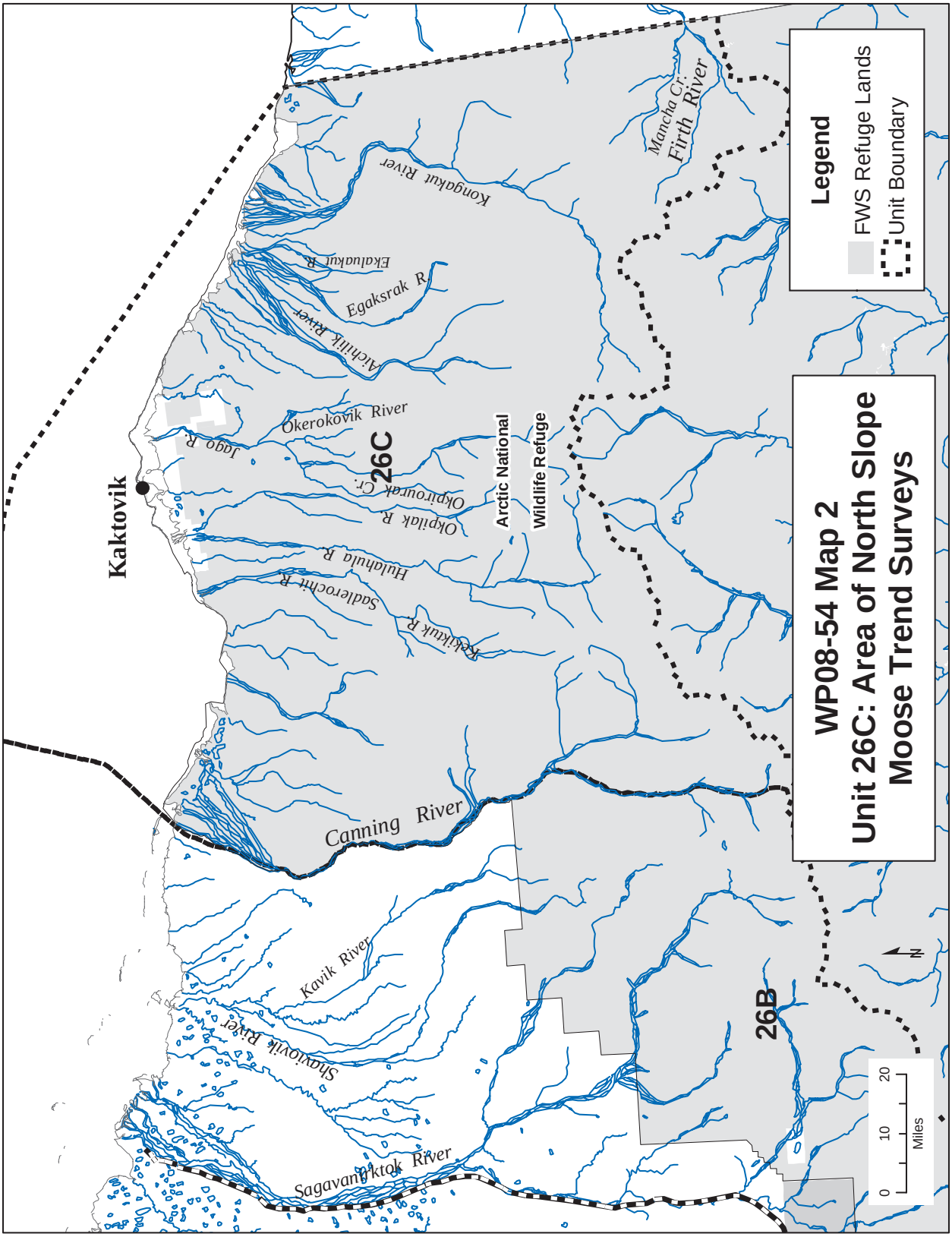
Table 1. Unit 26C Moose surveys: North slope of Arctic National Wildlife Refuge (Wertz 2007).

River	2003 April	2005 Mar/Apr	2007 April
Sadlerochit	6	4	3
Hulahula	10	0	7
Jago	0	0	0
Okpilak	0	0	0
Aichilik	2	18	18
Egaksrak	18	6	13
Kongakut	16	19	18
Ekaluakut	0	0	0
Total	**52**	**47**	**59**

The Arctic NWR staff, in cooperation with the ADF&G, has conducted moose surveys on the Canning River since 1983 and in other trend areas. Moose numbers in these areas were relatively high until the early 1990s, after which they declined substantially (FWS 2004). In Unit 26B, there has been an increasing trend in moose numbers since 2003. Unit 26B total moose population in 2006 was estimated at 518 (Lenart 2006b), compared to about 200 in 1995. Since there has been substantial recovery and more growth is likely, population objectives for this subunit are being achieved. In contrast to Unit 26C, moose populations in Unit 26B have now recovered to levels at or above management objectives, which prompted the State to reestablish a limited fall harvest of bull moose in the area (ADF&G 2006). Numbers of moose in the Canning River drainage (Brown 2006) have increased, yet are not sufficient to allow a State hunt, so this area continues to be closed under State regulations.

Harvest History

Kaktovik is the only community in 26C, and residents of this community took 2–6 moose annually prior to the season closure in 1996. The subsistence harvest has been minimal because moose are scarce near Kaktovik. Moose hunting occurs during the winter months by snow machine. Due to the moose season closure in Units 26B and 26C, there was no reported Federal or State harvest from 1996 to 2004.


WP08-54 Map 2
Unit 26C: Area of North Slope
Moose Trend Surveys
Legend
FWS Refuge Lands
Unit Boundary
Kaktovik
26C
26B
Arctic National
Wildlife Refuge
Canning River
Sagavanirktok River
Shaviovik River
Kavik River
Okerokovik River
Jago R.
Okpilak R.
Okpirourak Cr.
Hulahula R.
Sadlerochit R.
Kekikuk R.
Aichilik River
Egaksrak R.
Ekaluakut R.
Kongakut River
Mancha Cr.
Firth River
0
10
20
Miles
N

Since 2004, Kaktovik is the only community in the area eligible for Federal subsistence harvest. The harvest quota for Units 26B and 26C on Federal public lands is three moose by Federal registration permit (two bulls and one of either sex) provided that no more than two bulls may be harvested from Unit 26C and cows may not be harvested from Unit 26C. Hunters may not take a cow accompanied by a calf.

Federal subsistence registration permit moose harvest report totals (Brown 2006; Payer 2007; FWS 2008):

2004/05	1 bull harvested in March in Unit 26C (3 permits issued; 1 did not hunt, and 1 did not provide a harvest report)
2005/06	3 bulls harvested in Unit 26C (3 permits issued; 1 did not provide a harvest report — 2 were harvested legally in October and December, and 1 illegally)
2006/07	1 bull and 1 cow harvested in March in Unit 26C (3 permits issued; 1 did not hunt and all provided reports — 1 cow was harvested illegally)

Effects of the Proposal

If adopted, Kaktovik hunters would be able to harvest three additional moose than what is currently allowed in Unit 26C, and would be able to harvest in closer proximity to their village than if they traveled to the Canning River drainage in Unit 26B. If adopted, the number of moose harvested in Unit 26C could rise from the currently allowed quota of two bulls, to potentially four bulls and one cow. Such a harvest could exceed sustainable levels of the moose population in this area. The moose population in Unit 26C at this time is low and not increasing. A harvest quota limit of five moose could have negative impacts on the recovery of a depressed moose population. The impact would be especially heightened if any cows were harvested. The harvest of any cow moose is detrimental to efforts to rebuild the Unit 26C moose population. In addition to the legal harvest of one cow that would be allowed if this proposal was adopted, additional illegal cow harvest is possible because it is difficult to distinguish bulls and cows during late winter when subsistence harvest is most likely to occur (For example, a cow was illegally harvested in 2007). For conservation reasons, harvest of cow moose cannot be allowed.

If adopted, residents of Kaktovik would not have an opportunity to harvest moose in Unit 26B remainder. If adopted, the closure of Federal public lands in Unit 26B remainder to moose hunting for all except Kaktovik residents would be removed. In years when caribou move near the village, Kaktovik residents sometimes fill their need for meat from large land mammals by using caribou.

OSM CONCLUSION

Oppose Proposal WP08-54.

Justification

Moose surveys in Unit 26C indicate that moose numbers have remained low, and have not shown sufficient increase to raise the allowable harvest at this time. The existing regulation allowing a maximum of two bulls harvested in Unit 26C was a compromise measure deliberated by the Federal Subsistence Board in 2004. Given the low number of moose observed in this area during a period of multiple surveys from 2003 through 2007, the quota should remain the same. Harvesting cows from a depressed population limits the potential for population recovery. The moose population in Unit 26C remains a conservation concern; an increased quota which includes harvest of one cow would not be consistent with recognized principles of wildlife conservation. It is recommended that the moose closure to other users

(except Kaktovik residents) in the Canning River drainage of Unit 26B remain in effect for the continued subsistence use of Kaktovik residents.

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INTERAGENCY STAFF COMMITTEE COMMENTS
WP08-54

The Interagency Staff Committee (ISC) found the staff analysis for Proposal WP 08-54 to be a thorough and accurate evaluation of the proposal and that it provides a sufficient factual basis for the Regional Council recommendation and Federal Subsistence Board action on the proposal.

The ISC noted that an alternate solution would be to maintain the existing season and harvest limits for Units 26B and 26C but to modify the regulation to require that only antlered bulls may be taken. This would be consistent with the concerns expressed by the Regional Council to minimize the potential for a mistake of taking a cow in Unit 26C thinking it was a bull without its antlers during the winter months. Any increased harvest limit in Unit 26C would not be consistent with recognized principles of wildlife conservation due to the low moose population in this unit.

Alaska Department of Fish and Game
Comments to the Federal Subsistence Board

Wildlife Proposal WP08-54: Increase the harvest quota and number of federal registration permits for the federal moose hunt in Game Management Unit 26C.

Introduction: The Federal Subsistence Board and Alaska Board of Game closed Unit 26C to moose hunting in 1996 due to very low moose numbers. Effective for the 2004-05 regulatory year, the Federal Subsistence Board opened a July 1 – March 31 season in Units 26B and 26C with a harvest quota of 3 moose (2 bulls and one of either sex), provided that no more than 2 bulls and no cows could be harvested in Unit 26C and a cow accompanied by a calf could not be harvested. Only 3 federal registration permits are issued. Federal public lands are closed except to Kaktovik residents holding federal registration permits. In the 2007-2008 regulatory year, the closure in Unit 26B applies only to federal land in the Canning River drainage. This proposal would: (1) increase the number of permits issued from 3 to 5; (2) increase the harvest quota from 3 to 5 moose (4 bulls and one of either sex), (3) prohibit harvest of a cow accompanied by a calf; and (4) close moose hunting under the federal regulations in Unit 26B Remainder.

Impact on Subsistence Users: The proposal is designed to provide Kaktovik residents with the opportunity to hunt closer to home and to harvest more moose in the short term. Moose numbers are low in Unit 26C, and conservative management is required.

Opportunity Provided by State: Moose hunting in Unit 26C and the Remainder of Unit 26B are closed in state regulations for conservation purposes. In Unit 26B excluding the Canning River drainage, state regulations for the 2007-08 regulatory year allow a harvest of one bull by drawing permit September 1-14. An additional 14-day resident season during February 15 – April 15 for one bull may be announced by Emergency Order.

Conservation Issues: The Alaska Department of Fish and Game applies a 3% harvest rate to moose populations on the North Slope, and harvest should be limited to bulls in situations like that in Unit 26C. Surveys conducted by the Arctic National Wildlife Refuge in Unit 26C counted 52 moose in 2003, 47 moose in 2005, and 59 moose in 2007. The 3% harvest rate formula indicates no more than 2 bull moose should be harvested from Unit 26C to assure sustainability.

Recommendation: Oppose both the original proposal and the proposal as modified by the North Slope Regional Advisory Council, both of which seek to increase the harvest quota of moose in Unit 26C and retain the existing restrictions in Unit 26C for the reasons specified in the Justification for the Conclusion in the federal staff analysis. This proposed increase in the harvest of moose in Unit 26C is not supported by substantial evidence, would violate recognized principles of wildlife conservation, and would be detrimental to the long term interests of subsistence users.