NORTH SLOPE
and
NORTHWEST ARCTIC
Subsistence
Regional Advisory Council

Meeting Materials
October 18–19, 2011
Anchorage

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NORTH SLOPE SUBSISTENCE REGIONAL ADVISORY COUNCIL
and
NORTHWEST ARCTIC SUBSISTENCE REGIONAL ADVISORY COUNCIL
Egan Civic and Convention Center, Downstairs Space 1, Anchorage, Alaska
October 18-19, 2011; 8:30 a.m.-5:00 p.m.

DRAFT AGENDA

PUBLIC COMMENTS: Public comments are welcomed for each agenda item. Please fill out a comment form or be recognized by the Chair. Testimony time limits may be given to provide opportunity for all to testify and to keep on schedule.

PLEASE NOTE: These are estimated times and topic order are subject to change. Contact staff at the meeting for the current schedule.

AREA CONCERNS: The Regional Council arranges its meetings to hear and understand the subsistence concerns of the area where they meet. Please share your subsistence concerns and knowledge. The agenda is an outline and is open to the area's subsistence concerns, listed or not.

1. **Call to Order** *(Chair)*
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8. **Review and Make Recommendations on the Draft 2012 Fisheries Resource Monitoring Plan to the Federal Subsistence Board (***Helen Armstrong***)** 25
9. **Reports on Tribal and ANCSA Corporation Consultation Teleconferences**
10. **Wildlife Proposals for Council Review and Recommendation to the Federal Subsistence Board**

Presentation Procedure for Proposals

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2) Alaska Department of Fish and Game comments
3) Other Federal and State agency comments
4) Tribal comments
5) Interagency Staff Committee Comments
6) Subsistence Resource Commission comments
7) Fish and Game Advisory Committee comments
8) Summary of Written Public Comments
9) Public Testimony
10) Regional Council deliberation, recommendation, and justification

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2) WP12-83 Unit 26 Wolf. Revise hunting season and harvest limit. (*Cole Brown*).....114

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11. Other Subsistence Wildlife — Discussion (Caribou, Muskox, Moose)

A. Other Subsistence Resources

12. Arctic and Western Alaska LCC Presentation *(Greg Balogh)*

13. Informational Discussion on the Effects of Climate Change on Subsistence

14. Gates of the Arctic SRC Hunting Plan Recommendation 10-01 (*NPS Staff*)..... 140

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C. Bureau of Land Management *(Dave Yokel)*

D. Alaska Department of Fish and Game *(Staff)*

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1. Arctic National Wildlife Refuge *(Staff)* 157

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A. Establish Date and Location for 2012 Winter Meeting

1. North Slope
2. Northwest Arctic

B. Establish Date and Location for 2012 Fall Meeting

1. North Slope
2. Northwest Arctic

18. Adjourn

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REGION 10 - NORTH SLOPE

SEAT 1	**VACANT**	
SEAT 2	**VACANT**	
SEAT 3 **2013** **2010**	**Roy Maloney Nageak, Sr.** **Barrow, Alaska 99723**	
SEAT 4 **2013** **2007**	**Lloyd K. Leavitt** **Barrow, Alaska 99723**	
SEAT 5 **2011** **1993**	**Harry K. Brower, Jr.** **Barrow, Alaska 99723**	**Chair**
SEAT 6 **2011** **2008**	**Ray F. Koonuk, Sr.** **Point Hope, Alaska 99766**	
SEAT 7 **2011** **2008**	**James Nageak** **Anaktuvuk Pass, Alaska** **99721**	
SEAT 8	**VACANT**	
SEAT 9 **2012** **2006**	**Lee Kayotuk** **Kaktovik, Alaska 99747**	**Secretary**
SEAT 10 **2012** **2009**	**Rosemary Ahtaungaruak** **Barrow, Alaska 99723**	

REGION 8-NORTHWEST ARCTIC

SEAT 1	***Raymond Stoney***	***Kiana***
2013		
2010		
SEAT 2	***Victor Ray Karmun***	***Kotzebue***
2013		
2004		
SEAT 3	***VACANT***	
2013		
SEAT 4	***Michael Chad Kramer***	***Kotzebue***
2013		
2010		
SEAT 5	***Percy C. Ballot, Sr.***	***Buckland***
2011		
2008		
SEAT 6	***Peter L. Schaeffer***	***Kotzebue***
2011		
2010		
SEAT 7	***Walter G. Sampson***	***Kotzebue***
2011		
2006		
SEAT 8	***Enoch Shiedt, Sr.***	***Kotzebue***
2012		
1999		
SEAT 9	***Austin Swan, Sr.***	***Kivalina***
2012		
2006		
SEAT 10	***Leslie D. Burns***	***Noatak***
2012		
2009		

NORTH SLOPE SUBSISTENCE COUNCIL MEETING
INUPIAT HERITAGE CENTER, BARROW, ALASKA
March 7 and 8, 2011 9:00 A.M. - 5:00 P.M.

MINUTES

Members Present:
Ms, Rosemary Ahtuangaruak, Barrow, Acting Chair
Mr. Lloyd Leavitt, Barrow
Mr. James Nageak, Anaktuvuk Pass
Mr. Ray Koonuk, Sr., Point Hope

Excused:
Mr. Lee Kayotuk, Kaktovik
Mr. Harry Brower, Jr., Barrow
Mr. Roy Nageak, Barrow

Federal/Agency Personnel

FWS/OSM
Barb Atoruk, Anchorage
Helen Armstrong, Anchorage
Coleen Brown, Anchorage

State ADF&G
Geoff Carroll, Barrow

Law Enforcement
Dave Rippeto

NPS
None

BLM
Dave Yokel, Fairbanks
Ben Nageak, Barrow

USFWS-ANWR
Vince Mathews

Public
Johnnie K. Brower

Court Reporter: Salena Hile

ORIENTATION

The North Slope Council held their informal orientation the morning of March 7, 2011. The purpose of this training session is to instruct new members regarding the Federal Subsistence Management Program and the Council's duties, to refresh experienced members, and to provide updated information on the program. During this session, the presenters will refer to the Council Operations Manual several times. The Manual is the reference book; it helps the Council members in their work to become familiar with the Federal process.

Call to Order

Rosemary Ahtuangaruak, Acting Chair, called the meeting to order at 1:03 PM, Monday, March 7, 2011 at Barrow at the Inupiat Heritage Center.

Moment of Silence

The acting Chair asked for a moment of silence.

Roll Call/Confirmation of Quorum

Barb Atoruk, Regional Coordinator, called roll. A quorum was established. Members excused: Lee Kayotuk, Kaktovik; Harry Brower, Barrow; Roy Nageak, Barrow.

Welcome and Introductions

The Chair welcomed everyone to the meeting and asked each person to introduce themselves, beginning with the Council members.

Review and Adoption of Agenda

Under item 13, add discussion on the joint meeting of the Arctic Regional Councils. Under OSM, add brief discussions on subsistence permit system and update on salmon by catch on Pollock fisheries.

> **Motion:** Mr. Ray Koonuk **moved** to accept the agenda. The motion was **seconded** by Mr. Lloyd Leavitt. The motion carried unanimously to accept the agenda as amended to table the election of officers until fall 2011 meeting.

Review and Adoption of Minutes

Election of Officers

Mr. Lloyd Leavitt **moved** to hold their elections at their fall meeting when all council members would be present. Ms. Rose Ahtuangaruak **seconded**. The **motion** carried unanimously.

Western Arctic Caribou Herd Representative

Ms. Atoruk gave a brief report on the WACH working group meeting. The Council voted unanimously to support initiation of a process to have a member to represent them on the working group. The Council is very concern with the shift in caribou migration and some hunters are not harvesting caribou.

Charter Reviews

Ms. Atoruk gave a brief presentation on what the Council can suggest changes on the Charter. None were made.

Call for Proposals to Change 2011/2012 Federal Subsistence Wildlife Regulations was made. One proposal was submitted to align Federal with State seasons on brown bear in Units 26A and B. This will provide more opportunities for subsistence users to harvest brown bears.

Established Times and Places of Next Meetings

The winter meeting will be in Barrow on February 15 & 16, 2012
The fall meeting will be on August 23 & 24, 2011, place: TBA

Closure Reviews

The Council voted unanimously to support the continued closure presented in WCR10-31 Moose and WCR-21 Sheep, consistent with OSM Preliminary Conclusions.

AGENCY REPORTS

Ms. Atoruk provided a briefing on the new **travel procedures** for the Council. 1) Only the coordinator will make request to make the changes, if they are needed. If you do it yourself, you will not receive per diem for travel time after the amended ticket is issued and you may be liable for the cost of airfare. 2) Do not use airline ticket except for the day of travel. The coordinator will provide you with a cell phone number to call that she will have on her person 24/7, in case changes need to be made. If for some reason, you cannot reach your coordinator, call Durand Tyler at 907-786-3888, 1-800-478-1456 or his cell at 301-4405. They may also call Darcy Herring at 907-786-3484, 1-800-478-1456 or her cell at 382-1876. The Council asked that the coordinator or support staff be provided a cell phone during the travel times instead of using their personal phone. One will be provided.

Ms. Armstrong pointed out the **letter** to Tim Towarak on page 36 of the meeting booklet from the Secretary of the Interior in response to the subsistence Review that was initiated by AFN in 2009.

Ms. Armstrong presented the briefing on **Changing the Composition of the Board**. In summary, this proposed change would expand the Board to include two new members. The proposed rule has been published and says that the two members are to represent rural Alaskan users. The 60-day public comment period will close on April 12, 2011. She informed them that they can do their comments in three different ways: 1) comment now, 2) page 41 is a briefing on changing the composition and an address to submit them to and 3) you can make comments directly on the web. This was the Council's opportunity to make their comment.

The Council commented that the new Board members should:

- Have a tribal and/or local perspective
- Knowledge of and use of subsistence

There needs to be a nomination process for selecting the new Board members, similar to what is in place for selecting Council members. The process for selecting the new Board members should:

- Be transparent;
- Clarify how the selection will occur;
- Clearly state the eligibility criteria;
- Include things that would exclude a person, such as problems with background checks;
- Be clear, concise, and easily followed.

Additionally, each Council should be able to nominate someone from their region to be on the Board.

They said, ideally, there should be one Board member representing each region. Discussion occurred regarding the need for the rural representative on the Board to represent all rural users in the State. One

Council member was concerned that this would not happen. The concern was raised that the state is large and the subsistence users are from diverse cultural backgrounds and have different subsistence uses, thus representing the entire state would be difficult.

They added that the new Board members need to:

- Communicate with the Council members
- Represent all subsistence users statewide
- Need to establish a means of communicating – maybe Facebook.
- A member from the public testified that the two new Board members should be Alaska Native.

Ms. Armstrong gave a briefing on expanding the **deference** to appropriate Regional Advisory Council recommendations in addition the "takings" decisions of the Board provided under Section .805 of ANILCA. This was informational and no action was needed at this time. This is an issue that will be dealt with in the future, but the deference is going to be added to customary and traditional use determinations. She stated that there is no deference to the Council now. The Federal Subsistence Board has not decided yet whether or not it will defer to the Councils on the rural process.

Ms. Armstrong informed the Council that they are beginning the criteria for **rural and nonrural determinations**. The FSB will meet on April 6, 2011 and the Chairs would be invited to the work session to understand the rural process.

Ms. Armstrong presented the **Memorandum of Understanding** between the Federal and State agencies to the Council for their review and comment. The purpose of the MOU is to address a necessity of having communication between the State and Federal governments and coordinating because they need that level of coordination in order to effectively manage fish and wildlife resources. The Council supports the MOU and felt that it was a valuable document. After further discussion the Council decided to table any comments for the next day after they study it more by taking action:

MOTION: Mr. J. Nageak **moved** to look at the MOU wording to address the next day. Mr. Koonuk **seconded**. Motion passed unanimously.

Customary and Traditional Use Determination Process was presented by Ms. Armstrong. The Council had no suggestions for any changes.

Ms. Armstrong presented the **Executive Session Policy** of the Federal Subsistence Board. This was an informational item. They will be summarizing anything that happens at an executive session with exceptions of any personnel matters. There is a summary of the executive session that happened on January 5, 2011 on page 53 of the meeting booklet.

Ms. Armstrong presented the **Tribal Consultation**. Tim Towarak, the FSB Chair wrote a letter on tribal consultation, the letter is on page 51 and is self explanatory.

Written briefing on page 58 from **Migratory Birds** was announced for their update and reading. This would give the Council an update on the Alaska Migratory Bird Co-Management Council and what they are doing.

The **Board Action Report** for January 18-20, 2011 is on pages 61-73 of the meeting booklet.

National Park Service did not attend this meeting.

Bureau of Land Management: Mr. Dave Yokel gave a brief update on what BLM is doing in NPR-A. They continue to cooperate with the North Slope Borough and Alaska Department of Fish and Game in collaring of Teshekpuk caribou. They are analyzing past data from the project to determine habitat preferences of the caribou and also look at their movements relative to changes in weather. Raptor (birds of prey) monitoring continues in Colville River. They continue to work with USFWS, NSB and others in Steller's eider and Spectacled eider surveys.

They are working with USGS and MMS on polar bear denning projects and collaring bears and determining winter-denning habitat in the NPR-A. They are not looking at dens but are looking for what areas are likely to build up snow drifts that are adequate for denning habitat for pregnant female polar bears. This provides information when they authorize possible industrial activities to say that this is a sensitive area and could impact bears denning area. Polar bear is listed under the Endangered Species Act and USFWS takes that very seriously and they often have to have surveys for polar bear dens prior to authorizing any use of those lands.

This summer, they plan to go back to the vegetation plots set up in 1999 to look at the initial impacts and then the recovery of vegetation from seismic surveys that occurred in

NPR-A. They are going to be working with the NSB, Robert Suydam on the snow goose colony for inventory and monitoring at the Ikpikpuk Delta. The fisheries biologist has been working with ADF&G on fisheries projects in the northeastern part of the NPR-A. This summer they will be working in the Kuk and Kugrua Rivers near Wainwright with financial support from BOEMRE (MMS). Their hydrologist continues to work and study on understanding the lakes and rivers on the NPR-A. BLM's subsistence advisory panel is scheduled to meet at Wainwright on April 14, 2011.

They are developing yet another land use plan for all of NPR-A. Cooperating agencies are the USFWS, the Bureau of Ocean Energy Management, (formerly MMS), the State of Alaska, and the North Slope Borough. The draft document will be made available to the public hopefully in January 2012. The Council asked about the road to Umiat and voiced their concerns. Mr. Yokel stated that it was a State initiative not BLM. A question was asked about the non-native invasive plants. Mr. Yokel said that they haven't had extensive surveys on the North Slope for invasive plants. It is a concern but it is a very active program in Lower 48 and that it's just developing here in Alaska and probably last of all in the North Slope. If invasive plants are displacing important forage species for wildlife, this would be a concern; but to the best of their knowledge, this is not occurring yet on the North Slope. Mr. Yokel stated that the non-native invasive species will be mentioned in their upcoming NPR-A plan rather cursorily.

Mr. Geoff Carroll, **Alaska Department of Fish and Game**, game biologist, gave a brief report. They basically function up there to look after the land mammals on the North Slope, mainly caribou and so they put a lot of their time and effort in to caribou work.

They have finished the Porcupine Caribou Herd count from photographs taken last summer and came up with 160,000. They had a successful photo census since 2001 where the herd went from 170,000 to 120,000. They were afraid of continued downward trend but they are happy that the herd is actually substantially healthy. In general, the North Slope caribou herds are doing pretty well. Worldwide the caribou and reindeer are taking a nosedive. The Teshekpuk Herd, Central Arctic Herd and now the Porcupine Herd are actually increasing.

They are not quite sure about the Western Arctic Caribou Herd, the largest herd in the continent. First count was 490,000, then 370,000. 120,000 caribou were lost. It could be counting error too, but they have survived some tough winters too with freezing rain, then thawing in the middle of the winter. They were

concerned and used to count every three years but decided to do it after two years. This time, they are up to 401,000, so they are happy that they are back. The herd is stable, slowly increasing and they plan to count them again this summer.

In comparison to the world, the caribou in the north are looking pretty good. In particular, the Central Arctic Herd seems to be on a rapid growth. They plan to continue to monitor all the herds and they do keep close tabs on the caribou. They do the censuses to see how many calves are born and survive, check the ratio between the bulls and the cows. They plan to do an expanded calf study this year in the Teshekpuk Herd by weighing calves shortly after birth, to see how successful the calving is for cows, compare, how many spend the winter on the North Slope to those who spend the winters in the mountains. They have put more collars on the Teshekpuk Herd bulls, some interesting movements have been made by this herd.

Mr. Carroll states that they also keep a close tabs with the moose on the Colville River. At first, they had a 1600 count, then down to 400 and gradually picked back up in 2006 to a range of 1200 and now probably taking another nosedive. They have had some food problems and some moose were starving. The wolf population is high in those areas feeding on the calves. The drawing permits have been cut way back to leave the hunting to the locals only. Wolves and wolverine are healthy in that area. Mr. Carroll stated that he heard that the Army Corps of Engineers are planning a huge cleanup project for Umiat and that the road to Umiat scares him and does not like the thought of that. They do not know if this will happen for sure or not.

They really do not have a good process at all on how to count bears up there so they do not know what the count is. There have been increased numbers of interactions with bears by the people, that at the last BOG meeting, they took it to a 12-month-a-year season. There is a proposal for the upcoming BOG meeting to do away with the tag fee. There might even be a new regulation proposed to take two bears per year. Basically, they have a good big healthy bear population. Question, answer and discussion period from the Council.

Mr. Vince Mathews, Subsistence Coordinator, from **Arctic National Wildlife Refuge** gave a brief update on the draft comprehensive conservation plan that is to be out no later than April 10, 2011. The 90-day public comment period will begin and they plan to have meetings in Anchorage, Arctic Village, Fairbanks, Fort Yukon, Kaktovik, Venetie and possibly Barrow. The meeting dates were previously handed out to the Council.

March 8, 2011 MEMORANDUM OF UNDERSTANDING

The MOU is for Coordinated Interagency Fish and Wildlife Management for Subsistence Uses on Federal Public Lands in Alaska between the Federal Subsistence Board (U.S. Fish and Wildlife Service, U.S. Forest Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs, and Secretarial appointed Chair) and State of Alaska (Alaska Department of Fish and Game (ADF&G) and Alaska Board of Fisheries and Alaska Board of Game (State Boards).

The MOU between the Federal Subsistence Board and the State of Alaska establishes guidelines to coordinate in managing subsistence uses of fish and wildlife resources on Federal public lands in Alaska.

The purpose of this MOU is to provide a foundation and direction for coordinated interagency fish and wildlife management for subsistence uses on Federal public lands, consistent with specific State and Federal authorities as stated above, that will protect and promote the sustained health of fish and wildlife populations, ensure conservation and stability in fish and wildlife management, and include meaningful

public involvement. The signatories hereby enter this MOU to establish guidelines for subsequent agreements and protocols to implement coordinated management of fish and wildlife resources used for subsistence purposes on Federal public lands in Alaska.

The MOU was presented to the Council for their review and comment. The Council at their meeting on March 7, 2011 took action to have more time to thoroughly read and review the MOU and today, this is their suggestions on the MOU:

1) Section I, paragraph 2: Change "such as" to "especially."

2) Wording needs to be added throughout the MOU wherever it says who is involved in the MOU to include "knowledgeable subsistence uses and/or tribal representatives." For example, they said the following edit should be made: Section IV, number 9, addition in italics: To designate liaisons for policy communications and, as appropriate, to identify *tribal and/or* local agency representatives *who are knowledgeable about subsistence uses….*

ADJOURNMENT:

The Acting Chair adjourned the meeting at 9:45 a.m.

Respectfully Submitted:

/s/ Barbara Atoruk

_____

Barbara M. Atoruk, DFO
USFWS Office of Subsistence Management

I hereby certify these minutes of March 7 and 8, 2011, North Slope Subsistence Regional Advisory Council, are true and correct to the best of my knowledge.

/s/ Harry Brower

_____

Harry K. Brower, Jr., Chair
North Slope Subsistence Regional Advisory Council

These minutes will be formally considered by the Regional Advisory Council at its next meeting, and any corrections or notations will be incorporated in the minutes of that meeting.

For a more detailed report of this meeting, copies of the transcript are available upon request. Call Barbara Atoruk at 1-800-478-1456 or 907-786-3885 or Barbara_Atoruk@fws.gov.

NORTHWEST ARCTIC SUBSISTENCE REGIONAL ADVISORY COUNCIL
Northwest Arctic Center, Kotzebue, Alaska
March 18, 2011, 9:00 a.m. to 4:00 p.m.

MINUTES

Members Present:
Mr. Walter Sampson, Kotzebue, Chair
Mr. Victor Karmun, Kotzebue, V.Chair
Mr. Leslie D. Burns, Noatak
Mr. Pete Schaeffer, Kotzebue
Mr. Michael C. Kramer, Kotzebue
Mr. Enoch Shiedt, Kotzebue
Mr. Percy Ballot, Sr., Buckland
Mr. Raymond Stoney, Kiana

Excused:
Mr. Austin Swan, Kivalina

Federal/Agency Personnel

FWS/OSM
Barb Atoruk, Anchorage
Chuck Ardizzone, Anchorage

FWS, Selawik Refuge
LeeAnne Ayres, Kotzebue
Susan Georgette, Kotzebue
Ann Orlando, Kotzebue
Brandon Saito, Kotzebue
Nicole Henshaw, Kotzebue
Ray Hander, Fairbanks

BLM
John Erlich, Sr., Kotzebue

NWAB
Charlie Gregg, Kotzebue
Zach Stevenson, Kotzebue

ADFG
Jim Magdanz, Kotzebue
George Pappas, Anchorage
Charlotte Westing, Kotzebue

NPS
Mary McBurney, Kotzebue
Ken Adkisson, Nome
Dan Stevenson, Kotzebue
Michael Holt, Kotzebue
Brad Shults, Fairbanks
Willie Goodwin, Kotzebue
Gina Hernandez, Kotzebue
Marci Johnson, Kotzebue
Linda Jesse, Kotzebue
Clarence Summers, Anchorage
Linda Jeschke, Kotzebue

Court Reporter: Salena Hile

ORIENTATION

The Northwest Arctic Council held their informal orientation the evening of March 17, 2011. The purpose of this training session is to instruct new members regarding the Federal Subsistence Management Program and the Council's duties, to refresh experienced members, and to provide updated information on the program. During this session, the presenters will refer to the Council Operations Manual several times. The Manual is the reference book; it helps the Council members in their work to become familiar with the Federal process.

Call to Order

Mr. Walter Sampson, Chair, called the meeting to order at 9:01 A.M., Friday, March 18, 2011 in Kotzebue, at the Northwest Arctic Heritage Center.

Roll Call/Confirmation of Quorum

Barb Atoruk, Regional Coordinator, called roll. Quorum was established. Mr. Austin Swan, Kivalina, was excused.

Welcome and Introductions

The Chair welcomed everyone to the meeting and asked each to introduce themselves.

Review and Adoption of Agenda

Motion: Mr. Pete Schaeffer **moved** to adopt the agenda. Mr. Enoch Shiedt **seconded**. The **motion carried** unanimously.

Review and Adoption of Minutes

Motion: Mr. Percy Ballot, Sr. **moved** to approve the minutes of October 8, 2010. Mr. Raymond Stoney **seconded**. Discussion: Mr. Shiedt made a correction on page 6 to change Dolly Varden to rainbow trout. The **motion carried** unanimously.

Election of Officers

Chair: Pete Schaeffer
V. Chair: Victor Karmun
Secretary: Raymond Stoney

WESTERN ARCTIC CARIBOU HERD WORKING GROUP REPRESENTATIVE

Mr. Ballot gave a brief report on the WACH working group meeting. A written report was also handed out. The Council is very concerned with the shift in caribou migration and some hunters are not harvesting caribou.

Motion: Mr. Walter Sampson **moved** to elect Raymond Stoney to represent them at the WACH Working Group and Percy Ballot, Sr. as alternate. Mr. Enoch Shiedt **seconded**. The **motion** carried unanimously.

CHARTER REVIEW

Ms. Atoruk gave a brief presentation on what the Council can suggest changes on the Charter. None were made. Mr. Karmun asked if alternates could be reinstated. Mr. Kramer asked of some seats can be opened for students to join the Council and this would educate the students in the Federal process. How things work. A letter would be written to the Northwest Arctic Borough School District Superintendent, Mr. Eck, to ask if students can attend the Council's meetings in the near future.

CALL FOR PROPOSALS TO CHANGE 2011/2012 FEDERAL SUBSISTENCE WILDLIFE REGULATIONS WAS ANNOUNCED.

The Council discussed the bear DLP regulations to align with the State. Mr. Ardizzone checked our Federal regulations in comparison with the State DLP regulations. He said if our regulations were out of alignment, a proposal would have been submitted. The Federal system defers to the State on DLP's per Federal regulation so they are in perfect alignment. A proposal was not needed.

ESTABLISHED TIMES AND PLACES OF NEXT MEETINGS

The winter meeting will be in Kotzebue on March 7&8, 2012

The fall meeting will be on August 23 & 24, 2011, place: TBA

CLOSURE REVIEW

The Council voted unanimously to support the continued closure presented in WCR10-27 Muskox hunt in Unit 23 – Cape Krusenstern National Monument.

AGENCY REPORTS

Office of Subsistence Management

Ms. Atoruk provided a briefing on the new travel procedures for the Council.

> l. ONLY the coordinator or staff will make request to make changes, if they are needed. If you do it yourself, you will not receive per diem for travel time after the amended ticket is issued and you may be liable for the cost of airfare.
>
> 2. Do not use airline ticket prior to travel date set on your itinerary. The coordinator will provide you with a cell phone number to call for any changes, one that she will have on her person 24/7, for any changes that may be needed. If for some reason, you cannot reach your coordinator, call Durand Tyler at 907-786-3888, 1800-786-1456 or his cell at 301-4405. You may also call Darcy Herring at 907-786-3484, 1-800-478-1456 or her cell at 382-1876.

Mr. Ardizzone pointed out the **letter** to Tim Towarak on page 27 of the meeting booklet from the Secretary of the Interior in response to the subsistence Review that was initiated by AFN in 2009.

Mr. Ardizzone presented the briefing on **Changing the Composition of the Board**. In summary, this proposed change would expand the Board to include two new rural members. The proposed rule has been published and it says that the two members are to represent rural Alaskan users and they would be voting members on the Board. The 60-day public comment period will close on April 12, 2011. The Council felt

that the expansion of the Board would provide for a better perspective of the rural subsistence lifestyle when decisions are made. The expansion would help represent the local users in a more meaningful way. There were concerns expressed about the State's participation at the Federal Board meetings since they are not in compliance with ANILCA. There was confusion as to the State's role at the meeting but Chuck informed them that the State was not considered a member of the Board. He clarified that the new members would be rural Alaska subsistence users and would also be voting members. There was discussion on how the new members would be selected, as it was not in the proposed rule. Mr. Ardizzone stated that the process was not determined at this time.

Mr. Ardizzone gave a briefing on expanding the **deference** to appropriate Regional Advisory recommendations in addition the "takings" decisions of the Board provided under section .805 of ANILCA. This was informational and no action was needed at this time. This is an issue that will be dealt with in the future, but the deference is going to be added to customary and traditional use determinations. He stated that there is no deference to the Council now. The Federal Subsistence Board has not decided yet whether or not it will defer to the Councils on the rural process.

The Board is beginning the criteria for **rural and nonrural determinations.** The FSB will meet on April 6, 2011 on this issue. The Chairs are invited to the work session to understand the rural process and give their input so the Board can take these in to consideration during the process. The Board readdresses the rural and non-rural determinations every 10 years.

Mr. Ardizzone presented the **Memorandum of Understanding** between the Federal and State agencies to the Council for their review and comment. The purpose of the MOU is to address a necessity of having communication between the State and Federal governments and coordinating because they need that level of coordination in order to effectively manage fish and wildlife resources. The Council supports the MOU and felt that it was a valuable document. After further discussion the Council generally supported the concept of the MOU. The Council would like to see the MOU written in plain language so it can be easily understood. Some of the members expressed concerns that the MOU was not vetted through the Councils and there was no consultation with the affected users.

There was only one specific comment on language found in the MOU. One member felt that the second paragraph in the Preamble was misleading:

WHEREAS…"subject to preferences among beneficial uses, such as providing a priority for subsistence harvest and use of fish and wildlife…"

The Council members felt that the State manages resources providing for equal access to everyone and not any one group and especially not subsistence users. One member mentions why have an MOU when the State is not in compliance with ANILCA.

Customary and Traditional User Determination Process was presented by Mr. Ardizzone. After extensive discussion and questioning how the eight factors for C&T were used by the State and the Federal agencies. Chuck and Mr. Pappas informed the Council that the State used all the eight factors and the Federal process only used them as guides in determining the customary and traditional use. The Council had not recommended changes at this time.

Mr. Ardizzone presented the **Executive Session Policy** of the Federal Subsistence Board. This was informational item. They will be summarizing anything that happens at an executive session with exceptions of any personnel matters. There is a summary of the executive session that happened on January 5, 2011 on page 44 of the meeting booklet.

Mr. Ardizzone presented the **Tribal Consultation**. Tim Towarak, the FSB Chair wrote a letter on tribal consultation, the letter is on page 42 and is self explanatory. The Council felt that it was a good idea to include more Tribal involvement in the Federal subsistence management program; however, there was some concern on the role of the Council would be diminished by tribal consultation. Mr. Ardizzone informed them that the Councils were very important to the process and tribal consultation was not going to affect the Council as ANILCA provides for regional advisory councils and deference to the Councils.

Written briefing on page 49 from **Migratory Birds** was announced for their update and reading. This would give the Council an update on the Alaska Migratory Bird Co-Management Council and what they are doing.

The **Board Action Report** for January 18-20, 2011 is on pages 52-64 of the meeting booklet.

Muskox

Ms. Ayres informed the Council that in their recent cooperative surveys on muskox, they located a population of muskox in the upper Tag River near Selawik. They are primarily on the BLM lands. She reported that it's a group that few individuals sighted for about the last 10 to 15 years, now 90 animals have been documented. It's a pretty stable group of new muskox there. They were thinking that they could be a spur group from the Buckland population that moved up there. They talked to the people in Selawik; they are interested in hunting but they realized that there are other issues involved in Buckland and the hunt areas.

Ms. Charlotte Westing, a wildlife biologist, from ADF&G has talked to the people in Buckland. Mr. Ballot asked if they could expand their C&T Use Determination for Tag River and added that they have history of use to do that, if they were to look at opening up that way. Ms. Westing stated that it would depend on the Board of Game whether the muskoxen on the Tag are part of the Seward Peninsula population. It all starts with a proposal, Mr. Adkisson stated, to open up a hunt, than the appropriate Boards collect their information and make their determinations. In the case of Tag, they could be natural expansion now, but there will be question of who utilizes the resources over in the Tag River, and a whole range of other resources. The valid means of management are starting to be questioned today. It's not a hard and fast process to complete. This is just a beginning of the process to open up a hunt on the Tag River sometimes in the future.

Ms. Mary McBurney, acting Superintendent from **National Park Service** reported that a new Superintendent has been hired, Frank Hayes from Honolulu, Hawaii. She announced that this was her last meeting and she thanked all for making her feel welcome in Kotzebue for the past six months that she had been there.

The transporter plan that was drafted is tabled for now. It will not be distributed because it is a very, very rough draft and not meant to be released to the public. The transporter permits will be dealt with through permit stipulations. She will recommend to Frank to take a collaborative approach and to work directly with the users. To craft stipulations that will address the key issues and other things that are important to the traditional users, while it still allow the transporters to operate their business in the Preserve. The draft transporter plan generally lacked the good information on traditional uses, the traditional knowledge that resides in communities and also in the traditions that are passed down from generation to generation.

She will suggest to Frank to pursue funding that NPS has to use for their subsistence research needs. She stated that at traditional ecological knowledge project that would work closely with the local communities needs to be done. It would identify the key tradition bearers that have the knowledge of caribou behavior,

how the caribou can be influenced by the presence of people in sensitive places and times. It would give the whole information about the people, their closeness to the land, their knowledge and having lived with the animals. If a transporter plan does happen, that information would stand up and compliment the biological science that will be considered. That information would be preserved for variety of different purposes, for future generations to use and also educational programs.

Ms. McBurney reported that Mr. Ricky Ashby will be getting his cabin permit with an amendment to build a cache.

The Council thanked Ms. McBurney for her work and willingness to take on such a load in a short notice. They wished her well and reminded her that it was a pleasure working with her. Thank you. There will be dinner for here in Kotzebue on the 25th of April.

Mr. Brad Shults, wildlife biologist, reported that the information gathered on muskox, sheep and other resources do become available for reading on line and hard copies are printed on some. These reports can be made accessible to all and they will work on that.

Ms. Marci Johnson gave a brief report on what they have been doing in the region:

1. Black bear project. A small scale project around the sand dunes near Ambler that will help determine diet, parasites, stress levels from their scats. The scats collected would also be sent to geneticists for their DNA fingerprint to tell them how many black and brown bear are out there. A demo presentation will be given in the village of Ambler. This study is not large enough to get a population estimate.
2. Electric fencing is available now to those campers or anyone who wants them to prevent bears from coming to their camp or home areas. Educational visits to the Noatak school have been on-going and work to get the whole community educated on the different types of fences.
3. The muskox research project by Lane Adams from USGS, Joel Berger from University of Montana and the Wildlife Conservation Society is to study their movements. They work to keep 30 collars each on the adult females in Bering Land Bridge and Cape Thompson populations. A lot of these are GPS collars, and they use a Trimble, a very accurate GPS unit to track the females. Radio tracking is also done. This information will be documented, and a journal will be completed and distributed.

   Ms. Linda Jesse, Education Program Manager, reported that they have visited all the schools in the region to help them learn about the resources in the Parks. Many of the topics that Gina Hernandez, the education specialist, teaches are on bears, weather, salmon, Willie's Inupiaq studies, medicinal plants, bird migration, archeology, safety and survival, sled dog history, pollution, hunting in wetlands, owls, muskox, yellow-billed loons, climate change, gold rush, tracking, map and compass, and caribou. They receive good feedback from the students, a little homework is given. Art projects were done on the aurora borealis, the stories, information and perceptions that people have on aurora borealis. Two students were given an award for doing a study on a project on shrinking lakes in the Kobuk Valley National Park related to climate change and how the water is being reduced in a lot of places because permafrost is thawing.

   The Northwest Heritage Center has held ten events this fiscal year like Native language conferences, Veteran's celebrations, and educational programs. Mr. Adam Freeberg, an archeologist, who worked at Cape Krusenstern for number of summers sponsored a talk

and summarized what they have done. Once they are done and educational kit will be put together that will reflect what they have learned about historical uses of the resources at Cape Krusenstern. They will have copies of the artifacts they found for people to see. Artifacts taken back in 1700's have been returned there from the British Museums. They plan to have a professor talk about reindeer herding. They try to get as many of those research and cultural programs they can there. Question and answer period from the Council.

Mr. George Pappas, fisheries biologist, **Alaska Department of Fish and Game** of Anchorage reported that they now have a full three-person Liaison team from the State to the Federal Subsistence Board. They have an assistant director, who is liaison to the Board, George Pappas, a fisheries biologist and Glen Stout, game biologist.

Ms. Charlotte Westing, area biologist from Kotzebue, from **Alaska Department of Fish and Game** gave a report. Moose composition surveys were done last fall in partnering with FWS and NPS on the Selawik drainage. Bull/cow ratios were healthy, around 50 bulls per 100 cows. They plan to do fall surveys every year. Population estimate on moose will also be done there this spring. The results will be compared to the estimate that was taken in 2007.

The Cape Thompson muskoxen populations have been surveyed for many years since their introduction. Today, they are finding more incidental group of muskoxen outside the core area that they have been sampling. The core population has slightly declined in the last five years. A distance sampling technique was developed for the Seward Peninsula last year in working with the NPS. That survey focuses on Unit 23 and 26A, based out of Red Dog, and trying to get a real comprehensive view of that population. They will get a new estimate on the population when this survey is completed.

The composition surveys on the northern Seward Peninsula in 23 Southwest muskoxen will be done towards the end of the month. The quota for next year will be set according to that survey. Ken Adkisson and her will be working together and also talking with Ron Moto from Deering and Percy Ballot, Sr. of Buckland about the quota. She does not know what kinds of impact the muskoxen will have in 23 Southwest after that incident in the Shishmaref area. 22E is managed out of Nome and she does not know what kind of management actions will be taken. There will be a hunt next year but she just has to see the numbers first. She usually has a lot of flexibility with how she conducts the hunt. It was a very difficult and stressful year to try to manage a hunt for few animals.

A photo census of the WACH herd will be taken next year. Mr. Jim Dau continues to do a lot of work with the WACH herd, and will be doing the photo census this summer. The population estimate from that census will be available next spring of 2012.

The Squirrel River moose was included when Lower Noatak was surveyed in 2008. She did not have current population for Squirrel River.

Bureau of Land Management, a prepared report by Tim Hammond was read by John Erlich, the natural resource program coordinator. BLM used funds from the American Recovery and Reinvestment Act to support cooperative agreements with the Northwest Arctic Borough and the Native Village of Koyuk for intervillage trail markings and mapping. They should be completed this spring. In the spring of 2010, they agreed to support the Sisaulik Cultural Camp through Native Village of Kotzebue, 23 students participated. Dave Parker, fisheries biologist, continues to work on the summary reports from 2009 to 2010 for Kivalina River. BLM plans to conduct a fish inventory of the upper headwaters of the Squirrel River in an attempt to extend the State of Alaska's anadromous stream catalogue. Also to assess the impact of stream banks in the riparian zone from four-wheeler trails at permitted hunting guide

camps. This is a two-year project that will provide data for implementation of the Squirrel River Special Recreation Management Plan. There are no new mining activities on BLM-managed lands in the region this year. Azazu Metals plan to continue doing exploration drilling at the Lick project in 2011 on State and Federal mining claims, including on some BLM-managed lands. The Lick property is zinc, lead and silver property located about 12 miles northwest of Red Dog mine.

The BLM received a request for a right-of-way from United Utilities, a subsidiary of GCI, Incorporated, to conduct ground work and tests prior to installation of a terrestrial hybrid fiber optic microwave broadband network to serve communities along the Norton Sound, Kotzebue Sound and southern slope of the Brooks Range. The project called Terra Northwest, if completed, would provide the infrastructure and towers needed for broadband communication in the area. No fiber optic lines in the ground are planned for this project. Preliminary project work will include bore drilling and testing for clear line of sight for the relay communication towers.

BLM is involved in an eco-regional assessment for a geographic region roughly described as the Nulato Hills, Seward Peninsula, and Kotzebue lowlands. A contractor will inventory available data and identify gaps in resource data in the area.

They are also partnering with FWS on the Western Alaska Landscape Conservation Cooperative, which encompasses the area of Arctic region as well as the rest of southwest coastal Alaska. A state of science workshop is being planned by FWS in conjunction with the Western Alaska Landscape Conservation Cooperative for April 2011.

All guides and transporters in the Squirrel River area must renew their BLM permits in 2011. As of 2009, all transporters and air taxi operators taking clients to BLM-managed lands in the Squirrel River Special Recreation Management Area are required to have BLM permits. Five permits to transporters were issued in 2009.

BLM has two vacancies open for wildlife biologists. They continue to be an active participant in the Western Arctic Caribou Herd Working Group. They expect to have their regular law enforcement position filled by this spring.

Ms. LeeAnne Ayres, general manager, from the **Selawik Refuge** gave a brief report. The draft comprehensive conservation plan will be out no later than August, 2011, comment period ended on March 15 but comments are welcome until final decision is made. Four transporters took out 64 hunters and one guide on the Refuge. 28 caribou and 13 moose were harvested. Only three transporters reapplied for permit for this fall. All permits issued are good for one year. Mr. Ballot stated that they have a lot concern with the transporters or hunters in the Selawik Hills, the Tag River and Kauk River in the fall. Nicole Henshaw, Refuge Information tech was introduced, and she will be stationed at Selawik.

Ms. Anne Orlando, wildlife biologist, reported that they will be doing the moose count the first two weeks in April on the Selawik Drainage. They will partner with NPS and ADF&G. They plan to cover 200 units of the area which will give them a good of moose numbers. They plan to do a phytoplankton study on changes of surface waters to see what kind of changes are actually happening. They will use the satellite images to measure the changes in size or potential loss of lakes and ponds over time.

They have just started to study the winter condition impacts on caribou throughout the winter range. They will work with other agencies on this project and hopefully also partner with some communities in the region. Snow core surveys will be done, the depth and density measurements. They will dig a pit to look at the profile of the snow and measure the amount of ice in the snow. This program will be done at least

twice a year. If the schools or local people are interested, the measurements would be done more often and the program would expand.

Eight sites have been identified with the help of Mr. Dau from ADF&G to cover the important areas in the caribou winter range. Aerial stake snow markers will be installed in each site, and they will fly by to once a month to record snow depth levels. The markers will be visited twice a year on ground to get good measurements. A second method is going to be used since they never know where the caribou are going to be from year to year. They will go out and look at the craters that caribou are digging to get their food. They plan to fly out two or three times a year to each major caribou concentration area by using collars to find them. Three weather stations will be installed in the Nulato Hills. There is one weather station each on the upper Tag and Selawik Rivers. Ms. Orlando also wants to get some measurement of body condition in the fall. Those would be compared in late winter in working with the hunters or measuring off of photos. They are working very closely with ADF&G on this project.

Mr. Brando Saito, biologist, reported that they have three sheefish projects that they have been working on. 1) Aerial telemetry tracking on the Kobuk and Selawik Rivers. They are still using the old transmitters to track as long as the batteries are still working. 2) Sheefish winter movement patterns are tracked in partnering with UAF, Native Village of Kotzebue, and USGS. They deployed 160 acoustic transmitters and 20 receivers. 3) The new project will be the genetic mixed stock analysis and in partnering with the Native Village of Kotzebue, and ADF&G. This is a two-year project and taking fin clips from subsistence caught sheefish in order to determine the harvest proportions between the Kobuk and Selawik Rivers.

192 tundra swans were captured last year and tagged from three different locations from the Kotzebue Sound. This was in part of a larger project when over 600 swans were tagged last year and sampled for avian influenza, stable isotope analysis, contaminants and genetic analyses. None tested positive for avian influenza.

They will also be doing the Kotzebue Sound coastal bird aerial survey. The Refuge will conduct a coastline bird survey along the southern Kotzebue Sound, and also from the mouth of the Noatak River up to Kivalina. The abundance, distribution and the timing of the birds use in these areas will be documented from mid August to early October. The survey was done last year.

In May, the Refuge will survey the white-front breeding pairs to determine migration timing and abundance. This survey was first conducted in 2008 and the results were that the breeding pairs were stable in the Refuge.

Mr. Ray Hander, fisheries biologist from Fairbanks added that the maritime species of smelt, herring, and cod are not included in their studies because they focus more on freshwater species. They know that sheefish go back and forth between salt and fresh water, they concentrate more on the whitefish species that spawn in the fresh waters. Sheefish spawn up in the Pah River on the Kobuk and they think that they also spawn below the slump on the Selawik River. In the Kobuk River Project, they partner with ADF&G.

The Council complimented the Selawik Refuge for their continued teamwork relationship with the community of Selawik and to have them participate in their work and hire some to work with them. The report that they gave was well accepted by giving numbers of harvest of caribou and moose in the Refuge. Question and answer by the Council.

CLOSING COMMENTS AS THEY WERE

MR. KRAMER: I think this has been a pretty productive meeting. This is my first Federal

subsistence meeting. Hopefully many more to come. It's been great to hear all the reports from all the different entities. And I really look forward to seeing that youth program where we involve them in our process, you know, fly, goes far.

MR. BALLOT: Yes, Mr. Chairman. I thank you all once again for sharing the work that you do. I just would like to see when you have -- I know that there have been some minutes regarding those issues you were talking about earlier about prior meetings that had taken place regarding -- I don't know what it was. But we ask for the draft -- councils that were going to be meeting, but if they have minutes of meetings or something that shows what the discussions were and all that beforehand, if we could have them in the packet.

MR. KARMUN: No comment, thank you.

MR. SAMPSON: First of all, congratulations, Pete, for taking the Chairman. Certainly one less easier out for me from work. But certainly I'm still involved with the subsistence issues with the work that I do.

But I also want to encourage this very body that when there is a Federal Board meeting that occurs, now that they're starting to involve us more into the process of their Board meeting, we need to make sure that we're there to address some of the issues that we have. And not only that, being able to respond to some of the questions that they may have. And it's an opportunity for us to improve what's in place now that we're under Federal management. And also hopefully to try to correct some of the problems that exist as well. And to the agencies, thank you for making time. Quyanaq.

MR. STONEY: Thank you, Mr. Chairman. First of all, I want to thank all the agencies for all the hard work that you've been doing for us up here. You know, just realize just how much area you've covered. It's a very large area in order to manage, the Fish and Wildlife people and agencies that came up here and then work with us, including law enforcement. We thank all of you doing a well job done.

Barbara, I want to thank you for, you know, still being the coordinator, you know, for this Council here. I hope you continue to be on.

MR. SHIEDT: Yeah. Attamuk. I would like to thank all the agencies here. You notice by now I've got less and less questions, because I started to understand and all the answers that you guys give back to us is very understanding. And I'd like to thank you all. And then back to Barbara. Thank you, Barb, and you're not going to retire until we all are gone. You're younger than us, so you've got to stay a while. Not as your retirement comes up, but you're going to retire afterward. So I thank you all.

MR. BURNS: I just want to say thanks for all the -- and, Barb, thanks for getting our packets. And congratulations on your Chairman. And hopefully it will be a good. Thank you.

CHAIRMAN SCHAEFFER: Well, thank all of you. My closing comments are going to be kind of centered on what I think is going on with some issues. As Ray's probably aware, I just spoke to Representative Joule the other day, and the difference in how he's handling the transport issue is to refer it to the Commercial Services Board chairman to work directly with the Resources Committee of the House and the Senate. I don't know exactly where that's yet, but you have to remember also that sessions are two years long.
This is the first half of I forget which one, 9th or 40-9 something. So if nothing gets to the Resources Committee this time, then it's probably expected that next year it might, it will happen. Compared to how Reggie, Representative Joule done it before, and that is to have co-sponsors sign onto his proposed

legislation, which essentially with a short session really has an opportunity to get shot down fairly quickly if there's an objection by any other House member. And I imagine that on the Senate side it would be the same. We also have probably the last Caribou Conflict Working Group in May 6th. And it's going to be minus a couple of members. Cliff Judkins is going to be having back surgery and won't be here, as well as another member, I can't remember exactly who.

But I think, you know, not to be a glutton for punishment or nothing, but I think in terms of what this groups accomplished, it's probably up for discussion some times, but I think the big pluses have been the exchange of information that have been made available related to working with transporter instead of ignoring them and hoping they'll go away, which isn't going to happen tomorrow as far as I know.

And then in consideration of Mike's earlier remarks, you know, I think the comparison between the Commercial Services Board and transporters is that the Commercial Services Board actually has a code of conduct imbued in their regulations as to how they behave; whereas the transporters have none whatsoever that I'm aware of. And I think that that's why the expectation that at some point the transporters will be included into the Commercial Service Board jurisdiction so that there will be handle on how those people operate. And it's been kind of an interesting meeting to see how complex it actually is if you don't figure out, you know, how complex it is already.

And it's not a simple to deal with. The title may sound simple, but the inner workings of that group I think have been such that it's been not quite an eye opener for those that have dealt with it a long time, but I think for those that have not appreciated the jurisdictional complexities, as well as the authoritative jurisdictions I think have come to the brilliant conclusion that, you know, it's a very complex scenario for a seemingly very simple problem.

But I think beyond that, I think there's some expectation that we may see some regulatory authorities come finally to include the transporters in the realm of fish and game users on a commercial level, no different perhaps than the Commercial Services Board and their jurisdiction. So hopefully we'll get there soon.

And I would like to also let the professional people know that your input into this working body is extremely appreciated. And at any point if there's some seeking of support for what you're doing, just let us know, and we'll try to do it as a matter of in exchange for your professional information and what we want to do in terms of partnering up with traditional knowledge. And you've been doing a great job in getting there. And I just want you to know it's much appreciated.

And thanks also to Walter for all his work, and as the previous Chair, I know it's not an easy job sometimes, but I think the difference now is that if there's an opportunity for exchange with agencies as a member of this body, is to let me know and we'll do by one means or another authorizations to have representation broadened. Not just the Chair, myself, but to have you members know that if there's an opportunity for you to represent our body, we'd appreciate that as well. So with that, I think that that's about it for the closing comments at least that I have.

ADJOURNMENT

The meeting ended at 4:00 p.m.

I certify that, to the best of my knowledge, the foregoing minutes are accurate and complete.

/s/Barbara Atoruk 6/28/2011

_____ _____

Barbara M. Atoruk, DFO Date
USFWS Office of Subsistence Management

/s/ Peter Schaeffer 6/28/2011

_____ _____

Peter L. Schaeffer, Chair Date
Northwest Arctic Subsistence Regional Advisory Council

These minutes will be formally considered by the Northwest Arctic Subsistence Regional Advisory Council at its next meeting, and any corrections or notations will be incorporated in the minutes of that meeting.

For a more detailed report of this meeting, copies of the transcript are available upon request. Call Barbara_ Atoruk@fws.gov, 907-786-3885 or toll free at 1-800-478-1456.

DRAFT 2012 FISHERIES RESOURCE MONITORING PLAN INTRODUCTION

BACKGROUND

Since 1999, under the authority of Title VIII of ANILCA, the Federal government has assumed expanded management responsibility for subsistence fisheries on Federal public lands in Alaska. Expanded subsistence fisheries management has imposed substantial new informational needs for the Federal system. Section 812 of ANILCA directs the Departments of the Interior and Agriculture, cooperating with the State of Alaska and other Federal agencies, to undertake research on fish and wildlife and subsistence uses on Federal public lands, and to seek data from, consult with, and make use of the special knowledge of local residents engaged in subsistence uses. To increase the quantity and quality of information available for management of subsistence fisheries, the Fisheries Resource Monitoring Program (Monitoring Program) was established within the Office of Subsistence Management. The Monitoring Program was envisioned as a collaborative interagency, interdisciplinary approach to enhance existing fisheries research, and effectively communicate information needed for subsistence fisheries management on Federal public lands.

Although all proposals addressing subsistence fisheries on Federal lands will be considered, the 2012 Request for Proposals was focused on priority information needs developed either by strategic planning efforts or by expert opinion, followed by review and comment by the Subsistence Regional Advisory Councils. The Monitoring Program is administered by region, and strategic plans sponsored by this program were developed by workgroups of fisheries managers, researchers, Federal Subsistence Regional Advisory Council members and other stakeholders for three of the six regions: Southeast, Southcentral (excluding Cook Inlet Area), and Southwest Alaska. These plans identify prioritized information needs for each major subsistence fishery and can be viewed on or downloaded from the Office of Subsistence Management's website: http://alaska.fws.gov/asm/index.cfml. Independent strategic plans were completed for the Yukon and Kuskokwim regions for salmon in 2005. For the Northern Region and the Cook Inlet Area, assessments of priority information needs were developed from the expert opinions of the Regional Advisory Councils, the Technical Review Committee, Federal and State managers and staff from the Office of Subsistence Management. Additionally, a strategic plan for research on whitefish species in the Yukon and Kuskokwim river drainages was completed in spring 2011 as a result of efforts supported through Monitoring Program project 08-206.

Cumulative effects of climate change will likely fundamentally affect subsistence fishery resources, their uses, and how they are managed. Therefore, all investigators were asked to consider examining or discussing climate change effects as part of their project. Investigators conducting long-term projects were encouraged to participate in a standardized air and water temperature monitoring program for which the Office of Subsistence Management will provide calibrated temperature loggers and associated equipment, analysis and reporting services, and access to a temperature database. The Office of Subsistence Management has also specifically requested research proposals that would focus on effects of climate change on subsistence fishery resources and uses, and that would describe management implications.

> *The mission of the Monitoring Program is to identify and provide information needed to sustain subsistence fisheries on Federal public lands, for rural Alaskans, through a multidisciplinary, collaborative program.*

To implement the Monitoring Program, a collaborative approach is utilized in which five Federal agencies (Fish and Wildlife Service, Bureau of Land Management, National Park Service, Bureau of Indian Affairs, and U.S. Forest Service) work with the Alaska Department of Fish and Game, Regional Advisory Councils, Alaska Native organizations, and other organizations. An interagency Technical Review Committee provides scientific evaluation of proposals and investigation plans. The Regional Advisory Councils provide review and recommendations, and public comment is invited. The Interagency Staff Committee also provides recommendations. The Federal Subsistence Board takes into consideration recommendations and comments from the process, and approves the final monitoring plan.

PROJECT EVALUATION PROCESS

The Technical Review Committee evaluates proposals, and subsequently full investigation plans, and makes recommendations for funding. The committee is chaired by the Fisheries Division Chief of the Office of Subsistence Management and is composed of representatives from each of the five Federal agencies and three representatives from the Alaska Department of Fish and Game. Fisheries and Anthropology staff from the Office of Subsistence Management provide support for the committee.

Four factors are used to evaluate studies:

1. **Strategic Priority**

   Proposed projects should address the following and must meet the first criteria to be eligible for Federal subsistence funding.

   Federal Jurisdiction—Issue or information needs addressed in projects must have a direct association to a subsistence fishery within a Federal conservation unit as defined in legislation, regulation and plans.

   Conservation Mandate—Risk to the conservation of species and populations that support subsistence fisheries, and risk to conservation unit purposes as defined in legislation, regulation and plans.

   Allocation Priority—Risk of failure to provide a priority to subsistence uses.

   Data Gaps—Amount of information available to support subsistence management (higher priority given where a lack of information exists).

   Role of Resource—Contribution of a species to a subsistence harvest (e.g., number of villages affected, pounds of fish harvested, miles of river) and qualitative significance (e.g., cultural value, unique seasonal role).

   Local Concern—Level of user concerns over subsistence harvests (e.g., upstream vs. downstream allocation, effects of recreational use, changes in fish abundance and population characteristics).

2. **Technical-Scientific Merit**

   The project must meet accepted standards for design, information collection, compilation, analysis, and reporting. Projects should have clear study objectives, an appropriate sampling design, correct statistical analysis, a realistic schedule and budget, and appropriate products, including written reports. Projects must not duplicate work already being done.

3. Investigator Ability and Resources

Investigators must have the ability and resources to successfully complete the proposed study. This will be evaluated considering ability in terms of education and training, related work experience, publications, reports, presentations, and past or ongoing work on Monitoring Program studies; and considering resources in terms of office and laboratory (if relevant) facilities, technical and logistic support, and personnel and budget administration.

4. Partnership-Capacity Building

Partnerships and capacity building are priorities of the Monitoring Program. ANILCA mandates that the Federal government provide rural residents a meaningful role in the management of subsistence fisheries, and the Monitoring Program offers tremendous opportunities for partnerships and participation of local residents in monitoring and research. Investigators are requested to include a strategy for integrating local capacity development in their investigation plans. Investigators must complete appropriate consultations with local villages and communities in the area where the project is to be conducted. Letters of support from local organizations add to the strength of a proposal. Investigators and their organizations should demonstrate their ability to maintain effective local relationships and commitment to capacity building.

POLICY AND FUNDING GUIDELINES

Several policies have been developed to aid in implementing funding.

- Proposals of up to four years duration may be considered in any year's monitoring plan.
- Studies must be non-duplicative with existing projects. Most Monitoring Program funding is dedicated to non-Federal sources.
- Activities not eligible for funding under the Monitoring Program include: a) habitat protection, restoration, and enhancement; b) hatchery propagation, restoration, enhancement, and supplementation; c) contaminant assessment, evaluation, and monitoring; and d) projects where the primary objective is capacity building (e.g., science camps, technician training, intern programs). These activities would most appropriately be addressed by the land management agencies.
- When long-term projects can no longer be funded by agencies, and the project provides direct information for Federal subsistence fisheries management, the Monitoring Program may fund up to 50% of the project cost.

Finances and Guideline Model for Funding

The Monitoring Program was first implemented in 2000, with an initial allocation of $5 million. Since 2001, a total of $6.25 million has been annually allocated for the Monitoring Program. In 2010, the total funding was reduced to $6.05 million. The Department of the Interior, through the U.S. Fish and Wildlife Service, has provided $4.25 million. The Department of Agriculture, through the U.S. Forest Service, provided $1.8 million annually. But the level of funding for 2012 is uncertain. If Department of Agriculture funding is not provided, none of the project investigation plans submitted for the Southeast Region would be funded.

The Monitoring Program budget funds continuations of existing projects (year-2, 3 or 4 of multi-year projects), and new projects in the biennial year. The Office of Subsistence Management issued requests for proposals on an annual basis until 2008, and then shifted to a biennial basis. Therefore, the

next request for proposals after 2012 will be for 2014 proposals. Budget guidelines are established by geographic region and data type, and for 2012, $2 million is projected to be available for new starts. Proposals are solicited according to the following two data types:

5. **Stock Status and Trends Studies (SST)**.

   These projects address abundance, composition, timing, behavior, or status of fish populations that sustain subsistence fisheries with linkage to Federal public lands. The budget guideline for this category is two-thirds of available funding.

6. **Harvest Monitoring and Traditional Ecological Knowledge (HM-TEK)**.

   These projects address assessment of subsistence fisheries including quantification of harvest and effort, and description and assessment of fishing and use patterns. The budget guideline for this category is one-third of available funding.

2012 FISHERIES RESOURCE MONITORING PLAN

For 2012, a total of 32 investigation plans are under consideration for funding (**Table 1**). Of these, 22 are SST projects and 10 are HM-TEK projects. The Technical Review Committee recommends funding 29 of these investigation plans.

Table 1. Number of investigation plans received for funding consideration in 2012, and number recommended for funding by the Technical Review Committee. Data types are stock status and trends (SST), and harvest monitoring and traditional ecological knowledge (HM-TEK).

	Investigation Plans			Technical Review Committee		
Geographic Region	**SST**	**HM-TEK**	**Total**	**SST**	**HM-TEK**	**Total**
Northern Alaska	4	3	7	3	3	6
Yukon	6	1	7	5	1	6
Kuskokwim	7	1	8	6	1	7
Southwest Alaska	0	3	3	0	3	3
Southcentral Alaska	1	1	2	1	1	2
Southeast Alaska	3	1	4	3	1	4
Multi-Regional	1	0	1	1	0	1
Total	22	10	32	19	10	29

Total funding available for new projects in 2012 is $2.70 million, while the proposed cost of funding all 32 projects submitted would be $2.74 million. The 29 projects recommended for funding by the Technical Review Committee have a total cost of $2.18 million. In making their recommendations, the committee weighed the importance of funding new projects in 2012 with the knowledge that the next request for proposals will be issued in 2014. As has been done in past years, any unallocated Monitoring Program funds from the current year will be used to increase the amount of funding available for subsequent years.

The 2012 draft Monitoring Plan recommended by the Technical Review Committee would provide 28% of the funding to Alaska Native organizations, 47% to State agencies, 14% to Federal agencies, and 11% to other non-government organizations.

NORTHERN ALASKA REGION OVERVIEW

Issues and Information Needs

The 2012 Request for Proposals for the Northern Region identified seven priorities:

- Baseline harvest assessment and monitoring of subsistence fisheries in the Northwest Arctic and North Slope regions.
- Historic trends and variability in harvest locations, harvests and uses of non-salmon fish.
- Iñupiaq taxonomy of fish species, Iñupiaq natural history of fish, land use, place name mapping, species distribution, and methods for and timing of harvests. Species of interest include sheefish, northern pike, or other subsistence non-salmon fish in the Northwest Arctic region.
- Harvest and use of fish species by residents of Shishmaref.
- Spawning distribution, timing, and stock structure of Selawik River whitefish species.
- Spawning distribution, timing, and stock structure of Meade River whitefish species.
- Spawning distribution, timing, and stock structure of Kuk River smelt.

Projects Funded Under the Fisheries Resource Monitoring Program

Since the inception of the Monitoring Program in 2000, 29 projects have been funded in the Northern Region; four of these will still be operating during 2012 (**Tables 1 and 2**). Two of these projects concern sheefish assessment Selawik (projects 10-100, and 10-104) drainages, one concerns Chinook salmon assessment in the Unalakleet River (project 10-102), one concerns local ecological knowledge of non-salmon fishes in Bering Strait (project 10-151), and one concerns effects of climate change on Northwest Alaska subsistence fisheries (project 10-152).

Projects Forwarded for Investigation Plan Development

Eleven proposals for research in the Northern Region were submitted to the Office of Subsistence Management in response to the 2012 Request for Proposals. In March 2011, the Technical Review Committee reviewed the proposals and recommended eight for investigation plan development. Of these, one was withdrawn by the investigators. Investigators for the other seven proposals responded to Technical Review Committee review comments in developing their investigation plans. Detailed budgets submitted with each investigation plan allowed identification of funds requested by Alaska Native, State, Federal, and other organizations; funds that would be used to hire local residents; and matching funds from investigating agencies and organizations (**Tables 3 and 4**).

Available Funds

Federal Subsistence Board guidelines direct initial distribution of funds among regions and data types. While regional budget guidelines provide an initial target for planning, they are not rigid allocations. Upon further review and evaluation, the Technical Review Committee, Regional Advisory Councils, Interagency Staff Committee and the Federal Subsistence Board have the opportunity to address the highest priority projects across regions. For 2012, approximately $459,000 is available for funding new projects in the Northern Region.

Recommendations for Funding

The mission of the Monitoring Program is to identify and provide information needed to sustain subsistence fisheries on Federal public lands for rural Alaskans through a multidisciplinary, collaborative

Table 1. Summary of Fisheries Resource Monitoring Program projects completed in Northern Alaska since 2000. Abbreviations used for investigators are: ADFG=Alaska Department of Fish and Game, AJ=Anore Jones, AKP=City of Anaktuvuk Pass, KI=Kawarek Inc., KIC=Kaktovik Inupiat Corp., MQ=Maniilaq, NPS=National Park Service, NVK=Native Village of Kotzebue, NVU=Native Village of Unalakleet, NSB=North Slope Borough, STB=Stebbins IRA, UAF=University Alaska Fairbanks, USFWS=U.S. Fish and Wildlife Service, and USGS=U.S. Geological Survey.

Project Number		Project Title	Investigators
		North Slope	
00-002		Eastern NS Dolly Varden Spawning and Over-wintering Assessment	ADFG, USFWS
01-113		Eastern NS Dolly Varden Genetic Stock ID Stock Assessment	ADFG, USFWS
01-101		Eastern NS (Kaktovik) Subsistence Fish Harvest Assessment	ADFG, KIC
02-050		NS (Anaktuvuk Pass) Subsistence Fish Harvest Assessment	ADFG, NSB, AKP
03-012		SST of Arctic Cisco and Dolly Varden in Kaktovik Lagoons	USFWS
04-103		North Slope Dolly Varden Sonar Feasibility	USFWS
06-108		North Slope Dolly Varden Aerial Monitoring	ADFG
07-105	[a]	North Slope Dolly Varden Genetic Baseline Completion	USFWS
07-107	[a]	Hulahula River Dolly Varden Sonar Enumeration	USFWS
		Northwest Arctic	
00-001		Northwestern Dolly Varden and Arctic Char Stock Identification	ADFG, USFWS
00-020		Hotham Inlet Kotzebue Winter Subsistence Sheefish Harvest	ADFG
01-136		Northwestern Alaska Dolly Varden Genetic Diversity	ADFG, USFWS
01-137		Northwestern Alaska Dolly Varden Spawning Stock Assessment	ADFG
02-023		Qaluich Nigingnaqtuat: Fish That We Eat	AJ
02-040		Kotzebue Sound Whitefish Traditional Knowledge	ADFG, MQ
03-016		Selawik River Harvest ID, Spring and Fall Subsistence Fisheries	USFWS
04-101		Selawik River Inconnu Spawning Abundance	USFWS
04-102	[a]	Selawik Refuge Whitefish Migration and Habitat Use	USFWS
04-109	[a]	Wulik River Dolly Varden Wintering Stocks	USFWS
04-157		Exploring Approaches to Sustainable Fisheries Harvest Assessment	ADFG, MQ
07-151		Northwest Alaska Subsistence Fish Harvest Patterns and Trends	ADFG, MQ
08-103	[a]	Kobuk River Sheefish Spawning and Run Timing	ADFG, USFWS
10-100	[a]	Selawik Drainage Sheefish Winter Movement Patterns	UAF, USGS, USFWS, NVK
		Seward Peninsula	
01-224		Nome Sub-district Subsistence Salmon Survey	ADFG, KI
02-020		Pikmiktalik River Salmon Site Surveys and Enumeration	USFWS, NPS, STB, KI
04-105		Pikmiktalik River Chum and Coho Salmon Enumeration	KI
04-151		Customary Trade of Fish in the Seward Peninsula Area	ADFG, KI
05-101		Unalakleet River Coho Salmon Distribution and Abundance	ADFG, NVU
06-101		Pikmiktalik River Chum and Coho Salmon Enumeration	KI

[a] Final Report in preparation.

Table 2. Summary of ongoing 2012 projects funded under the Fisheries Resource Monitoring Program in Northern Alaska. Abbreviations used for investigators are: ADFG=Alaska Department of Fish and Game, KI=Kawerak, Inc., NSEDC=Norton Sound Economic Development Corporation, UAF=University Alaska Fairbanks, USFWS=U.S. Fish and Wildlife Service, .

Project Number	Project Title	Investigators	Budget ($1000) 2012	Budget ($1000) 2013
	Stock Status and Trends			
10-102	Unalakleet River Chinook Salmon Assessment	ADFG, NSEDC	$94.7	$96.7
10-104	Selawik Lake and Hotham Inlet Sheefish Genetic Analysis	USFWS, ADFG, NVK	$115.3	$83.8
	Harvest Monitoring and Traditional Ecological Knowledge			
10-151	Bering Strait Non-Salmon Fish Local Ecological Knowledge	KI	$119.5	$29.3
10-152	Northwest Alaska Climate Change and Subsistence Fisheries	UAF	$54.4	$0.0

Table 3. Northern Alaska project costs, by organization (Alaska Native, State, Federal, other), for investigation plans submitted to the Fisheries Resource Monitoring Program for funding consideration in 2012.

Project Number	Title	Budget ($000s) Alaska Native	State	Federal	Other
	Stock Status and Trends				
12-100	Selawik River Inconnu Assessment	$10.5		$68.2	
12-102	Kuk River Rainbow Smelt Assessment				$307.1
12-103	Kobuk River Sheefish Assessment		$13.8		
12-104	Noatak River Dolly Varden Assessment		$2.3		
	Harvest Monitoring and Traditional Ecological Knowledge				
12-153	Northwest Alaska Fisheries Harvest Surveys	$31.9	$74.6		
12-154	North Slope Emerging Salmon Fishery Traditional Ecological Knowledge		$47.5		
12-155	North Slope Climate Change and Subsistence Use of Whitefish				$142.7

Table 4. Northern Alaska local hire and matching funds for investigation plans submitted to the Fisheries Resource Monitoring Program for funding consideration in 2012. Abbreviations used are: ADFG=Alaska Department of Fish and Game, KI=Kawerak Inc., SWCS=SWCA Environmental Consultants, UAF=University of Alaska, Fairbanks, USFWS=U.S. Fish and Wildlife Service, and WNR=Wild North Resources, LCC.

Project Number	Lead Organization	Title	Funding ($000s) Local Hire	Matching
		Stock Status and Trends		
12-100	USFWS	Selawik River Inconnu Assessment	$3.6	$110.0
12-102	WNR	Kuk River Rainbow Smelt Assessment	$0.0	$42.0
12-103	ADFG	Kobuk River Sheefish Assessment	$0.0	$18.5
12-104	ADFG	Noatak River Dolly Varden Assessment	$0.0	$46.9
		Harvest Monitoring and Traditional Ecological Knowledge		
12-153	ADFG	Northwest Alaska Fisheries Harvest Surveys	$0.0	$0.0
12-154	ADFG	North Slope Salmon Fishery Traditional Ecological Knowledge	$0.0	$0.0
12-155	SWCA	North Slope Climate Change and Subsistence Use of Whitefish	$15.0	$0.0

program. It is the responsibility of the Technical Review Committee to develop the strongest possible monitoring plan for each region and across the entire state. After reviewing the seven investigation plans, the Technical Review Committee recommended funding six of the proposed projects (**Table 5**):

12-100	Selawik River Inconnu Assessment	$ 78,680
12-103	Kobuk River Sheefish Assessment	$ 13,800
12-104	Noatak River Dolly Varden Assessment	$ 2,280
12-153	Northwest Alaska Fisheries Harvest Surveys	$ 106,421
12-154	North Slope Emerging Salmon Fishery Traditional Ecological Knowledge	$ 48,493
12-155	North Slope Climate Change and Subsistence Use of Whitefish	$ 134,703
	Total	$ 384,377

The six projects recommended for funding by the Technical Review Committee comprise a strong Monitoring Plan for the region by addressing strategically important information needs based on sound science and by promoting cooperative partnerships. Each project recommended for funding in the Northern Alaska region in 2012 is summarized below (see Executive Summaries for more details on all projects).

12-100 Selawik River Inconnu Assessment. A large permafrost slump located about 40 km upstream from the sheefish spawning area in the Selawik River began emitting large amounts of sediment into the river in 2004. The investigators are requesting four years of funding to monitor the annual abundance and age structure of the Selawik River inconnu (also referred to as sheefish) spawning population to determine whether the sediment emitted from the slump have had an identifiable impact on abundance trends over time. The investigators propose using a DIDSON sonar system to estimate inconnu abundance as they migrate downstream from their spawning grounds and angling gear to apportion sonar counts among species. The proposed work would address an important subsistence inconnu fishery associated with Selawik National Wildlife Refuge and would build upon several Fisheries Resource Monitoring Program projects (02-020, 02-040, 03-016 and 04-101). U.S. Fish and Wildlife would provide matching funds averaging $50,250 per year.

Table 5. Funding recommendations by the Technical Review Committee (TRC) for Northern Alaska 2012 Fisheries Resource Monitoring Program.

Project Number	Title	TRC		Requested Budget ($000) 2012	2013	2014	2015
	Stock Status and Trends						
12-100	Selawik River Inconnu Assessment	Yes		$78.7	$124.3	$104.8	$68.7
12-102	Kuk River Rainbow Smelt Assessment	No		$307.1	$286.6	$31.4	$0.0
12-103	Kobuk River Sheefish Assessment	Yes		$13.8	$13.8	$13.8	$0.0
10-104	Noatak River Dolly Varden Assessment	Yes		$2.3	$142.4	$76.2	$2.5
	Harvest Monitoring and Traditional Ecological Knowledge						
12-153	Northwest Alaska Fisheries Harvest Surveys	Yes		$106.4	$117.4	$119.8	$98.5
12-154	North Slope Salmon Fishery Traditional Ecological Knowledge	Yes	*	$48.5	$42.3	$44.8	$30.6
12-155	North Slope Climate Change and Subsistence Use of Whitefish	Yes	*	$134.7	$52.5		
	Total			$691.5	$779.3	$390.8	$200.3
	Funding Guideline			$805.0			
	TRC Recommendation			$249.7	$440.2	$359.4	$200.3

* = Yes with modification

12-103 Kobuk River Sheefish Assessment. This three-year project would build upon Monitoring Program project 08-103 by allowing continued tracking of radio-tagged sheefish (also referred to as inconnu) in the Kobuk River. Sheefish radio-tagging during project 08-103 occurred in 2008 and 2009. Providing additional funding for tracking these tags would allow collection of five years of sheefish migratory data. Results from this work would describe run timing and spawning frequency, giving fishery managers a better context in which to interpret previously completed stock abundance work. This project would address an important subsistence sheefish fishery associated with Gates of the Arctic National Preserve, Selawik National Wildlife Refuge, Kobuk Valley Wilderness, and Kobuk Valley National Park. Continuing this work would allow more information to be gleaned from already deployed radio tags at a very modest cost to the Monitoring Program. In addition, Alaska Department of Fish and Game would provide matching funds of $18,500 per year, which is more than the requested funding.

12-104 Noatak River Dolly Varden Assessment. This project would address an important subsistence Dolly Varden fishery in Northwest Alaska associated with Gates of the Arctic National Preserve and the Noatak National Reserve. Dolly Varden annual subsistence harvests have ranged from 15,000 to 30,000 fish. Most subsistence fishers target mixed-stock populations both in the fall, as Dolly Varden migrate into freshwater, and in the spring, as they move seaward. This project would use radiotelemetry to document overwintering locations of Dolly Varden in the Noatak River during the winters of 2012/2013 and 2013/2014, and DIDSON sonar, if feasible, to estimate abundance of Dolly Varden migrating seaward during June 2014. The investigators would use a logical stepwise approach to deploy the DIDSON sonar component of the project and described how they would address cold weather challenges. Information gained from this project would allow fishery managers to evaluate the importance of the Noatak River Dolly Varden population in comparison to the Kivalina and Wulik rivers populations. Alaska Department of Fish and Game would provide matching funds averaging $59,000 per year.

12-153 Northwest Alaska Fisheries Harvest Surveys. This four-year project would fill gaps in available data concerning salmon and non-salmon species harvests in the Northern Region. Annual harvest assessments are not conducted in Kotzebue Area communities. This project would obtain data on harvests as well as contextual information on fisheries in the communities of Kivalina, Noatak, Noorvik, Selawik, Kiana, Ambler, Shungnak, and Kobuk. The information would also be used to better understand how increased mining and development in the region as well as climate related changes have and will affect trends in subsistence harvests, uses, and distribution of resources. Information would be collected through annual harvest surveys, semi-structured key respondent interviews, and participant observation.

12-154 North Slope Emerging Salmon Fishery Traditional Ecological Knowledge. This four-year project would document baseline ethnographic data regarding salmon and non-salmon fisheries in two North Slope communities: Point Lay and Wainwright. The investigator would document several aspects of salmon and non-salmon fisheries including traditional ecological knowledge, ecology, life-histories, climate change related observations, trends in resource abundance, and socio-economic factors. Additionally, the investigator would provide baseline subsistence fishing harvest estimates by species and harvest location. The investigator would work with the study communities to create educational materials and employ harvest calendars to collect harvest data.

12-155 North Slope Climate Change and Subsistence Use of Whitefish. This two-year project would gather traditional ecological knowledge on subsistence uses of broad whitefish (Aanaakjiq), Arctic cisco (Qaaqtag), and least cisco (Iqalusaaq) in the communities of Wainwright, Barrow, Nuiqsut, and Kaktovik. Information collected would document changes in harvest locations, changes in harvest timing, and changes in preservation methods. The investigators would examine a twenty-year history of harvests in the region by comparing current local knowledge about subsistence resources with that of knowledge

of the past. Information would be collected through flexible conversational interviews, participant observation, and subsistence mapping.

Project Number:	12-100
Project Title:	Selawik River Inconnu Spawning Population Abundance and Age Structure Evaluation
Geographic Region:	Northwest Alaska
Information Type:	Stock Status and Trends
Principal Investigator:	Raymond Hander, U.S. Fish and Wildlife Service
Co-Investigators:	Mary Beth Loewen, U.S. Fish and Wildlife Service Randy J. Brown, U.S. Fish and Wildlife Service

Project Cost: **2012:** $78,680 **2013:** $124,299 **2014**: $104,818 **2015:** $68,749

Recommendation: Fund

Issue

The Selawik National Wildlife Refuge (Refuge) has a congressional mandate through ANILCA to conserve inconnu (sheefish) *Stenodus leucichthys* populations. This project addresses two priority issues identified for the Northern Region in the 2012 Fisheries Resource Monitoring Program: "spawning distribution, timing, and stock structure of Selawik River whitefish species"; and "identify and characterize critical factors affecting population dynamics of Selawik River inconnu". This project benefits from information provided by FIS projects 02-020, 02-040, 03-016, and 04-101.

There are two known populations of inconnu in Northwest Alaska, one that spawns in the upper Kobuk River and the other that spawns in the upper Selawik River. Both populations are subject to intensive fisheries throughout the region. A large permafrost thaw slump (thaw slump) located about 40 km upstream from the inconnu spawning area on the Selawik River began emitting large amounts of sediment into the river in 2004. Since then the normally clear Selawik River has flowed extraordinarily turbid during the summer months transporting huge quantities of sediment downstream, potentially destroying the habitat for stream-spawning fish. Similar slumps in the upper Yukon River drainage have been emitting sediment into the Stewart River for over 40 years so we must assume that the Selawik River slump will continue for the foreseeable future. Habitat qualities of the inconnu spawning area in the Selawik River have undoubtedly changed because of the dramatically increased sediment exposure. These changes will probably reduce the proportion of fertilized eggs that develop successfully and produce young. If production is reduced but not eliminated the inconnu population would be expected to decline over time. If production is eliminated the population would be expected to become extinct as existing fish gradually die off, or possibly to become established in another suitable location. The increased sediment in the upper Selawik River is an environmental factor that will have a profound effect on the inconnu population that spawns there.

Objectives

1. Collect inconnu age structure data from male inconnu from the Selawik and Kobuk River spawning populations in 2012, 2013, and 2014;
2. Identify possible recruitment failures and missing age classes based on Chi-square test of six age class bins;
3. Determine the spawning population abundance of Selawik River inconnu in 2012, 2013, and 2014; and

4. Determine whether age structure and spawning population abundance data support the null hypothesis that sediment deposition from the slump does not affect recruitment over time caused by reduced egg survival.

Methods

This project will involve three distinct components that together will reveal whether the Selawik River thaw slump is impacting egg development and subsequent recruitment of the inconnu population in the drainage. The first component will be a series of annual age distribution profiles of spawning male inconnu collected from the Selawik River spawning area. We have chosen to focus on males because they will provide the recruitment data we are seeking without reducing the number of fertilized eggs on the spawning grounds each year. The earliest age distribution profiles will be dominated by cohorts that were spawned prior to the thaw slump and will be unaffected by the sediment released into the river. These early age distribution profiles will serve as baselines for comparison with later profiles. The second component will be a series of annual age distribution profiles of spawning male inconnu from the Kobuk River population. If recruitment failure is observed in both sample collections, it would indicate an effect in their shared rearing environment and not necessarily in the Selawik River spawning area. If recruitment failure is observed only in the Selawik River sample collection it would indicate an effect from the Selawik River spawning area. The Alaska Department of Fish and Game operates an annual chum salmon *Oncorhynchus keta* test fishery on the Kobuk River near the community of Kiana during July and August. Incidental catches of inconnu from 2003 to 2008 have ranged from 375 to 880. During 2010, otoliths and gonosomatic index data were collected from Kobuk River inconnu and preliminary analysis suggest that inconnu caught in the test fishery are preparing to spawn and would provide commensurate age distribution data. The third component of the project will be a complimentary series of annual spawning population estimates for the Selawik River inconnu population. Age distribution data is proportional to the sample so one could see identical profiles from a population at radically different population levels. Brown found that individuals in the first seven age classes of a Yukon River inconnu spawning population made up 80% to 90% of his sample. If the Selawik River inconnu population is similarly skewed to the younger age classes, which is common for coregonid populations in general, then the spawning population should decline dramatically with even modest declines in recruitment. Modeling exercises suggest that our ability to identify large declines in recruitment (80% or greater) with age distribution data will be substantial, but modest declines in recruitment (50% or less) will be difficult to detect with statistical certainty. Annual spawning population estimates will allow us to identify modest declines in recruitment. These three components will permit detection of modest to high recruitment failure resulting from reduced egg survival caused by sediment from the Selawik River thaw slump.

Partnerships and Capacity Building

Project logistics and partnership would be a collaborative effort between the U.S. Fish and Wildlife Service and the Native Village of Selawik. Residents of Selawik will be sought after to assist with collecting otoliths. Specific training to address project specific sampling procedures and protocols will be conducted for individuals prior to initiating sampling. Selawik residents will also be sought for logistical support for camp gear transportation logistics. Discussions with the Selawik IRA Council regarding the project are planned during one of their monthly meetings.

Justification

The proposed work is technically sound and addresses an important subsistence sheefish fishery associated with Selawik National Wildlife Refuge. This project builds upon several Fisheries Resource Monitoring Program projects (02-020, 02040, 03-016 and 04-101). The investigators responded to the

Technical Review Committee's comments by providing details concerning trend detection and DIDSON sonar application. If the Fisheries Resource Monitoring Program were to provide support for the proposed work, it would need to be understood that no commitment is made beyond the four year funding cycle. Investigators would need to consider alternative funding sources for additional future study years as a contingency.

Project Number: 12-102
Project Title: Kuk River Rainbow Smelt Stock Assessment
Geographic Region: Northern Alaska
Information Type: Stock Status and Trends
Principal Investigator: Melissa Cunningham, Wild North Resources, LLC
Co-Investigator(s): Blair Flannery, U. S. Fish and Wildlife Service
Olgoonik Corporation

Project Cost: **2012:** $307,124 **2013:** $286,644 **2014:** $31,403

Recommendation: Do Not Fund

Issue

This study will address one of the priority needs for fisheries information in the Northern geographic area by the Regional Advisory Council. Rainbow smelt *Osmerus mordax* inhabit the Kuk River and are an important part of the subsistence diet for residents of the Wainwright area. They are the most harvested fish species in the area; however, general biological information is lacking. One study conducted along the coastal waters of the Beaufort Sea indicated that rainbow smelt were the most abundant fish collected in the winter fishery. Beyond this study, detailed information on Pacific-Arctic populations of rainbow smelt does not exist.

Kuk River rainbow smelt spawning distribution, timing, and baseline stock assessment data will be determined and will aid in identify potential affects from climate change. Biomass estimates of the smelt spawning population in the Kuk River will provide an index of the overall run strength. This information will help managers monitor long term population trends. To manage rainbow smelt as an important subsistence resource, managers require necessary baseline biological information to make informed decisions on the population for sustainability.

Objectives:

1. Obtain smelt general biological information from Wainwright fishermen to assist with the field sample plan, and document knowledge of potential climate changes affecting the Kuk River smelt;
2. Document smelt spawning distribution and timing in the Kuk River for 2012 and 2013;
3. Identify the age, fork length, weight, sex ratio, genetic composition and fecundity of smelt in the Kuk River during the spawning run and compare to the winter subsistence fishery for 2012 and 2013;
4. Estimate biomass of the smelt spawning population for 2012 and 2013

Methods

Objective 1 - General smelt life history information will be obtained by regular consultations over the phone and face to face with Wainwright smelt fishermen during winter sampling in 2012, and 2013. Information obtained will include fishing techniques used, run timing and spawning areas observed. Notable changes in the population over time such as movements, timing, abundance, size, disease or habitat will also be discussed.

Objective 2 – Spatial and temporal documentation of the Kuk River spawning population will be conducted over two years. Sampling will occur in the Kuk River Proper from a boat from ice break up until catch rates decline. Smelt will be collected by dip net primarily, but also gill and fyke net dependant on the conditions. General habitat characterization will be assessed at concentrated spawning locations. Confirmed spawning areas will be recorded by GPS and delineated and mapped with Arc View software.

Objective 3 – Eighty smelt will be collected randomly throughout the week during the spawning run to determine the age, sex, length, weigh and genetic composition of the Kuk River smelt population. Fifty pre-spawned female will be analyzed for fecundity (number of eggs/female). All samples will be analyzed for age by reading circuli on both ear bones (otoliths). Each smelt will be measured by weight (g), fork length (mm) and sexed (observed reproductive characteristics – nuptial tubercles on males). One hundred smelt will be sampled from the Kungok, Ivisaruk and Kuk River Proper during the spawning run annually to compare genetic diversity within the watershed. Blair Flannery with the Conservation Genetics Lab will conduct this analysis. Two hundred smelt will be collected annually and measured for the same parameters during the winter subsistence harvest, and compared to the spring spawning data to determine changes in demographics.
Objective 4 - Biomass (eggs and larvae) sampling will occur approximately three weeks after spawning has commenced, and will extend for approximately four weeks. Data collection will include sampling the entire water column with a plankton net at two locations along the Kuk River during the day and at night. Nine samples will be collected per site to obtain a representation of vertical and horizontal distribution of biomass during the period of sample.

Partnerships and Capacity Building

One individual from Wainwright will be hired through Olgoonik Corporation to help assist with field operations throughout the season. Local hire will assist with collection of biological data, logistics and transportation needs. Promoting local involvement of resource users as active participants in this scientific study will educate individuals on the management process of their important fisheries resources. This experience may also initiate an interest to obtain a secondary education in the sciences. Individuals will be trained on all field procedures and safety protocols to collect data safely and accurately. Olgoonik Corporation is proposing to match funds for successful completion of this study and will be listed as Co-Investigator.

General biological information of the Kuk River smelt will be obtained from prominent fisher people within the Wainwright village through consultations. This information will be utilized to aid in determining the field sampling plan including sample locations and timing of spawning smelt. At the end of the two years of study, a summary of results will be presented to the Wainwright community through a PowerPoint presentation and a poster will be produced and will remain in Wainwright at a public location.

Justification

While this work is timely, has local importance and is accompanied by an impressive match, the details provided in the investigation plan are lacking and not fully developed. The overall funding requested of $625,171 is excessive given the lack of direct application to Federal management. The investigators are encouraged to narrow their focus to one or two of the objectives, reduce the budget, clearly articulate how the objectives will be achieved and develop a clear link to Federal subsistence management. Kuk River Smelt is an important resource to the community of Wainwright and little is known about the population The Technical Review Committee would encourage a resubmission of this project in the 2014 funding cycle.

Project Number: 12-103
Project Title: Spawning location, run timing, and spawning frequency of Kobuk River sheefish.
Geographic Region: Northern Alaska
Information Type: Stock Status and Trends
Principle Investigator: James Savereide, Alaska Department of Fish and Game
Co-Investigator(s): Randy J. Brown, U.S. Fish and Wildlife Service

Project Cost: **2012:** $13,800 **2013:** $13,800 **2014**: $13,800

Recommendation: Fund

Issue

The Kobuk River sheefish *Stenodus leucichthys* population supports substantial inriver subsistence fisheries and winter subsistence fisheries that occur in Hotham Inlet and Selawik Lake. Inriver fisheries utilize gillnets, beach seines, and hook and line techniques to capture migrating sheefish during their upstream (mid-June through August) and downstream (late September through mid-October) spawning migrations, whereas the winter fishery mainly utilizes under-ice gillnets and hand-held jig lines. Sheefish harvested in Hotham Inlet and Selawik Lake are from a mixed population comprised of the only two known spawning stocks in the region, the Selawik and Kobuk River stocks. Stock assessments are only feasible within the individual rivers, when the stocks are separated into spawning aggregations; however, estimates of spawning frequency are needed to determine the total stock size because mature sheefish can spawn more than once and in sequential and/or non-sequential years. Even though sheefish in the Northern Region are not identified as a priority need, an understanding of total exploitable stock size would allow researchers to determine sustainable harvest levels for an important subsistence fishery. In 2008, a four-year radiotelemetry project (08-103) was funded by the Fisheries Monitoring Program to estimate the spawning frequency, spawning locations, and migratory timing of sheefish in the Kobuk River.

The spawning locations, estimates of migratory timing (up and downstream), and spawning frequency have been determined annually since 2008, and will continue through the fall of 2011 as part of project 08-103. At that time, 3 years of information will be available to estimate the spawning frequencies of sheefish tagged in 2008, and two years will be available for sheefish tagged in 2009. However, the potential for a more complete and descriptive database is available because the minimum life expectancy of the radio transmitters deployed is five years. To obtain more detailed and precise estimates of spawning frequency, spawning locations, and migratory timing and to maximize the potential of the radio transmitters already purchased, three more years of data from aerial tracking surveys and the stationary tracking stations should be collected. This would provide five years of spawning information for each year transmitters were deployed.

Objectives

1. Document spawning locations within the Kobuk River upstream of the village of Kobuk;
2. Describe the timing of spawning migrations (upstream and downstream past the village of Kobuk) for mature sheefish within the Kobuk River drainage;

3. Estimate the proportion of the sheefish spawning population in 2008 and 2009 that returned annually to spawning areas upstream of the village of Kobuk from 2012 to 2014 such that each annual proportion is within 10% percentage points 90% of the time; and,
4. Identify and characterize different spawning frequency strategies used by adult sheefish in the Kobuk River, estimate the proportion of adults using each strategy, and estimate the potential variation in the proportion of adult sheefish spawning in any given year.

Methods

Spawning frequency, spawning locations, and migratory timing of mature sheefish in the Kobuk River stock will be determined by assessing spawning status of individually radiotagged sheefish over 3 consecutive years (2012–2014). The radio transmitters will be operable each year from July through October. Combined with the results from project 08-103, this will provide a total of 5 annual assignments of spawning status to categorize and estimate spawning frequency. This approach will serve to provide precise estimates of spawning frequency (sequential, non-sequential, or combination thereof) expressed by the stock.

Spawning migrations, frequency, and locations of radiotagged sheefish will be deciphered using a combination of aerial tracking surveys and stationary tracking stations. Two tracking stations located just upstream from the village of Kobuk will be used to record upstream and downstream migrations of radiotagged fish. Replicate aerial surveys conducted by U.S. Fish and Wildlife Service and Selawik National Wildlife Refuge will be conducted annually during July and August to document their locations throughout the river during their upstream migration, and during late September to mid-October to document their locations within the spawning area.

Partnerships and Capacity Building

One field technician was hired through the Kobuk IRA to assist with capture and sampling of fish, and this project extension will continue to utilize a local field technician and provide compensation for local logistical support (e.g., boat rentals, tracking station maintenance, and land leases). A rural outreach educational program on sheefish was carried out between the village of Kobuk, Kobuk Elementary School, and Alaska Department of Fish and Game; this program will continue through 2014. Additionally, progress reports will be presented to residents of the region at least once a year and written documents will be distributed to fisheries managers, researchers, local community groups and other interested parties.

Justification

This project will build upon Monitoring Program project 08-103 by allowing continue monitoring of radio-tagged sheefish in the Kobuk River. Combined with project 08-103, funding for this project will result in five years of sheefish migratory data. Results from this work will describe run timing and spawning frequency, giving fishery managers the context for understanding previously completed stock abundance work. This project is technically sound and addresses an important subsistence sheefish fishery associated with Gates of the Arctic National Preserve, Selawik National Wildlife Refuge, Kobuk Valley Wilderness and Kobuk Valley National Park. The investigators have the expertise needed to successfully conduct this ongoing project. Both investigators have worked on several successful Monitoring Program projects. Continuing this project would allow for a maximum amount of information to be gleaned from the deployed radio tags at a very modest cost. In addition, Alaska Department of Fish and Game is providing matching funds ($18,500 per year) greater than the requested funds.

Project Number: 12-104
Project Title: Evaluation of the overwintering Dolly Varden population in the Noatak River.
Geographic Region: Northern Alaska
Information Type: Stock Status and Trends
Principal Investigator: Brendan Scanlon, Alaska Department of Fish and Game
Co-Investigator(s): Marci Johnson, National Park Service

Project Cost: **2012:** $2,280 **2013:** $142,381 **2014:** $76,152 **2015:** $2,508

Recommendation: Fund

Issue

Many northwestern Alaska residents maintain a traditional subsistence lifestyle and rely greatly on the harvest of overwintering Dolly Varden *Salvelinus malma* from the Noatak River. These fish are captured with gillnets or beach seines during open water periods and with hook and line during winter, and in some communities they outrank salmon and whitefish in importance to the subsistence economy. Currently, fisheries managers have little defensible information relative to habitat and abundance for the overwintering population of Dolly Varden in the Noatak River, which is needed to identify sustainable subsistence harvest levels, evaluate the potential effects of habitat perturbations, and address regulatory proposals or climatic change.

Objectives

1. Document overwintering locations of Dolly Varden in the Noatak River during the winters of 2012/2013 and 2013/2014.
2. Assess the feasibility of using side-scan sonar (i.e. DIDSON) to estimate the abundance of outmigrating overwintering Dolly Varden following breakup on the Noatak River. This will be accomplished using a set of secondary objectives.
    a. Identify the location upstream of which 90% of the Dolly Varden overwinter (OW_{90}) during the winters of 2012/2013 and 2013/2014.
    b. Describe the onset and duration of the Dolly Varden outmigration at OW_{90} during late spring of 2013 and 2014.
    c. Evaluate physical characteristics of potential sonar sites near OW_{90} in June 2013 that could impact sonar detection of Dolly Varden such as channel profile (width, depth and substrate), debris load during break up, target range, target size, and aim/position of the sonar.
    d. Evaluate biological characteristics of potential sonar sites near OW_{90} in June 2013 that could impact sonar detection of Dolly Varden such fish density, swimming behavior (e.g. direction of movement), and relative abundance of Dolly Varden and non-target species.
    e. Based on conclusions from objectives 2a-d, enumerate all downstream targets at the selected OW_{90} site using a DIDSON sonar during the outmigration period of Dolly Varden during June of 2014.
    f. Determine the relative abundance of non-target species in the immediate vicinity of the OW_{90} site using methods identified in Objectives 2c and 2d during June of 2014.

Methods

Radiotelemetry will be employed to evaluate overwintering areas, and identify OW_{90} and downstream run timing past OW_{90} of Dolly Varden in the Noatak River. During each of the first two years (2012 and 2013) of the study, 125 Dolly Varden will be surgically implanted with programmable radio transmitters. Deploying transmitter during mid-September will ensure that only overwintering Dolly Varden will be tagged. Data related to run timing and overwintering locations will be collected using a combination of aerial tracking surveys and ground-based tracking stations. A minimum of four tracking flights will be conducted each year: early March, mid-April, early June, and early July.

Objective 2 reflects a stepwise approach toward assessing the feasibility of the sonar and the conditions that need to be satisfied to enumerate the downstream migration of overwintering Dolly Varden. Because species apportionment can be problematic, our expectation of project success will be that downstream targets can be accurately counted and the relative abundance of non-target species will be negligible (i.e. <5%). We expect that the downstream outmigration period for a vast majority of the overwintering Dolly Varden will be very brief (<one week) and that their abundance (e.g. 30,000–150,000 fish) will simply overwhelm other species of similar size (e.g. ≥200 mm TL) that may confound the sonar counts. This ideal scenario will provide a relatively accurate census even without having to rigorously account for species apportionment.

In 2013, investigation of the potential sonar site will start immediately after ice-out. Based on work conducted in the neighboring Wulik River and prior telemetry work, it is assumed that there will be a delay of about seven days after ice-out before fish begin their outmigration to sea. Recommended procedures for site selection, installation, and operation of the DIDSON sonar will be followed over a four-week period. A radio receiver in camp or tracking station in camp will provide data on the progression of outmigrating radio tagged Dolly Varden. Test fishing will be developed and conducted to evaluate whether Dolly Varden make up ≥90% of the total number of fish present in the ensonified field.

In 2014, the outmigration of Dolly Varden will be counted following breakup conditioned upon the results of the telemetry work and sonar investigations in 2013. All necessary equipment and personnel will be staged to ensure that the river can be ensonified immediately after ice-out and once the river can be safely navigated. Two DIDSON units will be operated, one on each bank of the river. Best practices for profiling the river channel, aiming, and testing of the sonar using targets will be repeated. The maximum attainable range window of an individual DIDSON unit on low frequency is 40 m and the window length of each sonar unit will be adjusted to maximize image resolution and avoid overlap. Sonar operations will be terminated after the outmigration period, which will be identified by telemetry and test fishing data. Test fishing results from 2013 will be used to develop a standardized protocol for determining the relative abundance of Dolly Varden and other species moving downstream through the ensonification field.

Partnership/Capacity Development

A letter of support will be solicited from the Northwest Arctic Regional Advisory Council at their August 2011 meeting in Kotzebue, and a portion of the requested funds will provide for a locally-hired technician from the village of Noatak to be recruited for approximately four weeks each year of this project to assist with operation of the DIDSON sonar. During the 2002-2003 Noatak River Dolly Varden telemetry experiment four individuals from Noatak were successfully hired each year to assist with weir and field camp operations in the upper Kugururok River. In addition, consultation with the Noatak/Kivalina Fish and Game Advisory Committee as well as the Noatak IRA will be conducted well before the start of the project to describe objectives and how the results will be used in management, and to inform fishers about

the tag-return program. Finally, educational outreach regarding Dolly Varden life history and the field methods used in this experiment will be conducted as the public school in Noatak in May 2013.

Presentations will also be made at other regional villages and schools, such as Ambler, Kiana, and Kotzebue as interest and resources allow. Project results will be presented at Federal Regional Advisory Councils, and State Advisory Committees, and in regional newspapers and radio shows.

Justification

This project addresses an important subsistence Dolly Varden fishery in Northwest Alaska. The investigators plan to use radiotelemetry to document overwintering locations of Dolly Varden in the Noatak River and DIDSON sonar to estimate the outmigrating Dolly Varden. The investigators developed a logical stepwise approach to deploying the DIDSON sonar component of the project and detailed how they will address cold weather challenges. Information gained from this project will allow fishery managers to evaluate the importance of the Noatak River Dolly Varden population as compared to the Kivalina and Wulik rivers populations. It will also provide baseline information on Noatak River Dolly Varden overwintering habitat.

Project Number: 12-153
Project Title: Northwest Alaska Key Subsistence Fisheries Harvest Monitoring Program
Geographic Region: Northern Alaska
Information Type: Harvest Monitoring/Traditional Ecological Knowledge
Principal Investigator: Nicole M. Braem, Alaska Department of Fish and Game
Co-Investigator(s): James S. Magdanz, Alaska Department of Fish and Game
Enoch Shiedt, Maniilaq, Inc.

Project Cost: **2012:** $106,421 **2013:** $117,408 **2014:** $119,760 **2015:** $98,540

Recommendation: Fund

Issue

Substantial subsistence fisheries sustain eight small communities (Kivalina, Noatak, Noorvik, Selawik, Kiana, Ambler, Shungnak and Kobuk) within the Kotzebue Management Area, yet little information on the subsistence harvest and use of salmon, char, whitefish, and other non- salmon species has been collected since 2004, when the annual salmon harvest monitoring program was terminated due to lack of funding. The Kotzebue Area has, by far, the largest subsistence salmon fishery in Alaska lacking an annual harvest assessment program.

Several development projects related to mineral extraction may occur in the area: oil exploration in the Chukchi Sea, a road to the Ambler mining district that would link a remote region to the road system and likely lead to further mining development, and the extension of the road from Red Dog mine, among others. While little commercial exploitation of fish stocks currently occurs in the region, it is expected that interest in developing such fisheries will grow in coming decades as activity in and access to the Arctic increases. While chum are the predominant salmon species in the region, it is believed that more commercially valuable species such as sockeye, Chinook and coho will expand their ranges as the Arctic warms. In 2009, U.S. Secretary of Commerce Gary Locke approved a plan prohibiting the expansion of commercial fishing into federal arctic waters; however, this limitation is in place until "researchers gather sufficient information on fish and the Arctic marine environment to prevent adverse impacts of commercial harvesting or activity on the ecosystem." Among species identified in the plan as likely initial target species were Arctic cod, saffron cod and snow crab. Thus, state and federal fisheries regulatory bodies, including the Federal Subsistence Board, will require current and comprehensive data on the subsistence fisheries of this area in the near future.

The primary objective of this project is to gather *contextualized* harvest information in this region with an eye to future information needs. As time series data further accumulate, researchers may be able to detect an increasing trend in harvest of one species concurrent with a decline in another… but be unable to interpret the trends. It is hoped that traditional ecological and local knowledge can further inform and contextualize quantitative harvest data and information on factors affecting fishing during the study period.

Interested parties need updated harvest information both for established state and federal management processes and for planning and impact assessment efforts. Both the Seward Peninsula and Northwest Arctic Regional Advisory Councils have identified salmon and char fisheries as the most important fisheries in their areas and have expressed concerns about the effects of climate change on subsistence fisheries resources. Baseline harvest assessment and monitoring of subsistence fisheries and historic

trends and variability in harvest location, harvests and use of non-salmon fish have been identified as priority information needs for the Northern Region.

Objectives

1. Estimate annual harvest and use patterns of salmon, char, whitefish and other key non-salmon species of fish used by residents of the study communities in 2012, 2013, and 2014. Assess whether subsistence needs for these species are being met and impacts.
2. Systematically collect contextual information on what factors influence harvest and use of salmon, char, whitefish, and other key species in each study year.
3. Conduct network analysis of harvest, processing, and distribution networks of subsistence caught fish.
4. Document traditional and local knowledge about salmon, char, whitefish and other key subsistence species with particular attention to observed changes over time. Explore how various factors are affecting harvest methods, species targeted, the organization of fishing, fishing locations, preservation techniques, and harvest timing.
5. Compare data collected to historic and contemporary information; interpret changes and trends in the subsistence harvest and use of salmon, char, whitefish and other key species.

Methods

Three methods of data collection will be used in order to meet the objectives of this study: an adapted harvest survey, key respondent interviews, and participant-observation. Of an estimated 812 total households (based on 2010 federal census data), we estimate that about 650 (80%) will be surveyed each year (in January 2013, 2014, and 2015). Sixteen key respondent interviews will be conducted with knowledgeable subsistence fishers and processors identified in collaboration with Maniilaq and tribal councils. Investigators will make one trip to a community for the purpose of participant observation each year. Trips will be time to coincide with an important fish harvest period, i.e. seining for whitefish in the fall, jigging for Dolly Varden in the spring, or during salmon fishing in the summer.

Partnerships and Capacity Building

Consultation with Maniilaq, Inc. is ongoing. This will be a collaborative project between Alaska Department of Fish and Game, Maniilaq, Inc., and the tribal governments of the study communities. To continue capacity building at the community level, project partners will hire and train local residents to conduct surveys within their communities.

Justification

The goal of this project is to re-establish data collection for subsistence salmon and nonsalmon fisheries in the Northern region, namely in eight communities in the Kotzebue area (Kivalina, Noatak, Noorvik, Selawik, Kiana, Ambler, Shungnak, and Kobuk). Harvest surveys have not occurred for a number of years and increasing impacts to subsistence fisheries may be felt by subsistence users in coming years stemming from factors such as resource development or climate change. Regional Advisory Councils and the Monitoring Program have requested harvest data on salmon and nonsalmon fish. Additionally, the research will provide much needed socio-environmental and economic contexts for understanding changes including trends in harvests, uses, and distribution of subsistence resources. Given the importance of salmon and nonsalmon fisheries in this region, the lack of an annual harvest assessment

program, and the changing socio-environmental conditions, this study will be timely and valuable. The investigators demonstrate a clear understanding of the importance of collecting not just harvest numbers, but also broader data on subsistence harvests, uses, distributions, knowledge, and conditions. The investigators seek to broaden managers' understandings of change as well as the contexts within which and why they are occurring. This project would provide valuable information for managers and the Monitoring Program. The investigation plan addresses a priority information need in the 2012 Request for Proposals. The technical and scientific merit is high. The objectives are clearly stated. The investigators are qualified to conduct the proposed research and the partnership and capacity building component of the research is rated as high.

Project Number: 12-154
Project Title: Traditional Ecological Knowledge and Harvest Monitoring of an Emerging North Slope Salmon Fishery
Geographic Region: Northern Alaska
Information Type: Harvest Monitoring/Traditional Ecological Knowledge
Principal Investigator: Brittany Retherford, Alaska Department of Fish and Game

Project Cost: **2012:** $48,493 **2013:** $42,325 **2014:** $44,835 **2015:** $30,609

Recommendation: Fund with modification

Issue

Though less visible and widely used than subsistence resources such as whale and caribou, fish continue to be an important subsistence resource for residents of North Slope villages. This project will document subsistence salmon and non-salmon fishery traditional ecological knowledge and harvest trends in two North Slope communities: Point Lay and Wainwright. Salmon in particular have been emerging as an increasingly used and harvested resource in these villages, yet baseline ethnographic information is lacking to understand the extent to which it is becoming a targeted fishery. Interviews conducted by Alaska Department of Fish and Game researchers in 2009 and 2010 in Wainwright and Point Lay found that local fishers have traditionally harvested and used salmon species in the past, though harvest of salmon species has been largely opportunistic as fishing and hunting camps and cabins are located at areas where caribou have historically migrated, and as incidental catch of targeted non-salmon fisheries. It is hypothesized that rapid climatic changes that might affect fish abundance, combined with socioeconomic shifts affecting the annual seasonal round, is providing greater opportunity for fishers to harvest both salmon and non-salmon species. This research responds to a unique opportunity to document what appears to be an emerging fishery for salmon (primarily pink and chum, but some Chinook as well), while simultaneously, collecting baseline ethnographic and harvest data about select non-salmon fish species. Both research objectives respond directly to the following priority information need for northern Alaska in 2012:"baseline harvest assessment and monitoring of subsistence fisheries in the Northwest Arctic and North Slope regions." The latter objective responds directly to the need that includes "historic trends and variability in harvest locations, harvest and uses of non-salmon fish." This research addresses priority needs identified by the North Slope Regional Advisory Council. The North Slope Regional Advisory Council has identified Arctic char, Dolly Varden, whitefish, lake trout, and Arctic grayling fisheries as the most important for their area. While fishing for some of these species, local residents incidentally catch salmon. The North Slope Regional Advisory Council has also expressed concern about the effects of climate change on subsistence fishery resources. There has also been a need expressed by local representatives to the lead researcher to synthesize and compile historic data and literature related to subsistence fisheries in Wainwright (Retherford personal communication – 2011).

Objectives

To address the research question: *What socio-cultural, economic, and environmental factors (such as climate change) have shaped salmon harvest and non-salmon harvest fishing efforts over time in Point Lay and Wainwright?*

1. For each community, document and catalogue traditional ecological knowledge of subsistence salmon and non-salmon fishing, including historic abundance and trends, gear types used, seasonality, and harvest location information for each species.
2. Synthesize existing data related to subsistence fisheries in Point Lay and Wainwright, including existing reports, Regional Advisory Council minutes, and other archival sources.

To address the research question: *What changes are occurring in the subsistence harvest and use patterns of salmon and non-salmon fishes, if any, in these North Slope study communities?*

3. Develop and implement an exploratory harvest monitoring program for salmon and non-salmon fisheries. Collect data on species harvest quantities, seasonality of harvest, and gear types for three study years: 2012, 2013, and 2014.
4. Map general areas where subsistence salmon and non-salmon fisheries take place for each community, including local place names and historic harvest locations to help establish patterns and trends.
5. Create a set of species identification educational materials to distribute to community members during organized outreach events and harvest calendar collection trips.

Methods

This research project will be conducted following basic procedures and policies characteristic of Alaska Department of Fish and Game Division of Subsistence research. Division staff will consult with regional and local governments and organizations with interests in fish and wildlife management and subsistence uses following the principles of informed consent, conducting research in the Arctic, and the Alaska Department of Fish and Game and Alaska Boards of Fisheries and Game's tribal consultation policy.

A three-year project is proposed. There are three components that are designed to address both research questions. The first component of the project will be primarily focused on a literature review and original archival research. A second component will be focused on building community participation and data collection as part of the proposed three-year exploratory harvest monitoring program. This component also includes the synthesis and analysis of collected data. The third component of the project is collecting and cataloging traditional ecological knowledge. The results of all three components will be summarized in a comprehensive final report.

Partnerships/Capacity Building

The principal investigator will build on earlier research efforts to contribute capacity building in study communities through research partnerships with local tribal or village councils in the identified study communities and will seek to hire local project assistants or community partners to help select key respondents, assist the investigators in all aspects of fieldwork, and administer the harvest monitoring program. Investigators will also regularly consult with the North Slope Wildlife Department and the Inupiat Community of the Arctic Slope to explore possibilities for collaborative efforts. Meetings will also be held annually to update study communities on project status, as well as, solicit ongoing feedback. This is particularly important due to the exploratory nature of this project.

Justification

This project aims to document baseline ethnographic data regarding salmon and nonsalmon fisheries in two North Slope communities, Point Lay and Wainwright. Though this project claims to addresses

a priority information need for the Northern Region, specifically the baseline harvest assessment and monitoring, trends and variability of nonsalmon fisheries, and locally-specific information on salmon and nonsalmon fisheries, the investigator does not make a compelling link between fishing in Wainwright and Point Lay to Federal waters or management. According to Monitoring Program guidelines, it is a requirement that a clear linkage be made. The investigation plan would benefit from additional input on technical writing, organization and presentation. The investigator was asked in the proposal review to focus the direction and scope of the proposed project by clarifying research questions and objectives such that they would be clear, measurable, and attainable. The suggestion to narrow the scope of the research meant the investigator should focus on one or two manageable and well-conceived research questions and clear and obtainable research objectives. The research questions and objectives are similar to those in the proposal and are broad in scope but answerable and achievable. The link to Federal subsistence fisheries management was elaborated upon (as requested specifically in the proposal review), but not fully. The investigator needs to explain the clear and comprehensive link to Federal waters and Federal management that exists for these communities. Given that the project is exploratory research of an emerging fishery, it has significant potential. Partnership and capacity building is ranked as a medium and letters of support from local entities should be provided. The overall framework, questions, and objectives; the research methods and researcher ability, combined with the need for this information on an exploratory project on an emerging fishery lead to a recommendation to fund this project.

Project Number: 12-155
Project Title: Climate Change and Traditional Ecological Knowledge of Subsistence Whitefish and Cisco on the North Slope of Alaska
Geographic Region: Northern Alaska
Information Type: Harvest Monitoring and Traditional Ecological Knowledge
Principal Investigator: George Weekley, SWCA Environmental Consultants
Co-Investigator(s): Liam Frink, University of Nevada-Las Vegas
Celeste Giordano, University of Nevada-Las Vegas
Mike Pederson, North Slope Borough
Kim Gould, SWCA Environmental Consultants
Brian Brettschneider, SWCA Environmental Consultants

Project Cost: **2012:** $134,703 **2013:** $52,453

Recommendation: Fund with Modification

Issue

This study will gather traditional ecological knowledge on subsistence uses of broad whitefish *Coregonus nasus* (Aanaakjiq), Arctic cisco *Coregonus autumnalis* (Qaaqtaq), and least cisco *Coregonus sardinella* (Iqalusaaq). This study will document the possible impacts to these three species as a result of the effects of climate change as measured by the changes in harvesting location and timing, as well as preservation and processing of these resources. The study will take place in the communities of Wainwright, Barrow, Nuiqsut, and Kaktovik.

Objectives

Changes in Harvest Locations and Timing over the Past 20 Years

1. Identify traditional subsistence harvest locations of cisco and whitefish for each community.
2. Document place names for traditional cisco and whitefish harvest locations for each community.
3. Document duration of use at various subsistence harvest locations for cisco and whitefish for each community.
4. Document timing of subsistence harvest for cisco and whitefish for each community.
5. Identify perceived potential reasons for changes (if any) to subsistence harvest locations for cisco and whitefish, including perceived changes to climatic conditions.
6. Identify perceived potential reasons for changes (if any) to timing of subsistence harvest of cisco and whitefish, including perceived changes to climatic conditions.
7. Map changes to community subsistence harvest locations using subsistence mapping techniques.

Changes in Fish Preservation Methods over the Past 20 Years

8. Identify past methods used to prepare and preserve cisco and whitefish and investigate whether climate change is perceived to have affected those preparation and preservation methods.

9. Identify current fish preparation and preservation methods used in response to any perceived climate change.
10. Document any observed signs of fish pathogens (e.g., flesh texture changes due to *Ichthyophonus* and other parasites*)* in harvested whitefish that may have affected fish preservation methods and/or indicate changes in pathogen prevalence.

Methods

Data for this study will be collected by a combination of conversational interview, participant observation, and subsistence mapping. Conversational interviews will typically begin with an opening question and then free-flow into additional questions based on the participant's responses. The interviewer will use a digital voice recorder to accurately capture participant interviews. As a back-up, the interviewer will take notes to clarify information in digital recordings and to document information from participants who do not want to be recorded.

Areas identified by study participants as historic and/or contemporary subsistence harvesting locations will be documented on paper maps through subsistence mapping techniques. The interviewer will use GIS-generated 11x17" aerial photography maps showing known topographical identification points. Participants will be asked to circle locations where harvesting of the target subsistence resources occurs and to identify specific species harvested at those locations. Maps showing subsistence harvest locations will then be digitized into a shapefile for GIS use. At the end of the analysis, SWCA Environmental Consultants will produce a report that outlines data gathered from the study and an interpretation of these data in the results. All data gathered that correspond to the goals and objectives will be summarized in the report in textual and/or graphic form.

Partnerships/Capacity Building

SWCA Environmental Consultants is teaming with the North Slope Borough Department of Wildlife Management and will be working with them to help improve their capacity for conducting research projects involving qualitative research methods.

The project would contribute to the North Slope Borough Department of Wildlife Management's identified mission and responsibilities as listed below:

- Document the continued importance of subsistence hunting, fishing, and trapping through maintaining accurate, area-specific harvest records
- Determine those geographic areas critical to subsistence-use animals.
- Define critical aspects of the biology of major subsistence-use animals, to support efforts directed toward local management of such species.
- Cooperate with the Alaska Department of Fish and Game, the U.S. Fish and Wildlife Service, and the U.S. National Marine Fisheries Service regarding the conduct of studies and evaluation of data for strong local input into management of subsistence-use resources.
- Work closely with the Borough's fish and game management committee in developing and implementing programs for subsistence-use animals. Since this committee has a representative from each village, it is a valuable means for assisting in the local coordination of wildlife studies conducted by the borough and others and state and federal management programs.

The Borough's responsibilities for the project include the following:

- Getting local cooperation and support from the tribal governments,

- Identifying and setting up interview times with community residents,
- Assisting with language translations during qualitative interviews,
- Assisting in analyzing qualitative data from resident interviews,
- Collaboration between SWCA fisheries biologists and NSB fisheries biologists to determine possible physiological effects to whitefish and cisco that may result from climate change, and
- Assisting in report writing.

Justification

The investigators offer a streamlined project as per the comments of the Technical Review Committee. The focus is solely on collecting qualitative ethnographic research about the harvests and associated uses, methods and means, and knowledge of subsistence fisheries in the Northern Region communities of Wainwright, Barrow, Nuiqsut, and Kaktovik. The priority information need is for more comprehensive baseline and ethnographic data of salmon and nonsalmon fisheries in the region. The principal investigator has chosen to collaborate with researchers new to the Monitoring Program, who may provide interesting and valuable insight into the intersection of subsistence issues, health, and community well-being. Though there are some flaws in the project design/plan, including too many research sites for collecting in-depth qualitative research in a short period of time, potentially significant data is being offered using a reasonable budget in a short time span. There may be problems will recall bias, with relying solely on very open ended interviews, and the level of trust between residents and researchers given the timeframe. The ethnographic data collection will be tied to spatial data collection and mapping and may offer interesting insights into current and past whitefish and cisco subsistence fishing conditions in these four Northern Region communities. The investigators attempt to integrate current and past knowledge, both "scientific" and "traditional" through interviews and literature. It will be an impressive project if they do so, however, the scope is too grand for the timeframe and researcher's experience in these particular communities. Therefore, we recommend funding this project if the researchers narrow the scope. If the researchers provided the detailed ethnographic data and analysis for only one or two communities, they will more likely meet their research objectives while offering a thorough and interesting ethnographic study. The investigators should reconsider using Barrow as one of the research sites, given its population size. Wainwright is a focus of another Monitoring Program proposed project, consequently Wainwright as a study site should be reconsidered. A revised investigation plan will need to be submitted. A revised timeline and budget for the research will need to be provided. It is also recommended that letters of support from local entities be sought, once the area of research is solidified.

WP12-01 Executive Summary	
General Description	Proposal WP12-01, submitted by the Brown Bear Claw Handicraft Working Group, requests that prior to selling a handicraft incorporating a brown bear claw(s), the hide or claw(s) not attached to a hide, must be sealed by an authorized Alaska Department of Fish and Game (ADF&G) representative and that a copy of the ADF&G sealing certificate would then accompany the handicraft when sold.
Proposed Regulation	**Definitions and 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, 22, 23, 24B (only that portion within Gates of the Arctic National Park), 25, or 26.* *(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]~~* ***Prior to selling a handicraft incorporating a brown bear claw(s), the hide or claw(s) not attached to a hide, must be sealed by an authorized ADF&G representative.*** *(A)* ***A copy of the ADF&G sealing certificate must accompany the handicraft when sold.***
OSM Preliminary Conclusion	**Support**
Southeast Regional Council Recommendation	
Southcentral Regional Council Recommendation	
Kodiak/Aleutians Regional Council Recommendation	**Oppose**
Bristol Bay Regional Council Recommendation	
Yukon/Kuskokwim Delta Regional Council Recommendation	
Western Interior Regional Council Recommendation	
Seward Peninsula Regional Council Recommendation	**Support**

continued on next page

WP12-01 Executive Summary *(continued)*	
Northwest Arctic Regional Council Recommendation	
Eastern Interior Regional Council Recommendation	
North Slope Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	**Support**
Written Public Comments	**1 Support**

DRAFT STAFF ANALYSIS
WP12-01

ISSUES

Proposal WP12-01, submitted by the Brown Bear Claw Handicraft Working Group, requests that prior to selling a handicraft incorporating a brown bear claw(s), the hide or claw(s) not attached to a hide, must be sealed by an authorized Alaska Department of Fish and Game (ADF&G) representative and that a copy of the ADF&G sealing certificate would then accompany the handicraft when sold.

DISCUSSION

This proposal is a compromise reached by the members of the Brown Bear Claw Handicraft Working Group (Working Group). The proposal addresses concerns originally raised by the State of Alaska with Federal regulations that allow the sale of handicrafts that include brown bear claws from bears that are taken under Federal subsistence regulations. The Working Group suggested that deferred Proposals WP08-05 and WP10-02 be opposed (see deferred Proposal WP10-02), and that Proposal WP12-01 be submitted. The intent of the proposal is to protect subsistence users who incorporate brown bear claws into handicrafts for sale by providing proof that the claws are from brown bears that were harvested by Federally qualified subsistence users. Having proof that the claws are from subsistence-harvested brown bears could provide added value to a handicraft, as it would clearly identify that the claws are from a legally harvested brown bear. Requiring that a copy of the sealing certificate accompany the handicraft would provide a method of tracking legally harvested brown bears, but also would require modification to the sealing certificate, which is managed by the State of Alaska, to include a place on the certificate indicating that the bear was harvested by a Federally qualified subsistence user.

Existing Federal Regulation

Definitions and 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, 22, 23, 24B (only that portion within Gates of the Arctic National Park) , 25, or 26.

(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 and 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, 22, 23, 24B (only that portion within Gates of the Arctic National Park), 25, or 26.

(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]~~ ***Prior to selling a handicraft incorporating a brown bear claw(s), the hide or claw(s) not attached to a hide, must be sealed by an authorized ADF&G representative.***

(A) ***A copy of the ADF&G sealing certificate must accompany the handicraft when sold.***

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 Units 1-5, 9A-C, 12, 17, 20, 23, 24B (only that portion within Gates of the Arctic National Park), 25, or 26, as defined by Federal subsistence hunting regulations.

Customary and Traditional Use Determinations

The customary and traditional use determinations for brown bear for all units in the State are included in the **Appendix** of WP10-02 (Deferred) analysis.

Regulatory History

The Board has 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 required. 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.

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.

May 2008 — The Board deferred a proposed regulation governing the use of brown bear claws in handicrafts for sale. The proposal asked for the removal of all unit-specific regulations related to the statewide sale of brown bear handicrafts made of skin, hide, pelt or fur. The proposal also stated that sales of brown bear handicrafts made of claws, bones, teeth, sinew, or skulls should occur only between Federally qualified subsistence users. The deferment pended on the formation of a working group to address the issue of developing a method of tracking brown bear claws made into handicrafts for sale. The working group would include representatives from all interested Subsistence Regional Advisory Councils (Councils) and State and Federal staff (FSB 2008:102-119).

May 2010 — The Board was presented with an update of the working group.

Brown Bear Claw Handicraft Working Group

The Brown Bear Claw Handicraft Working Group was composed of representatives from nine of the ten Councils, staff from ADF&G, and staff of Federal agencies. The working group met over several occasions between 2009 and 2011 to discuss a range of issues relating to brown bear claws including their uses in handicrafts, the feasibility of tracking, and potential changes to regulations. An initial scoping meeting between Federal and State staff was held in January 2009; at that meeting a draft charge was developed[1]. A briefing was provided to the Councils during the Winter 2009 meeting cycle on the status of the working group, and Councils selected representatives to participate in the working group. The first working group meeting occurred in June 2009. Federal and State staff conducted further research and met twice in the summer of 2009 to discuss research questions and issues. Staff provided another briefing to the Councils on the status of the working group at the Fall 2009 Council meetings.

The working group met again in July 2010 and discussed changing the Federal subsistence regulations over the sale of handicrafts incorporating brown bear claws. The group posed that if these regulations were to change, that the new regulations not be burdensome to subsistence users. The working group also discussed the Convention on International Trade in Endangered Species agreement and sealing requirements, which affect subsistence users who wish to sell handicrafts that incorporate brown bear claws.

The working group came to consensus in July 2010 to recommend that the Board reject deferred Proposal WP10-02 that had been submitted in 2008 (numbered in 2008 as WP08-05) and submit a new proposal. The working group suggested the new proposal require sealing a brown bear only if the subsistence user intends to sell a handicraft incorporating brown bear claw(s). The results of the July 2010 meeting, including the working group's suggested proposal language, were taken to nine of the ten Councils during the Fall 2010 meeting cycle to seek input from the Councils. The Councils also were notified that a new proposal would come before them in the fall of 2011 and before the Board in January of 2012. The working group had requested that the Councils' comments and suggestions be brought back to the working group for their consideration prior to finalizing a proposal. The working group held a teleconference March 2011 to hear the comments and suggestions from the Councils. At its March 2011 meeting, the working group developed a new proposal, WP12-01, requesting that prior to selling a handicraft incorporating a brown bear claw, the hide or claws not attached to a hide, must be sealed by an authorized ADF&G representative. To assure that the handicraft came from a brown bear hide that had been harvested by a Federally qualified subsistence user, a copy of the ADF&G sealing certificate would be required to accompany the handicraft when sold.

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

1 Draft charge for working group: Develop a method(s) to recommend to the Federal Subsistence Board and Board of Game for tracking brown bear claws made into handicrafts that is enforceable and culturally sensitive, commensurate with the need to provide conservation of this wildlife resource.

bear density is moderate in interior Alaska where the average is one bear per 15–23 miles (Eide et al. 2008).

The following quote from *Ursus* (2002) may provide a clearer picture of the 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).

There is no evidence to indicate that Federal subsistence regulations have led to an increased legal or illegal harvest of brown bears or that current Federal subsistence regulations adversely affect brown bear populations.

Effects of the Proposal

Adopting the proposal would provide some protection to subsistence users who incorporate brown bear claws into handicrafts for sale by providing proof that the claws are from brown bears that were harvested by Federally qualified subsistence users. By requiring that a copy of the sealing certificate accompany the handicraft, it would clearly identify that the claws are from a legally harvested brown bear. It is possible that having proof that the claws are from a subsistence-harvested brown bear could provide added value to a handicraft, as it would identify that the claws are from a legally-harvested brown bear. Adopting the proposal would only add an additional requirement of sealing the brown bear hide for those who are selling a handicraft incorporating a brown bear claw. In those units where sealing is already required (see **Table 1**), this proposal would have no substantial effect on subsistence users. If adopted, the proposal would require additional paperwork requirements to some subsistence users, which could be a burden to those users.

The sealing certificate would require modification so that there would be a space for indicating that the bear was harvested by a Federally qualified subsistence user. Sealing certificates are managed by the State of Alaska.

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 PRELIMINARY CONCLUSION

Support Proposal WP12-01.

Table 1. Handicraft, salvage, and sealing requirements for brown bears harvested under Federal Subsistence Management Regulations*

	Unit																			
Regulation	1	2	3	4	5	6–8	9	10–11	12	13–16	17	18	19	20	21	22	23	24	25	26
__.25(j)(7) Authorized to sell handicrafts made from skin, hide, pelt, or fur, including claws, of a brown bear taken from the below units:	X	X	X	X	X		A, B, C, E		X		X			X		X	X	B[1]	X	X
__.25(j)(7)(i) In Units 1-5, authorized to sell handicrafts made from skin, hide, pelt, fur, claws, bones, teeth, sinew, or skulls of a brown bear taken from the below units:	X			X	X															
__.25(j)(2)(ii) The hide of brown bears need not be salvaged in units:					X		B				X	X	A[2], B		D	X	X	X		A
__.26(j)(2) You may not possess or transport from Alaska the untanned skin or skull of a bear unless both have been sealed; sealing is not required for bears taken in the below units unless removed from the area.					X		B, E				X	X	A, B[3]		D	X	X	X		A
__.26(j)(3) You must keep a bear skin and skull together until both are sealed; this provision and sealing is not required for bears taken in the below units unless removed from the area. If sealed, ADF&G will remove a rudimentary premolar tooth.					X		B, E				X	X	A, B[3]		D	X	X	X		A
__.26(j)(3)(ii) If the skin or skull of a bear taken in the below units are removed from the area, you must have it sealed in Bethel, Dillingham, or McGrath; ADF&G will retain the skin of the skull and front claws.							B				X	X	A, B[3]							
__.26(j)(3)(iii) If the skin or skull of a bear taken in the below units are removed from the area or taken for commercial tanning within the area, you must first have it sealed in Barrow, Galena, Nome, or Kotzebue; ADF&G will retain the skin of the skull and front claws.															D	X	X	X		A
__.26(j)(3)(iv) If the skin or skull of a bear taken in the below units are removed from the area, you must first have it sealed in Yakutat.					X															
__.26(j)(3)(v) If the skin or skull of a bear taken in the below units are removed from the unit, you must first have it sealed; ADF&G will retain the skin of the skull and front claws.							E													

* See 50 CFR 100 for exact regulatory text.
[1] only in that portion within Gates of the Arctic National Park; [2] portions of; [3] downstream of and including the Aniak River drainage.

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 provide some protection to subsistence users who incorporate brown bear claws into handicrafts for sale by providing proof that the claws are from brown bears that were harvested by Federally qualified subsistence users. Requiring a copy of the sealing certificate to accompany the handicraft would clearly identify that the claws are from a legally-harvested brown bear. Value could be added to the handicraft, because the sealing certificate would identify that the claws are from a legally-harvested brown bear. Those subsistence users who harvest brown bears from units where sealing is already required would not be affected by this proposal. It is not anticipated that this proposal would adversely affect brown bear populations.

There is no known evidence to indicate that current Federal subsistence regulations adversely affect brown bear populations and there is no evidence to indicate that Federal subsistence regulations have led to an increased legal or illegal harvest of brown bears.

Requiring that a copy of the sealing certificate accompany the handicraft would provide a method of tracking legally-harvested brown bears, but also would require modification to the sealing certificate, which is managed by the State of Alaska, to include a place on the certificate indicating that the bear was harvested by a Federally qualified subsistence user.

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ADF&G Comments on WP12-01
5 11, 2011, Page 1 of 2

Alaska Department of Fish and Game
Comments to RACs

Wildlife Proposal WP12-01: Develop a tracking program for federal subsistence harvested bear claws that are made into in to handicrafts for sale by federally qualified users.

Introduction: This proposal was a consensus outcome of the Brown Bear claw handicraft working group. The proposal requests all federal subsistence harvested brown bear claws, which are incorporated into handicrafts for sale, be tracked through use of the current department brown bear sealing program. If adopted, federal subsistence users who intend on selling brown bear claws incorporated into handicrafts will be required to have the bear hide sealed by the department. If adopted, a copy of the bear sealing document will be required to accompany the bear claw handicrafts when sold.

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. Adoption of this proposal will protect federal subsistence craftsmen and their clients by providing proof and a means of documenting their handicrafts were legally taken, legal to sale by federally qualified users only, and are legal to own by any customer. Additionally, if this proposal is adopted, the customers who purchase brown bear claw handicrafts from federally qualified users will have the security of written proof certifying the handicraft came from a legally harvested Alaskan brown bear, legally authorized harvester, and legally authorized artesian.

Changing federal regulation to provide documents which support the legal sales of federal subsistence harvested brown bear claw handicrafts should help eliminate illegal commercial markets and the masking of illegal sales in Alaska and elsewhere.

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.

Adoption of this proposal will not interfere with continuing to allow federally qualified subsistence users to obtain such handicrafts for ceremonial, religious, and cultural purposes.

If adopted, federally qualified subsistence users who plan on selling handicrafts made from legally harvested brown bear claws will be required to have the hide sealed by the department, retain copies of the sealing certificate, and provide copies of the certificate to customers.

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 by creating a tracking system which provides documents to accompany brown bear claws used for making handicrafts legally taken, utilized, and sold under federal subsistence regulations. 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.

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.

Other Comments: The department appreciates the cooperative work the brown bear claw work group completed over the last two years. 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.

Recommendation: Support.

WRITTEN PUBLIC COMMENTS

Support. No justification was provided. *Gates of the Arctic Subsistence Resource Commission*

WP10-02 (Deferred) Executive Summary	
General Description	Proposal WP10-02 (deferred proposal WP08-05) requested clarification of the existing Federal Subsistence management regulation governing the use of brown bear claws in handicrafts for sale. The proposal asked for 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].*
OSM Preliminary Conclusion	**Take no action**
Southeast Regional Council Recommendation	
Southcentral Regional Council Recommendation	
Kodiak/Aleutians Regional Council Recommendation	**Oppose**
Bristol Bay Regional Council Recommendation	
Yukon/Kuskokwim Delta Regional Council Recommendation	
Western Interior Regional Council Recommendation	
Seward Peninsula Regional Council Recommendation	**Oppose**
Northwest Arctic Regional Council Recommendation	
Eastern Interior Regional Council Recommendation	

continued on next page

WP10-02 (Deferred) Executive Summary *(continued)*	
North Slope Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	**Take no action**
Written Public Comments	**None**

DRAFT STAFF ANALYSIS
WP10-02 *(DEFERRED WP08-05)*

Proposal WP10-02 (deferred proposal WP08-05), submitted by the Alaska Department of Fish and Game (ADF&G), requested clarification of the existing Federal Subsistence management regulation governing the use of brown bear claws in handicrafts for sale. The proposal asked for 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.

Proposal WP10-02 was deferred by the Federal Subsistence Board (Board) at its May 2008 meeting at the suggestion of the ADF&G. The original deferment pended on the formation of a working group to address the issue of developing a method of tracking brown bear claws made into handicrafts for sale. In 2008, the Board voted unanimously to defer the proposal. The Board directed that the working group include representatives from all interested Subsistence Regional Advisory Councils (Councils) and State and Federal staff (FSB 2008:102-119). In 2010, the Board was presented with an update of the working group. The Board agreed to continue to defer WP10-02 until the working group could meet again and come to a consensus on a future plan or proposal.

The Brown Bear Claw Handicraft Working Group (Working Group) was composed of representatives from nine of the ten Councils, staff from ADF&G, and staff of Federal agencies. The Working Group met several times between 2009 and 2011 to discuss a range of issues relating to brown bear claws including their uses in handicrafts, the feasibility of tracking, and potential changes to regulations. An initial scoping meeting between Federal and State staff was held in January 2009; at that meeting a draft charge was developed[1]. A briefing was provided to the Councils (except Western) during the Winter 2009 meeting cycle on the status of the Working Group, and the Councils selected representatives to participate in the Working Group. The first Working Group meeting occurred in June 2009. Federal and State staff conducted further research and met twice in the summer of 2009 to discuss research questions and issues. Staff provided another briefing to the Councils (except Western) on the status of the Working Group at the Fall 2009 Council meetings.

The Working Group met again in July 2010 and discussed changing the Federal subsistence regulations concerning the sale of handicrafts incorporating brown bear claws. The group posed that if these regulations were to change, that the new regulations not be burdensome to subsistence users. The Working Group also discussed the Convention on International Trade in Endangered Species agreement and sealing requirements, which affect subsistence users who wish to sell handicrafts that incorporate brown bear claws.

The Working Group came to consensus in July 2010 to recommend that the Board reject deferred Proposal WP10-02 that had been submitted in 2008 (numbered in 2008 as WP08-05) and that a new proposal should be submitted. The Working Group suggested the new proposal (WP12-01) require sealing a brown bear only if the subsistence user intends to sell a handicraft incorporating brown bear claw(s). The results of the July 2010 meeting, including the Working Group's suggested proposal, were taken to nine of the ten Councils during the Fall 2010 meeting cycle to seek input from the Councils. The Councils also were notified that a new proposal would come before them in the fall of 2011 and before the Board

1 Draft charge for working group: Develop a method(s) to recommend to the Federal Subsistence Board and Board of Game for tracking brown bear claws made into handicrafts that is enforceable and culturally sensitive, commensurate with the need to provide conservation of this wildlife resource.

in January of 2012. The Working Group had requested that the Councils' comments and suggestions be brought back to the Working Group for their consideration prior to finalizing a proposal. The Working Group held a teleconference March 2011 to hear the comments and suggestions from the Councils. At its March 2011 meeting, the Working Group developed a new proposal, WP12-01, requesting that prior to selling a handicraft incorporating a brown bear claw, the hide or claws not attached to a hide, must be sealed by an authorized ADF&G representative. To assure that the handicraft came from a brown bear hide that had been harvested by a Federally qualified subsistence user, a copy of the ADF&G sealing certificate would be required to accompany the handicraft when sold.

No analysis was written regarding deferred Proposal WP08-05 (WP10-02). Nothing has changed since the analysis of Proposal WP08-05 was presented to the Board in May of 2008 (see **Appendix**).

Analysis of Proposal WP12-01 is presented separately.

OSM PRELIMINARY CONCLUSION

Take no action on Proposal WP10-02 (deferred proposal WP08-05).

Justification

Proposal WP08-05 (and subsequently WP10-02) was deferred by the Board pending the recommendations of the Brown Bear Claw Handicraft Working Group. The Working Group compromised on a proposed regulation that would address concerns originally raised by the State of Alaska with Federal regulations that allow the sale of handicrafts that include brown bear claws from bears that are taken under Federal Subsistence regulations. The recommendation of the Working Group is to oppose Proposals WP08-05/WP10-02 and for the Board to consider Proposal WP12-01 in place of Proposals WP08-05/WP10-02. Proposal WP12-01, submitted by the Working Group, would continue to allow selling a handicraft incorporating brown bear claws in specific units, while requiring sealing the brown bear hide only when the handicraft incorporating the claw(s) is sold. Analysis of Proposal WP12-01 is presented separately. The State of Alaska intends to request that the Board withdraw deferred proposals WP10-02 (WP08-05) at the January 2012 Board meeting (Yuhas 2011, pers. comm.).

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WP10-02 APPENDIX

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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WP08-05
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
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

Unit	C & T determination for Brown Bear	Harvest Limits for Brown Bear
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
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

Unit	C & T determination for Brown Bear	Harvest Limits for Brown Bear
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

ADF&G Comments on **WP10-02**(deferred WP08-05)
April 18, 2011, Page 1 of 2

Alaska Department of Fish and Game
Comments to RACs

Wildlife Proposal WP10-02 (Deferred 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.

ADF&G Comments on **WP10-02**(deferred WP08-05)
April 18, 2011, Page 2 of 2

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: TAKE NO ACTION / GRANT PERMISSION TO WITHDRAW / DEFER TO PROPOSAL 12-01 AS RECOMMENDED BY WORKING GROUP

WP12-02 Executive Summary	
General Description	Proposal WP12-02 requests that only people 60 years of age or older, or disabled, be allowed to designate their harvest limit to another person. *Submitted by Michael Cronk of Tok*
Proposed Regulation	**§___.25 Subsistence taking of fish, wildlife, and shellfish: general regulations.** *(e) Hunting by designated harvest permit.* *If you are a Federally qualified subsistence user (recipient)* ***who is 60 years of age or older, or disabled****, 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 §___.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.*
OSM Preliminary Conclusion	**Oppose**
Southeast Regional Council Recommendation	
Southcentral Regional Council Recommendation	
Kodiak/Aleutians Regional Council Recommendation	**Oppose**
Bristol Bay Regional Council Recommendation	
Yukon/Kuskokwim Delta Regional Council Recommendation	
Western Interior Regional Council Recommendation	
Seward Peninsula Regional Council Recommendation	**Oppose**
Northwest Arctic Regional Council Recommendation	
Eastern Interior Regional Council Recommendation	

continued on next page

WP12-02 Executive Summary *(continued)*	
North Slope Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	**Support with modification**. Adopt the proposal with modification to establish designated hunter beneficiary qualifications equal to those approved by the Federal Subsistence Board for Unit 6. The State recommends modifying this proposal to require beneficiaries of the federal subsistence designated hunters be blind, 65 years old or older, at least 70% disabled, or temporarily disabled. The State also recommends modifying this proposal to reflect the Unit 6 designated hunter possession limit adopted by the Federal Subsistence Board which to limits designated hunters to possession of only one bag limit at a time. Adoption of these recommended proposal modification will bring regulatory consistency to Units 1 through 6 and make federal and state regulations more parallel.
Written Public Comments	**1 support with modification** to include windows.

DRAFT STAFF ANALYSIS
WP12-02

ISSUES

Proposal WP12-02, submitted by Michael Cronk of Tok, Alaska, requests that only people 60 years of age or older, or disabled, be allowed to designate their harvest limit to another person.

DISCUSSION

The proponent claims that statewide regulations allow a person to harvest an unlimited number of animals per hunting season as long as he or she first obtains a designated hunter permit. The proponent explains that he supported the adoption of a designated hunter regulation to allow hunters to harvest animals for elders and others unable to hunt for themselves. The proponent further describes the problems that now exist with the designated hunter system: increasing numbers of people that formerly did not hunt are now getting designated hunter permits and hunting; hunters gathering designated hunter permits in order to continue hunting after harvesting their individual harvest limit; and hunters receiving designated hunter permits for their children but not hunting with their children and thereby not passing on knowledge of how to hunt. The proponent declares that these uses were not the intent of the Federal Subsistence Board when adopting the regulation, the abuses will continue, and wildlife populations could suffer unless limits are added to the designated hunter system.

Existing Federal Regulation

§___.25 Subsistence taking of fish, wildlife, and shellfish: general regulations.

(e) Hunting by designated harvest permit.

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 §___.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

§___.25 Subsistence taking of fish, wildlife, and shellfish: general regulations.

(e) Hunting by designated harvest permit.

If you are a Federally qualified subsistence user (recipient) ***who is 60 years of age or older, or disabled****, 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 §___.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.

Relevant Federal Regulation

Unit-specific regulations that preclude or modify the designated hunter system exist for five management units. They are Units 6, 9, 22, 23, and 26 (see **Appendix A**).

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; see Appendix B). **Table 1** is a side-by-side comparison of the State's proxy system to the Federal designated hunter system.

Table 1. State Proxy System compared to Federal Designated Hunter System.

State of Alaska Proxy System	Federal Subsistence Management Program Designated Hunter System
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 caribou, deer, and moose.
Available to a hunter who is blind, physically disabled, or 65 years of age or older.	Available to Federally qualified subsistence users.
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.	A person may hunt for any number of recipients, but may have no more than two harvest limits in his/her possession at any one time.
Antler destruction is required for all species.	No antler destruction.

Extent of Federal Public Land

This proposal would apply to the entire state. Federal public lands comprise approximately 65% of Alaska and consist of 23% Bureau of Land Management, 15% National Park Service, 21% Fish and Wildlife Service, and 6% Forest Service lands.

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 (see FSB 2003). In 2003, the Board established the statewide designated hunter system for deer, caribou, and moose, leaving the option for unit-specific regulations to include other species and special provisions (68 FR 38466. June 27, 2003). The Board was supported by the majority of Regional Advisory Councils and the Interagency Staff Committee (FSB 2003).

As mentioned earlier, instances exist in unit-specific regulations that preclude or modify the use of the designated hunter system or allow the harvest of additional species by a designated hunter. For example, in Unit 6 special provisions exist for moose, deer, black bear, beaver, and goat; in Unit 9 for caribou; in Unit 10 for caribou; in Unit 22 for muskoxen; in Unit 23 for sheep and muskoxen; and in Unit 26 for sheep and muskoxen (**Appendix A)**.

Customary and Traditional Uses

Designated hunter provisions provide recognition of the customary and traditional practices of sharing and redistribution of harvests. A plethora of research supports a need for a designated hunter system in Federal subsistence regulations to harmonize fundamental harvesting characteristics of rural Alaska communities with the Federal Subsistence Management Program. Sahlins (1972) observed that 20% to 30% of households in "family-based production" could be expected to fail to produce enough food to feed themselves. Family-based production is the foundation of the mixed subsistence-cash economy found in most rural Alaskan communities (cf. Wolfe 1981, 1987; Wolfe and Walker 1987; Wolfe et al. 1984). Family-based production is when households linked by kinship distribute the responsibility to harvest, process, and store wild resources based on factors such as skills and abilities, availability of able workers, sufficient income to purchase harvesting and processing technology, and other factors. Sahlins' (1972) observation has been repeated in subsistence studies conducted in rural Alaska communities (cf. Andrews 1988; Magdanz, Utermohle, and Wolfe 2002; Sumida 1989; Sumida and Andersen 1990). While predominantly-Native communities differ somewhat concerning family-based food production patterns, Wolfe et al. (2007) showed that some of the characteristics apply to culturally-mixed rural communities in Southeast Alaska as well. The common variables that affected household food production in rural Alaska in the late 20th century were: commercial fishing involvement, males over 15 years, age of elders, and single person households. Commercial fishing involvement and three or more males over 15 years correlated with households with relatively high wild food production. Older elders and single person households correlated with households with relatively low wild food production. Wolfe et al. (2007) observed that on a statewide basis it was not uncommon for about 30% of the households in a community to produce about 70% or more of the community's wild food harvest. Households in the higher harvesting third of households were called "super-households" based on Wolfe's (1987) research in rural Alaska communities.

The analysis of Proposal WP95-04, concerning a transferable moose harvest limit in Unit 5, described the rationale for the adoption of the proposal. The passage is repeated here because it continues to be relevant, describes the "super-household" phenomenon described above, and provides the primary rationale for the structure of the statewide designated hunter system in regulation today.

> [The designated hunter system] legalizes a traditional practice that is already going on. Within the individual harvest limits, some hunters cannot fulfill both the requirements of their own household and those of the people with whom they share. The proposal would permit hunters to harvest moose expressly for sharing.
>
> In every society, the ratio of producers to dependents is strongly influenced by the ecological setting and dominant mode of production. In societies with hunting and gathering economies (termed "subsistence" in Alaska), the proportion of producers ranges from approximately 50 to 70 percent. However, not all producers are hunters; some are engaged in processing foods. Consequently, it is common for a single hunter, in the northern context, to harvest resources for four or more individuals.

> Domestic units may pass through several developmental stages with widely varying ratios of producers to dependents. For example, a household in its early stages of development, with infants and small children, is different from a domestic unit headed by a middle-aged couple with several unmarried adult children. During later stages a household may be composed exclusively of elderly post-productive people. In any stage of development, households may contain members who are unable to or do not choose to harvest for themselves. Single-parent families are another category of households, which may rely on others to supply them with resources.
>
> Like households, individual producers also pass through developmental stages with distinctive productive capacities. A considerable amount of an apprentice harvester or processor's effort is consumed in learning. Conversely, individuals in their final productive years are primarily engaged with education and supervisory tasks rather than the direct procurement and processing of resources. Hence, the majority of production is accomplished by that segment of a population that, while having mastered requisite skills, is free of the responsibilities and physical impairments acquired with advancing adulthood. Finally, regardless of stage of development, all producers do not possess equal skills, abilities, and aptitudes. Each community has a minority of good hunters, trappers, and fishers.
>
> Inequalities in individual and household productive capacities are equalized via processes of distribution (sharing and feasting) and exchange (trade and barter). The nature, magnitude, and geographic extent of distributive processes are highly variable across households, communities, societies, and time periods (FSB 1995:31–32).

It is due to the variable nature of the distribution process, mentioned in the final paragraph of the passage above, that the Federal Subsistence Board, based on the recommendations of the majority of Regional Advisory Councils and the Interagency Staff Committee (FSB 2003), adopted the statewide designated hunter provisions that are in current Federal regulations (§___.25(e)). The Board considered, but did not adopt, a statewide provision that would restrict designators to only elderly or disabled subsistence users. However, based on a review of past analyses from 1993 to 2003, it is clear that the Board anticipated receiving requests to adopt unit-specific regulations that would preclude or modify the designated hunter system.

Harvest History

The designated hunter permit database is maintained at the Office of Subsistence Management (FWS 2011). Table 2 describes the use of the designated hunter system since 2003 when the statewide system was instituted by the Federal Subsistence Board. The data show the cumulative use for the 2003–2009 regulatory years. Designated hunters hunted for caribou, deer, moose, and sheep only. Based on Table 2, it is clear that a large majority of the harvest by designated hunter was deer, and the majority of permits were used in Southeast Alaska (Units 1–5). The portion of the total harvest taken by designated hunters for any one species was highest in Unit 3 for deer (8.9% of the harvest was taken by designated hunters), Unit 12 for caribou (7.0%), and Unit 5 for deer (5.7%); however, designated hunters generally harvested less than 2% of the total harvest for any one species in any single unit (**Table 2**).

People requesting to designate another hunter are not asked to indicate a disability, and therefore, data concerning the number of people with disabilities that designate a hunter could not be presented in the analysis.

Table 2. Use of designated hunter system based on completed harvest reports, 2003-2009 cumulative (ADF&G 2011, FWS 2011).

	Designated Hunters Only		All Hunters[a]	
Management Unit	Number of Permits Used (Hunted)	Number of Animals Harvested	Number of Animals Harvested	Percentage Harvested by Designated Hunters
Caribou				
9	6	4	2,376	0.2%
12	23	14	199	7.0%
13	100	43	11,600	0.4%
17	11	10	4,819	0.2%
18	2	1	2,894	0.0%
20	14	6	5,007	0.1%
Total (2003-2009)	156	78	26,895	0.3%
Moose				
1	1	1	1,122	0.1%
3	1	1	315	0.3%
5	4	4	314	1.3%
6	33	18	848	2.1%
11	4	4	356	1.1%
13	12	12	4,757	0.3%
15	1	1	3,193	0.0%
19	7	7	1,938	0.4%
24	8	1	1,164	0.1%
25	2	2	1,215	0.2%
26	1	1	96	1.0%
Total (2003-2009)	74	52	15,318	0.3%
Deer				
1	11	18	4,166	0.4%
2	92	105	13,697	0.8%
3	211	314	3,537	8.9%
4	224	407	30,366	1.3%
5	2	7	122	5.7%
6	1	3	14,653	<0.1%
8	134	225	31,894	0.7%
Total (2003-2007)[b]	675	1,079	98,435	1.1%
Sheep				
23	3	2	123	1.6%
Total (2003-2009)	3	2	123	1.6%

[a] All hunters including Federally qualified, non-Federally qualified, and nonresidents of the state.

[b] Harvest by all hunters available to 2007 only.

Some age data is available for the 2009 and 2010 regulatory years. For the 2009 and 2010 regulatory years combined, of the 1,108 people who designated another hunter, age data is available for only 80 people. Of the 80 people, 3 (4%) were 18-years of age or younger, 59 (74%) were age 19 to 59, and 18 (23%) were 60 or older (**Table 3**).

Table 3. The age of designators, based on the age of 80 out of a total of 1,108 people who designated another hunter during the 2009 and 2010 regulatory years (FWS 2011).

	Permits issued		Permits used		Animals taken	
Age of designators	Number	Percentage	Number	Percentage	Number	Percentage
18 years and younger	3	4%	3	4%	1	3%
19-59 years	59	74%	50	75%	28	70%
60 years and older	18	23%	14	21%	11	28%
Total	80	100%	67	100%	40	100%

Note: percentages may not equal 100 due to rounding.

The designated hunter database at the Office of Subsistence Management compiles limited data on the age of designated hunters because age is not a requirement for designating another hunter (except in Unit 6, see Appendix A). Applications for Federal registration permits request each hunter's age. When a person designates his or her harvest limit to another, the age of the designator is available on the Federal registration permit application; however, some hunts do not require a Federal registration permit. For hunts that do not require a Federal permit, the age of a designator is available on the State hunting license and not readily retrievable. Additionally, Federal registration permit applications ask each hunter to check a box if he or she is designating another hunter; however, this box is usually not checked by those using a designated hunter. Currently, age data is available for people who obtained a Federal registration permit and checked the box indicating they were using a designated hunter for the 2009 and 2010 regulatory years (FWS 2011).

Other Relevant Proposals

Action on this proposal may affect decisions on other wildlife proposals currently under consideration, WP12-10, WP12-11, and WP12-13. All three concern designated hunter provisions in Federal regulations, but none propose restrictions on the designator as does the proposal under consideration in this analysis, WP12-02.

Effects of the Proposal

If this proposal is adopted, only Federally qualified subsistence users who are 60 years of age or older, or disabled, would be allowed to designate another person to take their harvest limit of deer, caribou, and moose—except in Unit 6 where unit-specific regulations allow only those who are either blind, 65 years of age or older, at least 70% disabled, or temporarily disabled to designate a hunter (see **Appendix A**). The extent of impacts on the subsistence users cannot be measured exactly because statistics were only partially gathered to describe the age of those designating a hunter and not whether the user was disabled, noted above. From the information in Table 3, about 77% of the users designating a hunter were under 60 years old and would be prohibited from designating a hunter if this proposal is adopted.

The effect on wildlife populations would depend on the region. In regions where designated hunter use is more common, hunting effort may be eased, but no information has been systematically collected concerning this issue. No effects on other users are anticipated.

If this proposal is not adopted, Federally qualified subsistence users would continue to be allowed to designate another hunter to take their harvest limit of deer, caribou, and moose (except in Unit 6 where additional restrictions are in place, see above). No effects on wildlife populations are anticipated, and no effects on other users are anticipated.

OSM PRELIMINARY CONCLUSION

Oppose Proposal WP12-02.

Justification

Federal subsistence wildlife regulations allow any Federally qualified subsistence user to designate another subsistence user to take his or her harvest limit of deer, caribou, and moose. The designated hunter system supports a valid practice of communal sharing of resources and skills in rural Alaska. While in some regions the designated hunter system is lightly used, nonetheless it provides important regulatory flexibility to accommodate customary and traditional practices.

The proponent raises issues regarding the designated hunter system for the entire state. It is clear that in some regions people are not aware of the permit and their use of the system has not developed but is anticipated to develop as more participate in the formal harvest reporting systems available to them. Additionally, the harvest by designated hunters generally has been a small portion (less than 2%) of the total harvest by all hunters (including Federally qualified users, non-Federally qualified users, and nonresidents of the state, combined). Therefore, a statewide provision restricting the use of the designated hunter system is not supported. In circumstances where evidence is available to clearly warrant, region or unit-specific restrictions could be proposed.

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APPENDIX A
FEDERAL DESIGNATED HUNTER—UNIT SPECIFIC REGULATIONS

§___.26(n) Unit regulations

Unit 6
(ii)(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 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;

(E) A hunter younger than 10 years old at the start of the hunt may not be issued a Federal subsistence permit to harvest black bear, deer, goat, moose, wolf, and wolverine;

(F) A hunter younger than 10 years old may harvest black bear, deer, goat, moose, wolf, and wolverine under the direct, immediate supervision of a licensed adult, at least 18 years old. The animal taken is counted against the adult's harvest limit. The adult is responsible for ensuring that all legal requirements are met.

Unit 9
(iii)(E) For Units 9C and 9E only, a Federally qualified subsistence user (recipient) of Units 9C and 9E may designate another Federally qualified subsistence user of Units 9C and 9E to take bull caribou on his or her behalf 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 and turn over all meat to the recipient. There is no restriction on the number of possession limits the designated hunter may have in his/her possession at any one time;

(iii)(F) For Unit 9D, a Federally qualified subsistence user (recipient) may designate another Federally qualified subsistence user to take caribou on his or her behalf 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 four harvest limits in his/her possession at any one time;

Unit 22
(iii)(E) A Federally qualified subsistence user (recipient) may designate another Federally qualified subsistence user to take musk oxen on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must get a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients in the course of a season, but have no more than two harvest limits in his/her possession at any one time, except in Unit 22E where a resident of Wales or Shishmaref acting as a designated hunter may hunt for any number of recipients, but have no more than four harvest limits in his/her possession at any one time.

Unit 23

(iv)(D) For the Baird and DeLong Mountain sheep hunts—A Federally qualified subsistence user (recipient) may designate another Federally qualified subsistence user to take sheep on his or her behalf 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 only one recipient in the course of a season and may have both his and the recipients' harvest limits in his/her possession at the same time;

(iv)(F) A Federally qualified subsistence user (recipient) may designate another Federally qualified subsistence user to take musk oxen on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must get a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients, but have no more than two harvest limits in his/her possession at any one time.

Unit 26

(iv)(C) In Kaktovik, a Federally qualified subsistence user (recipient) may designate another Federally qualified subsistence user to take sheep or musk ox on his or her behalf 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 two harvest limits in his/her possession at any one time;

(iv)(D) For the DeLong Mountain sheep hunts—A Federally qualified subsistence user (recipient) may designate another Federally qualified subsistence user to take sheep on his or her behalf 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 only one recipient in the course of a season and may have both his and the recipient's harvest limits in his/her possession at the same time.

APPENDIX B
STATE PROXY HUNTER REGULATIONS

5 AAC 92.011. Taking of game by proxy

(a) A resident hunter (the proxy) holding a valid resident hunting license may take specified game for another resident (the beneficiary) who is blind, physically disabled, or 65 years of age or older, as authorized by AS 16.05.405 and this section.

(d) A person may not be a proxy
(1) for more than one beneficiary at a time;
(2) more than once per season per species in Unit 13;
(3) for Tier II Caribou in Unit 13, unless the proxy is a Tier II permittee.

(j) A proxy participating in a proxy hunt must remove at least one antler from the skull plate or cut the skull plate in half, on an antlered animal, for both the proxy's animal and the beneficiary's animal before leaving the kill site, unless the department has established a requirement that complete antlers and skull plates must be submitted to the department.

(k) Proxy hunting under this section is only allowed for
(1) caribou;
(2) deer; and
(3) moose in Tier II hunts, any-bull hunts, and antlerless moose hunts.

(l) Notwithstanding (k) of this section, proxy hunting is prohibited in the following hunts where the board has determined that the use of the proxy would allow circumvention of harvest restrictions specified by the board:
(1) Unit 20(E) moose and caribou registration hunts;
(2) Units 21(B), 21(C), 21(D), and 24 moose hunts if either the proxy or the beneficiary holds a drawing permit for Units 21(B), 21(C), 21(D), or 24 moose hunts;
(3) Units 9(A) and 9(B), unit 9(C), that portion within the Alagnak River drainage, and units 17(B), 17(C), 18, 19(A), and 19(B) caribou hunts from August 1 through October 31.

ADF&G Comments on WP12-02
August 29, 2011; Page 1 of 1

Alaska Department of Fish and Game
Comments to Regional Advisory Council

Wildlife Proposal WP12-02: Change federal subsistence designated hunter regulations.

Introduction: This proposal seeks to change the statewide federal subsistence designated hunter regulation by specifying the qualifications for the recipient of harvest. The proposal requests federal regulations be changed to require that federal subsistence designated hunters only harvest for federally qualified recipients 60 years of age or older or for a person who is disabled.

The proponent indicates the federal subsistence designated hunter program has diverged from the original intent of the Federal Subsistence Board by allowing designated hunting to provide for elders and others that were unable to hunt for themselves. The proponent indicates the designated hunter program is currently an uncontrolled system. The proponent indicates some federal subsistence users are abusing this regulation and are harvesting as many animals as numbers of permits they can obtain which may lead to detrimental impacts to game populations and subsistence hunting in general.

Impact on Subsistence Users: If adopted, federally qualified subsistence designated hunters could harvest animal for federally qualified users 60 years of age or older or are disabled. If adopted, some federally qualified subsistence super harvesters may expend additional time locating and obtaining game tags from qualified designated hunter beneficiaries. If adopted, designated hunters who cannot locate federally qualified users 60 or over or are disabled may harvest fewer animals per year.

Opportunity Provided by State: Proxy hunting for big game is authorized in state hunting regulation. State proxy hunting is allowed for moose, caribou, and deer. The state proxy hunting beneficiary requirements include being a resident of Alaska who is blind, 70% physically disabled, or 65 years of age or older. Proxy hunters may not proxy hunt for more than one beneficiary at a time and may have only one Proxy Authorization with them in the field at a time.

Conservation Issues: Undetermined at this time. If this proposal is adopted without modifications many more animals may be harvested than anticipated.

Enforcement Issues: If adopted, this proposal would bring federal and state regulations closer to alignment.

Recommendation: Support with modification.
Adopt the proposal with modification to establish designated hunter beneficiary qualifications equal to those approved by the Federal Subsistence Board for Unit 6. The State recommends modifying this proposal to require beneficiaries of the federal subsistence designated hunters be blind, 65 years old or older, at least 70% disabled, or temporarily disabled. The State also recommends modifying this proposal to reflect the Unit 6 designated hunter possession limit adopted by the Federal Subsistence Board which to limits designated hunters to possession of only one bag limit at a time. Adoption of these recommended proposal modification will bring regulatory consistency to Units 1 through 6 and make federal and state regulations more parallel.

WRITTEN PUBLIC COMMENTS

Support with modification to include windows. The designated hunter option is important to traditional subsistence practices and ensuring that animals are harvested correctly.

Gates of the Arctic National Park Subsistence Resource Commission

WP12-03 Executive Summary	
General Description	Proposal WP12-03 would require trappers to move a trap that incidentally harvests a moose, caribou, or deer at least 300 feet for the remainder of the regulatory year. The animal would become the property of the regional management agency. The proposed regulation asks trappers to salvage the edible meat and turn it over to the appropriate agency, but this would not be required. *Submitted by the Orutsararmiut Native Council*
Proposed Regulation	**§____.25 Subsistence taking of fish, wildlife, and shellfish: general regulations.** *(a) Definitions.* *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.* *(j) Utilization of fish, wildlife, or shellfish.* *(1) You may not use wildlife as food for a dog or furbearer, or as bait . . . except for the following:* *(i) The hide, skin, viscera, head, or bones of wildlife.* *(3) You must salvage the edible meat of ungulates, bear, grouse, and ptarmigan.* **§___.26 Subsistence taking of wildlife.** *(b) Except for special provisions found at paragraphs (n)(1) through (26) of this section, the following methods and means of taking wildlife for subsistence uses are prohibited:* *(10) Using a trap to take ungulates or bear.* ***Continuing to take, or attempting to take, furbearers at a site where a moose, caribou, or deer has been taken incidentally is a violation. Any moose, caribou or deer that dies as a result of being caught in a trap or snare, whether found dead or euthanized, becomes the property of the regional management agency. The trapper should salvage edible meat and surrender it to the appropriate agency. A person who salvages and surrenders the edible meat in accordance with this regulation will not be subject to citation. If such an incidental take occurs, the trapper must move all active traps and snares at least 300 feet from the site for the remainder of the regulatory year (July 1 through June 30), and after the ending of the July 1 – June 30 regulatory year, may reset again in the same place or area during subsequent trapping seasons.***

continued on next page

WP12-03 Executive Summary *(continued)*	
OSM Preliminary Conclusion	**Oppose**
Southeast Regional Council Recommendation	
Southcentral Regional Council Recommendation	
Kodiak/Aleutians Regional Council Recommendation	**Oppose**
Bristol Bay Regional Council Recommendation	
Yukon/Kuskokwim Delta Regional Council Recommendation	
Western Interior Regional Council Recommendation	
Seward Peninsula Regional Council Recommendation	**Oppose**
Northwest Arctic Regional Council Recommendation	
Eastern Interior Regional Council Recommendation	
North Slope Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	**Oppose**
Written Public Comments	**None**

DRAFT STAFF ANALYSIS
WP12-03

ISSUES

Proposal WP12-03, submitted by the Orutsararmiut Native Council, would require trappers to move a trap that incidentally harvests a moose, caribou, or deer at least 300 feet for the remainder of the regulatory year. The animal would become the property of the regional management agency. The proposed regulation asks trappers to salvage the edible meat and turn it over to the appropriate agency, but this would not be required.

DISCUSSION

The proponent intends to protect trappers from enforcement action by more clearly writing a provision into Federal wildlife regulations that is currently only in State wildlife regulations. The proponent indicates that State enforcement officers do not always understand the State regulations concerning the actions trappers must undertake when they take a moose, caribou, or deer incidental to trapping furbearers. The proponent states that trappers have been bothered by State enforcement officers with citations that were later dismissed. Specifically, a trapper was cited for locating a trap at the same location where the trap had incidentally harvested a moose the previous regulatory year. As described below, the activity is allowed in State trapping regulations (5 AAC 92.095(a)(12)). The trapper was freed from having to pay the fine, but had to pay the legal costs of defending himself. It appears the State officer interpreted one year to mean one calendar year (January 1–December 31), while the State regulation indicates one regulatory year (July 1–June 30).

By making this proposal, the Fish and Wildlife Committee of the Orutsararmiut Native Council is responding to concerns brought by tribal members (Roczicka 2011, pers. comm.). The Orutsararmiut Native Council is the Federally recognized Indian Reorganization Act (IRA) Council representing the community of Bethel.

Existing Federal Regulation

§____.25 Subsistence taking of fish, wildlife, and shellfish: general regulations.

(a) Definitions.

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.

(j) Utilization of fish, wildlife, or shellfish.

(1) You may not use wildlife as food for a dog or furbearer, or as bait . . . except for the following:

(i) The hide, skin, viscera, head, or bones of wildlife.

(3) You must salvage the edible meat of ungulates, bear, grouse, and ptarmigan.

§___.26 Subsistence taking of wildlife.

(b) Except for special provisions found at paragraphs (n)(1) through (26) of this section, the following methods and means of taking wildlife for subsistence uses are prohibited:

(10) Using a trap to take ungulates or bear.

Proposed Federal Regulation

§____.25 Subsistence taking of fish, wildlife, and shellfish: general regulations.

(a) Definitions.

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.

(j) Utilization of fish, wildlife, or shellfish.

(1) You may not use wildlife as food for a dog or furbearer, or as bait . . . except for the following:

(i) The hide, skin, viscera, head, or bones of wildlife.

(3) You must salvage the edible meat of ungulates, bear, grouse, and ptarmigan.

§___.26 Subsistence taking of wildlife.

(b) Except for special provisions found at paragraphs (n)(1) through (26) of this section, the following methods and means of taking wildlife for subsistence uses are prohibited:

(10) Using a trap to take ungulates or bear. ***Continuing to take, or attempting to take, furbearers at a site where a moose, caribou, or deer has been taken incidentally is a violation. Any moose, caribou or deer that dies as a result of being caught in a trap or snare, whether found dead or euthanized, becomes the property of the regional management agency. The trapper should salvage edible meat and surrender it to the appropriate agency. A person who salvages and surrenders the edible meat in accordance with this regulation will not be subject to citation. If such an incidental take occurs, the trapper must move all active traps and snares at least 300 feet from the site for the remainder of the regulatory year (July 1 through June 30), and after the ending of the July 1 – June 30 regulatory year, may reset again in the same place or area during subsequent trapping seasons.***

Existing State Regulation

5 AAC 92.085. Unlawful methods of taking big game; exceptions

The following methods and means of taking big game are prohibited . . . :

(6) with the use of a trap or snare . . . .

5 AAC 92.095. Unlawful methods of taking furbearers; exceptions

a) The following methods and means of taking furbearers under a trapping license are prohibited . . . :

(12) by placing or leaving an active trap or snare set on land that is within 300 feet of the site at which a moose, caribou, or deer was taken using a trap or snare; this prohibition applies for the duration of the regulatory year in which the moose, caribou, or deer was taken using the trap or snare.

5 AAC 92.210. Game as animal food or bait

A person may not use game as food for a dog or furbearer, or as bait . . . .

5 AAC 92.220. Salvage of game meat, furs, and hides

(d) A person taking game not listed in (a) of this section shall salvage for human consumption all edible meat, as defined in 5 AAC 92.990.

(h) A game animal taken in violation of AS 16 or a regulation adopted under AS 16 is the property of the state.

5 AAC 92.990. Definitions

(49) "salvage" means to transport the edible meat, skull, or hide, as required by statute or regulation, of a game animal or wild fowl to the location where the edible meat will be consumed by humans or processed for human consumption in order to save or prevent the edible meat from waste, and the skull or hide will be put to human use.

16.30.010. Wanton waste of big game animals and wild fowl

(a) It is a class A misdemeanor for a person who kills a big game animal or a species of wild fowl to fail intentionally, knowingly, recklessly, or with criminal negligence to salvage for human consumption the edible meat of the animal or fowl.

Extent of Federal Public Land

This proposal would apply to the entire state. Federal public lands comprise approximately 65% of Alaska and consist of 23% Bureau of Land Management, 15% National Park Service, 21% Fish and Wildlife Service, and 6% Forest Service lands.

Regulatory History

The use of traps to harvest caribou, moose, and deer is prohibited in State and Federal wildlife regulations primarily because traps set for moose, caribou, and deer do not discriminate between animals, such as, cows, bulls, and fawns.

A good estimate of how often moose, caribou, or deer are caught in traps set for furbearers statewide, or by region, is not known at this time (Ardizzone 2011, pers. comm.; Seavoy 2011, pers. comm). State and Federal staff generally assume that low levels of incidental harvests occur and are ongoing. Snare

height above ground, trap location, bait type, location of trail snares, et cetera, are effective techniques to select for targeted furbearers and against non-targeted animals. Occasionally, non-targeted animals are caught, but trappers use techniques to avoid them, and that is one reason there are low levels of incidental harvests (Seavoy 2011, pers. comm.).

Federal regulations require that wildlife caught incidental to trapping furbearers be salvaged (§__.25(j)(3)), and only the hide, skin, viscera, head, or bones may be used for bait (§__.25 (j)(1)(i)).

In 1998, the Alaska Board of Game adopted a proposal (Proposal 103) submitted by ADF&G describing the actions trappers must take when they incidentally harvest a moose, caribou, or deer in a trap; for the remainder of the regulatory year (until June 30), a trapper must move the trap at least 300 feet from the site the animal was taken (5 AAC 92.095(a)(12)). Additionally, the animal must be salvaged (5 AAC 92.220(d)) and its parts cannot be used for bait (5 AAC 92.210). Moving the trap from the site of the incidental harvest denies trappers the benefit of continuing to set a trap at a kill site, which may attract furbearers (ADF&G 1998; Rearden 2011, pers. comm.).

Effects of the Proposal

If this proposal is adopted, Federal subsistence users would be required to move a trap for the remainder of the regulatory year when it has taken a moose, caribou, or deer incidental to trapping furbearers. This would be required if the incidental harvest occurred on Federal public lands using Federal trapping regulations. The use of traps to harvest caribou, moose, and deer is prohibited in Federal and State regulations primarily because traps do not discriminate between animals, such as, cows, bulls, and fawns. However, these animals are occasionally caught in traps set for furbearers. The regulations prohibiting the use of traps and snares are not directed at trappers and are enforced because of the nondiscriminatory nature of the method, just described. Requiring a trapper to move a trap would be a hardship that would not conserve caribou, moose or deer.

OSM PRELIMINARY CONCLUSION

Oppose Proposal WP12-03.

Justification

The clear intent of the proponent is to import State wildlife regulations into Federal wildlife regulations and to clarify their intent to law enforcement officers so that other trappers who comply with State regulations are not cited. However, benefits to Federal subsistence users or resource conservation cannot be demonstrated. The State's concern is ungulate's being used as bait, and it is not in the interest of Federal subsistence users for the Federal Subsistence Management Program to impose this regulation on them.

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ADF&G Comments on WP12-03
August 29, 2011; Page 1 of 1

Alaska Department of Fish and Game
Comments to Regional Advisory Council

Wildlife Proposal WP12-03: Incidental harvest requires moving traps for regulatory year. This proposal was submitted by the Orutsararmiut Native Council.

Introduction: The proposer seeks to require trappers to move a trap that incidentally harvests a moose, caribou, or deer at least 300 feet for the remainder of the regulatory year. Trappers would also be required to salvage the edible meat and turn it over to the Federal inseason wildlife manager.

Impact on Subsistence Users: Federal subsistence users would be required to move a trap when it has taken a moose, caribou, or deer incidental to trapping furbearers for the remainder of the regulatory year, and surrender their meat specifically to the Federal inseason wildlife manager.

Opportunity Provided by State:

5 AAC 92.085. Unlawful methods of taking big game; exceptions
The following methods and means of taking big game are prohibited in addition to the prohibitions in 5 AAC 92.080:

(6) with the use of a trap or snare . . . .

5 AAC 92.095. Unlawful methods of taking furbearers; exceptions
a) The following methods and means of taking furbearers under a trapping license are prohibited, in addition to the prohibitions in 5 AAC 92.080:

(12) by placing or leaving an active trap or snare set on land that is within 300 feet of the site at which a moose, caribou, or deer was taken using a trap or snare; this prohibition applies for the duration of the regulatory year in which the moose, caribou, or deer was taken using the trap or snare.

Conservation Issues: None identified nor solved by adoption of this proposal.

Enforcement Issues: This proposal is purported to have been submitted in response to previous confusion by enforcement personnel. The state understands local enforcement personnel have received updated training as a result of reported events surrounding this issue. Failure to adopt this proposal is not expected to contribute to continued enforcement issues.

Other Comments: This proposal is likely unnecessary given that if this proposal is not adopted, Federally qualified subsistence users would continue to be required to comply with the State regulations requiring that when a caribou, moose, or deer are harvested incidentally, the trap must be moved at least 300 feet for the remainder of the regulatory year, or risk receiving a State citation.

Recommendation: Oppose
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WP12-82 Executive Summary		
General Description	Proposal WP12-82 requests closing the Federal brown bear season in Unit 26A a month later, changing the season closing from May 31 to June 30 and, in Unit 26B, opening the season six days earlier, changing it from Sept. 1 to Aug. 25. Extending the Federal seasons would align the Federal brown bear harvest seasons with the State seasons in Unit 26A and 26B. *Submitted by the North Slope Subsistence Regional Advisory Council*	
Proposed Regulation	*Unit 26A—1 bear by State registration permit*	*July 1–~~May 31~~* ***June 30***
	Unit 26B—1 bear	*~~Sept. 1~~* ***Aug. 25****–May 31*
	Unit 26 C—1 bear	*Aug. 10–June 30*
OSM Preliminary Conclusion	**Support**	
North Slope Regional Council Recommendation		
Interagency Staff Committee Comments		
ADF&G Comments	Support as modified. The department recommends the Federal Subsistence Board use the regulatory language describing the season in Unit 26A as “no closed season” instead of the proposed language of July 1 through June 30 and use the regulatory language describing the season in Unit 26B as described above.	
Written Public Comments	**None**	

DRAFT STAFF ANALYSIS
WP12-82

ISSUES

Proposal WP12-82, submitted by the North Slope Subsistence Regional Advisory Council, requests closing the Federal brown bear season in Unit 26A a month later, changing the season closing from May 31 to June 30 and, in Unit 26B, opening the season six days earlier, changing it from Sept. 1 to Aug. 25. Extending the Federal seasons would align the Federal brown bear harvest seasons with the State seasons in Unit 26A and 26B.

DISCUSSION

The proponent is requesting an extension of the brown bear seasons in Unit 26A and 26B to align the Federal brown bear harvest seasons with the State seasons. Alaska Board of Game action in 2010 liberalized the State brown bear hunting seasons (ADF&G 2010), making the State's seasons more liberal than the Federal seasons. Currently, the Federal season in Unit 26A is July 1–May 31. Extending the season to June 30 would provide one additional month to harvest brown bears and would provide a year-round season. The Federal season in Unit 26B currently is Sept. 1–May 31. Opening the season Aug. 25 would provide an additional six days to the harvest season. Aligning the Federal regulations with the State regulations would provide Federally qualified subsistence users the same opportunity to harvest brown bears under Federal regulations as under State regulations.

Existing Federal Regulation

Unit 26 – Brown Bear

Unit 26A—1 bear by State registration permit	*July 1–May 31*
Unit 26B—1 bear	*Sept. 1–May 31*
Unit 26 C—1 bear	*Aug. 10–June 30*

Proposed Federal Regulation

Unit 26 – Brown Bear

Unit 26A—1 bear by State registration permit	*July 1–~~May 31~~* ***June 30***
Unit 26B—1 bear	*~~Sept. 1~~* ***Aug. 25****–May 31*
Unit 26 C—1 bear	*Aug. 10–June 30*

Existing State Regulation

Unit 26 – Brown Bear

Unit 26A—1 bear by State registration permit	*July 1–June 30*
Unit 26B—1 bear	*Aug. 25–May 31*
Unit 26 C—1 bear	*Aug. 10–June 30*

Extent of Federal Public Lands

Federal public lands comprise approximately 70% of Unit 26A, of which the National Petroleum Reserve-Alaska (NPRA), administered by BLM, comprises 91% (63% of total land). The Gates of the Arctic National Park and Preserve consists of approximately 9% (6% of total land) of the Federal public lands along the southeastern boundary of the subunit. Alaska Maritime NWR manages a very small land parcel in the extreme eastern corner of the subunit. In Unit 26B, Federal public lands comprise approximately 30% of lands, of which 76% (23% of total land) are Arctic National Wildlife Refuge, administered by the FWS, 13% (4% of total land) are administered by the BLM, and 10% (3% of total land) are Gates of the Arctic National Park and Preserve, administered by the NPS lands (see **Unit 26 Map).**

Customary and Traditional Use Determinations

Rural residents of Unit 26 (except the Prudhoe Bay-Deadhorse Industrial Complex), Anaktuvuk Pass, and Point Hope have a positive customary and traditional determination for brown bear in Unit 26.

Regulatory History

The Federal Subsistence Management Program initially adopted the State regulations for harvesting wildlife in 1991. At that time, the brown bear season in Unit 26B was Sept. 1–May 31. The season has remained unchanged in Unit 26B.

In 1992, the Federal Subsistence Board, in a parallel action with the State of Alaska Board of Game, created the Northwestern Brown Bear Management Area, which included Unit 26A. This management area eliminated the need to purchase the $25 resident brown bear tag and replaced it with a no cost subsistence registration permit from ADF&G; eliminated the salvage requirements for hide and skull, thus eliminating the sealing requirement (unless removed from the area); required the salvage of meat; increased the bag limit from one bear every four years to one bear per year; and established a standard season of Sept. 1–May 31.

In its 1992 actions, the Federal Subsistence Board had specifically excluded the summer season to help reduce the potential harvest of female bears. Several years later in 1995, at the request of a North Slope village, the Board adopted a proposal to change the Federal subsistence season to May 1–Oct. 31 (FWS 1995), pointing out that this season change would incorporate virtually all of the reported harvests by North Slope residents.

After the Federal Subsistence Board adopted the summer season, the ADF&G submitted a request for reconsideration of the 1995 action pertaining to expansion of brown bear hunting seasons in Unit 26 (FWS 1996). Harvest information indicated harvest rates were within sustainable levels in Unit 26A, and there was a low level of interest associated with harvesting brown bears in Unit 26 by most subsistence hunters. However, since the reproductive potential of the brown bear population in Unit 26 was considered low at that time, and females are particularly vulnerable to harvest during the summer months, the Federal Subsistence Board recognized that it is inconsistent with current wildlife management practices to allow an open season on brown bears during the summer months. The Federal Subsistence Board rescinded its regulation for a summer harvest season and reestablished the Federal subsistence brown bear hunting regulations as they existed in the in the 1994/95 regulatory year. From 1996 to 2007 the Federal regulation in Unit 26A was 1 bear by State registration permit during a Sept. 1–May 31 open season.

The State subsistence regulations in Unit 26A in 2006/2007 was for one brown bear every regulatory year from July 1–May 31 (ADF&G 2005). Previously, the State's harvest season had been Aug. 20–May 31. In 2007, the Federal Subsistence Board reassessed the brown bear season and, because the brown bear population appeared to be stable or growing and the concerns about the reproductive potential lessened, the Board expanded the brown bear harvest season in Unit 26A from Sept. 1–May 31 to July 1–May 31. This extension also aligned the Federal season with the State season and provided the Federal subsistence hunter with the same opportunities under Federal regulations as under State regulations (FSB 2007). In October 2010, the Alaska Board of Game adopted new State regulations to expand the brown bear hunting seasons in Unit 26A to July 1–June 31 and Aug. 25–May 31 in Unit 26B (ADF&G 2010).

Biological Background

Densities of brown bears vary widely in Unit 26, with densities highest in the foothills of the Brooks Range and lowest in the northern portion of the unit. Brown bear information is gathered from surveys of other game species, village-based harvest surveys, conversations with knowledgeable local residents, and analysis of harvest data (Carroll 2009). Based on studies in the 1980s, and population density estimates in the early 1990s, the most recent estimate for bears in Unit 26A is 900–1,120 bears. Bear populations were reduced during the 1960s by hunting, but have been stable or increasing since the 1960s. Hunters and pilots indicate that the bear population currently has increased in size (Carroll 2009). The ADF&G management objectives are to maintain a brown bear population of approximately 800 bears or greater in Unit 26A (Carroll 2005).

The most recent population estimate for Unit 26B is 269 brown bears (1.8 bears/100mi^2) and is based on a population estimate conducted during 1999–2003 (Reynolds, ADF&G, unpublished data, cited in Lenart 2007). This is considered a low to moderate density of brown bears for the Arctic. Brown bear densities were at one time suspected to be at artificially high levels near Prudhoe Bay due to the availability of food in dumpsters around developed areas, but the bear population also experienced high postweaning mortality due to human induced mortality and, therefore, brown bear populations near Prudhoe Bay may or may not have been inflated in the area (Lenart 2007).

Most of the brown bear habitat in Unit 26A and 26B is assumed to be undisturbed and has supported a fairly large and growing population of bears. Potential hazards to brown bear habitat include oil, gas, and mineral exploration and development. For part of the year, caribou represent a large food resource available to bears. Also, muskoxen numbers have declined in Unit 26, partly due to bear predation.

Harvest History

Brown bears are predominantly harvested by North Slope Inupiat in late spring when their fur is in prime condition, or late fall when bears are fat. Traditional seasons vary somewhat among North Slope villages, but generally follow this annual pattern of use. Generally, North Slope Inupiat do not actively hunt brown bears. Rather, harvest occurs opportunistically when people encounter brown bears incidentally while hunting for other wildlife or fishing. The brown bear harvest has remained well under the harvestable surplus. Even though the brown bear regulations have been liberalized, the number of bears harvested declined after 1996 because the moose hunt was closed, so there were fewer people traveling to the area to hunt (Carroll 2011, pers.comm.). Unreported harvests of brown bears continue to be a problem in Unit 26A and 26B (Carroll 2005). Subsistence use studies indicate that only one to two bears are harvested by residents in most villages in the region. Nuiqsut and Anaktuvuk Pass residents are the primary users of Unit 26B. Nuiqsut residents had higher brown bear harvests, with an estimated five to ten harvested per year, and Anaktuvuk Pass residents harvest up to five brown bears a year (FWS 1995). Community-based harvest assessment studies determined that a total of approximately 11–12 bears per year were harvested

in Unit 26A by residents of Unit 26A villages (Carroll 2005). Even though not all harvested bears are reported, the local unreported harvest does not appear to be at a level that creates a biological problem (Carroll 2005). In Unit 26B, the reported harvest of brown bears in 2004 and 2005 was six and two respectively with a reported harvest ranging from 2–25 bears since 1996. Reported harvests for Unit 262B appear to be within a conservative sustained yield of 5% of the population per year (Lenart 2007).

Effects of Proposal

If adopted, this proposal would close the Federal brown bear season in Unit 26A one month later and open the season in Unit 26B about a week earlier. This action would provide Federal subsistence users who would like to take bears later in the year in Unit 26A and earlier in the year in Unit 26B more opportunity. It would have no effect on other users. Under State regulations subsistence users can already harvest for subsistence use a week earlier in Unit 26B and year-round in most of Unit 26A, except within Gates of the Arctic National Park, and a State registration permit is already required under Federal regulations. Overall, this proposed change would align the Federal and State subsistence brown bear seasons in Unit 26A and 26B.

Although subsistence users already have the opportunity to harvest brown bears during the proposed seasons in most of Unit 26A and in Unit 26B under State regulations, adoption of this proposal would allow for June harvests within Gates of the Arctic National Park for qualified users, which includes residents of Anaktuvuk Pass and Nuiqsut. It is unlikely that adoption of this proposal would greatly increase bear harvest, and brown bear harvest in Unit 26A and 26B is currently within the sustainable harvest level (Carroll 2011, pers. comm.).

OSM PRELIMINARY CONCLUSION

Support Proposal WP12-82.

Justification

Adoption of Proposal WP12-82 would extend the Federal brown bear seasons in Unit 26A and 26B by closing the season one month later in Unit 26A and providing a year-round season, and opening the season in Unit 26B Aug. 25 instead of Sept. 1. This action would provide Federal subsistence users with more opportunity to harvest brown bears and would align the Federal brown bear seasons with the State brown bear seasons in Unit 26A and 26B. Aligning the Federal regulations with the State regulations would provide Federally qualified subsistence users the same opportunity to harvest brown bears under Federal regulations as under State regulations. Currently, State brown bear seasons are more liberal than the Federal seasons. No conservation concerns are anticipated. Brown bear harvest is currently within the sustainable harvest level.

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ADF&G Comments on WP12-82
August 31, 2011; Page 1 of 2

Alaska Department of Fish and Game
Comments to Regional Advisory Council

Wildlife Proposal WP12-82: Adjust federal subsistence brown bear hunting season to match state seasons in Units 26A and 26B.

Introduction: This proposal was submitted to align the federal subsistence brown bear hunting seasons with the state brown bear seasons in Units 26A and 26B. The current federal subsistence brown bear hunting seasons is July 1 through May 31 in Units 26A and September 1 through May 31 in 26B. The proposed federal subsistence seasons are July 1 through June 30 for Unit 26A and August 25 through May 31 in 26B.

Impact on Subsistence Users: If adopted as proposed, federal subsistence hunters would be able to hunt during the same season dates as the hunters under state brown bear hunting regulations in Unit 26A, but not in Unit 26B because the state season was recently modified. If the proposal was amended to align with the current state season in Unit 26B, consistency would be achieved and confusion of differing season dates between state and federal subsistence hunting regulations in Unit 26A and 26B would be eliminated.

Opportunity Provided by State: The state brown bear hunting season for Unit 26A is "no closed season" (same as proposed July 1 through June 30 season) with a bag limit of one bear every regulatory year. The state brown bear hunting season for unit 26B is as follows:

> That portion of Unit 26B including the Kadleroshilik River drainage south and east of the Prudhoe Bay Closed Area, and including that portion of the Echooka, Ivishak Lupine, and Ribdon river drainages and the Accomplishment Creek drainage north of a line beginning at 69 degrees 08.97 minutes North latitude, 146 degrees 50.36 minutes West longitude on the divide between the Echooka and Shaviovik river drainages and ending at 68 degrees 35.71 minutes North latitude, 148 degrees 29.64 minutes West longitude, excluding the Accomplishment Creek drainage southwest of a line following the west bank of Accomplishment Creek from 68 degrees 35.71 minutes North latitude, 148 degrees 29.64 minutes West longitude to the confluence of Accomplishment Creek and the Sagavanirktok River at 68 degrees 42.19 minutes North latitude, 148 degrees, 54.47 minutes West longitude, and including that portion of the Sagavanirktok river drainage south of the Prudhoe Bay Closed Area and north of 68 degrees 42.19 minutes North latitude (crossing the Dalton highway near milepost 300), and including that portion of the Kuparuk and Toolik river drainages south of the Prudhoe Bay Closed Area and north of a line at 68 degrees 42.19 minutes, North latitude, excluding tributary drainages flowing into the Kuparuk River north of the confluence of the Kuparuk and Toolik rivers and west of the west bank of the Kuparuk River. RB988 July 1–December 31 or RB989 January 1–June 30, one bear every regulatory year.
>
> Remainder of Unit 26B, September 1–May 31, one bear every regulatory year.

ADF&G Comments on WP12-82
August 31, 2011; Page 1 of 2

Enforcement Issues: Adoption of this proposal should eliminate confusion by federal subsistence users because the state and federal subsistence brown bear hunting seasons will be aligned.

Recommendation: Support as modified. The department recommends the Federal Subsistence Board use the regulatory language describing the season in Unit 26A as "no closed season" instead of the proposed language of July 1 through June 30 and use the regulatory language describing the season in Unit 26B as described above.

WP12-83 Executive Summary	
General Description	Proposal WP12-83 seeks to shorten the Unit 26 wolf hunting season and lower the harvest limit. *Submitted by Defenders of Wildlife*
Proposed Regulation	**Unit 26—Wolf** ***5*** *~~15 Wolves~~* ***Nov. 1–Mar. 31*** *~~Aug. 10–April 30~~*
OSM Preliminary Conclusion	**Oppose**
North Slope Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	**Oppose**
Written Public Comments	**None**

DRAFT STAFF ANALYSIS
WP12-83

ISSUES

Proposal WP12-83 was submitted by Defenders of Wildlife and seeks to shorten the Unit 26 wolf hunting season and lower the harvest limit.

DISCUSSION

The proposal would close the Unit 26 wolf hunting season in August, September, October and April and would reduce the harvest limit from 15 to 5 wolves. The proponent notes that wolf pups are dependent upon adults at the start of the current wolf hunting season and that hides are of no value at that time of year. The proponent notes that in late April hides are rubbed and that pregnant females are approaching full term.

Existing Federal Hunting Regulation

Unit 26—Wolf

15 Wolves	*Aug. 10–April 30*

Existing Federal Trapping Regulation

Unit 26—Wolf

No Limit	*Nov. 1–April 30*

Proposed Federal Hunting Regulation

Unit 26—Wolf

5 *~~15 Wolves~~*	***Nov. 1–Mar. 31*** *~~Aug. 10–April 30~~*

Existing State Hunting Regulation

Unit 26—Wolf

10 Wolves	*Aug. 10–April 30*

Existing State Trapping Regulation

Unit 26—Wolf

No Limit	*Nov. 1–April 30*

Extent of Federal Public Lands

Federal public lands comprise approximately 67% of Unit 26 and consist of 68% Bureau of Land Management (BLM), 19% U.S. Fish and Wildlife Service (FWS), and 13% National Park Service (NPS) lands (see **Unit 26 Map)**

Customary and Traditional Use Determinations

Rural residents of Units 6, 9, 10 (Unimak Island only), 11, 12, 13, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and Chickaloon have a positive customary and traditional use determination to harvest wolves in Unit 26.

Regulatory History

The Federal Subsistence Management Program Unit 26 wolf hunting season has been from August 10–April 30 since the start of the program. There was no harvest limit for wolves from regulatory year 1990/01 to 1993/94. Federal Subsistence Board action taken on a proposal submitted by ADF&G (Proposal 2) to align harvest limits, and supported by the North Slope Subsistence Regional Advisory Council, resulted in change to the Unit 26 wolf hunting limit to 10 wolves for regulatory year 1994/95. In regulatory year 1995/96, the harvest limit was raised to 15 wolves based on a proposal from Kuukpikmiut Village (Proposal 68). The Unit 26 wolf hunting harvest limit has remained at 15 wolves since that time.

On BLM and FWS public lands trappers may shoot a free ranging wolf during trapping season. The Federal wolf trapping season in Unit 26 is November 1–April 30. Hunters and trappers may harvest wolves under State regulations on BLM, FWS, and Gates of the Arctic National Preserve public lands in Unit 26.

In 2004, Defenders of Wildlife submitted a proposal (WP05-02) requesting that wolf hunting seasons in Units 1, 3–4, 5A, 6–7, 9–13, 14C, 15–21, and 24–26 not be open until September 15. The North Slope Subsistence Regional Advisory Council opposed that proposal, as did seven other Regional Advisory Councils. Consistent with these Regional Advisory Council recommendations, the Federal Subsistence Board rejected proposal WP05-02.

Defenders of Wildlife submitted a proposal (Proposal 29) to the Alaska Board of Game requesting a November 1–March 31 wolf hunting season for Unit 26A. At its 2009 meeting, the Alaska Board of Game did not support this proposal, noting that there are no wolf conservation concerns in Unit 26A, the proposal would decrease opportunity for harvest, and public testimony did not support proposal (Ardizzone 2009, pers. comm.).

The Alaska Wildlife Alliance submitted proposals (WP10-106 and 107) requesting this same regulatory change during the last wildlife cycle. Proposals WP10-106 and 107 were opposed by the North Slope Regional Advisory Council and rejected by the Federal Subsistence Board.

Biological Background

Wolves (*Canis lupus)* are found throughout Unit 26 and are well adapted to living in the mountains of the Brooks Range, and the tundra of the Arctic Slope. Unit 26 contains extensive open habitat and a large seasonal prey base is available to wolves. Their main prey in the central Brooks Range and Arctic Slope is caribou; wolves often move toward areas of high caribou concentrations. Other prey species may be used; principally sheep, small mammals, moose, snowshoe hare, and beaver.

Wolves first breed at age two to four and produce pups in dens during the spring. Litters average five or six pups. Wolves abandon the den after about eight weeks and live at sites above ground until early autumn when the entire pack roams a large territory for the rest of the fall and winter. In the central Brooks Range study, pups constituted about half of the wolf population each August; these young wolves disperse from packs at high rates as yearlings and 2-year-olds (Adams et al. 2008).

Dispersing wolves form new packs when they locate dispersers of the opposite sex from another pack and a vacant area to establish a territory (Rothman and Mech 1979). The size of the home range is believed to be dependent on prey abundance, the activities of neighboring packs, and each pack's individual habits. As a pack makes its way around its territory, it may encounter and engage other wolves within its territory at any time; a fight to the death can occur during such encounters (Adams et al. 2008).

Predation by other wolves and rabies are probably the major causes of natural mortality among adult wolves (Stephenson 2006, Zarnke and Ballard 1987). Adams et al. (2008) reported that 7 of 11 dispersing wolves (<36 months old) were subsequently detected 40–430 miles from their initial home range in the Gates of the Arctic National Park and Preserve. Garner and Reynolds (1986) observed that several wolves in northern Arctic National Wildlife Refuge dispersed as far as 500 miles from their home range. With high reproductive capacity, good survival of young, and high dispersal rates, wolf populations are able to quickly respond to changes in prey abundance (Adams et al. 2008).

Unit 26 wolf populations appear to be stable or increasing (Stephenson 2006, Carroll 2006), but data on population trends are limited. In 1992 and 1993, estimates from surveys, hunter observations, and harvest data indicated that 390–605 wolves in 166–342 packs were present in Unit 26 (Stephenson 2006, Carroll 2006). These estimates were still considered representative. Wolf population density estimates ranged from 4–11 wolves/1000 mi^2 in parts of Units 26 (Stephenson 2006, Carroll 2006). Within Unit 26A, the wolf population is estimated using wolf track surveys, and wolf sightings recorded during aerial surveys for moose. Densities there have doubled in a study area since 1998 when 5.7 wolves/1000 mi^2 were observed compared to 11.4 wolves/1000 mi^2 in 2008 (ADF&G 2010a, Carroll 2009). Resident packs are rare on the coastal plain in the northern portion of these subunits (Garner and Reynolds 1986). Garner and Reynolds (1986) reported that 8 of 11 packs studied in the Arctic National Wildlife Refuge included 5 or fewer wolves, with low pup production and survival. Summer pup survival rates for packs of <5 wolves were 23–25%, while larger packs had nearly 100% pup survival.

Based on an analysis of information regarding North American wolf populations, Adams et al. (2008) provided evidence that wolf populations compensate for human exploitation <29% via adjustments in dispersal (i.e., local dispersal, emigration, and immigration). ADF&G's management objectives for Units 26B and 26C include providing a sustained annual harvest rate of no more than 30% of the combined wolf population and accommodating nonconsumptive uses (Stephenson 2006).

Harvest History

Wolves harvested in Alaska must be sealed by an ADF&G representative or appointed fur sealer. During the sealing process, information is obtained on the date and location of take, sex, color of pelt, estimated size of the wolf pack, method of take and access used. Harvest data are summarized by regulatory year. Wolves are difficult animals to bring down and it is not unreasonable to assume that some mortality is occurring as a result of wounding loss. Some wolves caught in traps that are not checked regularly are scavenged by other animals, and the hides are so damaged that they are discarded in the field with the harvest going unreported.

From regulatory year 1999/2000 to 2009/10, the reported annual harvest of wolves in Unit 26 ranged from 10 to 55 wolves/year (**Table 1**). Among Federal subsistence hunters/trappers taking wolves, no individual has reached the total harvest limit of 15 wolves per season (ADF&G 2010a). A significant amount of the harvest in Unit 26 comes from the western subunit (26A). Carroll (2006) noted that pelts of most wolves harvested in Unit 26A are used locally for manufacture of parka ruffs or handicrafts, and many of the wolves taken in that subunit are not sealed. Carroll (2000) observed that the actual Unit 26C wolf harvest is two or more times the number reported and that there is a need to develop a harvest reporting system that is more acceptable to local residents. The cost of snowmachines, gas, traps, and other equipment has increased over the last 20 to 25 years, yet the price of wolf pelts has declined.

Table 1. Reported wolf harvest and method of take for Unit 26, regulatory years 1999/00 to 2009/10 (ADF&G 2011).

Regulatory Year	Reported Total Harvest	Aug.–Oct. & April Harvest	Method of Take				
			Trap/ Snare	(%)	Shot	%	Unknown
1999/2000	33	9	15	45	16	48	2
2000/01	55	21	16	29	39	71	0
2001/02	21	4	6	29	15	71	0
2002/03	14	6	4	29	10	71	0
2003/04	29	1	12	41	17	59	0
2004/05	10	4	0	0	6	60	4
2005/06	19	7	1	5	18	95	0
2006/07	35	15	6	17	29	83	0
2007/08	34	17	5	15	27	79	2
2008/09	41	25	4	10	35	85	2
2009/10	18	7	4	22	14	88	0

Some harvest occurs from August 10 through October 31 when only hunting season is open. Hunters occasionally take wolves opportunistically in the fall when they are hunting caribou, moose, or sheep (Adams et al. 2008). During much of this period, snow cover and rivers or lake ice conditions are inadequate for snow-machine travel or tracking wolves. Once snow-cover and ice are adequate for travel, trappers began establishing and maintaining trap lines. Because of limited day-length from November through January, little effort is expended hunting wolves though some are taken opportunistically in conjunction with trapping-related activities. Travel conditions begin improving in February with increasing day-length and there is a shift to wolf hunting activities reaching a peak in March. In April, subsistence users have the opportunity to take wolves when milder weather, daylight, and snow conditions allow for safer travel. Wolf harvest declines through April as the trapping season is closed and snow and ice conditions deteriorate with the spring melt (Adams et al. 2008, Ballard et al. 1997). Most of the wolves harvested in Unit 26 are shot; a lesser number are taken with traps and snares (**Table 1**).

Stephenson (2006) estimated that the harvest was 7–11% of the wolf population in Units 26B and 26C. In Unit 26A, Carroll (2006) noted that much of the wolf population inhabiting the Brooks Range is probably not heavily hunted or trapped, except for the area within 50–70 miles of Anaktuvuk Pass. Carroll (2006)

observed that hunters from other North Slope villages range over much of the coastal plain. Adams et al. (2008) observed an annual harvest rate of 11.6% in a Central Brooks range study area.

Adams et al. (2008) observed that wolf harvests in and adjacent to Gates of the Arctic National Park and Preserve are largely unaffected by changes in the hunting harvest limits because there are environmental constraints and most hunters take few wolves. The dynamics of the wolf population is regulated more by natural factors than by the harvest by hunters and trappers. Adams et al. (2008) observed that wolves are prolific and survival of young is generally high; thus, surplus individuals are abundant and available to be harvested. The number of wolves harvested in Unit 26 is low relative to the wolf population size. Based on an analysis of information regarding North American wolf populations, Adams et al. (2008) concluded that the wolf populations appeared to be largely unaffected by human take of ≤29% annually. Given the limited effects of moderate levels of human take, they concluded that the risks of reducing wolf populations through regulated harvest are quite low.

Brower (2009 pers. comm.) said that village residents don't start hunting wolves until the quality of wolf hides improves when the weather gets cold, usually in late October or November. He observed that they often have good snow cover, good wolf hunting conditions, and good wolf fur through early May. He indicated that incidental take of a sick or harassing animal may happen at any time of year.

Effects of the Proposal

The proponent states that wolf pups are still totally dependent on adults for food and protection from predators in early fall and that if the adults are shot the pups would die an inhumane death due to starvation. The proponent feels that harvesting late-term pregnant females is not an acceptable wildlife management practice. ADF&G (2010) observed that adult wolves learn to avoid man through experience and are the most difficult pack members to harvest, while younger wolves are the most vulnerable to harvest. They conclude that wolf populations can sustain a small reduction in pups born by taking of a few pregnant females and that wolves have evolved and thrived under natural conditions where adult mortality occurs regularly through intraspecific competition. ADF&G (2010) reported that it is the mature adults, including pregnant and lactating females that do the killing of large prey, and thus are subject to injury and death during attempted predation. In cases of natural adult mortality, the pack social structure provides support to pups.

If WP12-83 is adopted, it would shorten the Unit 26 Federal wolf hunting season by 113 days and reduce the harvest limit from 15 to 5 wolves. This would decrease opportunity for subsistence hunters to harvest wolves in Unit 26. Between 1999–2010, 38% of the reported Unit 26 wolf harvest occurred in August, September, October, and April (**Table 1)**. If the proposal is adopted, the opportunity for subsistence users to harvest wolves during the fall when they are hunting caribou, moose, or sheep would be eliminated.

If the proposal is adopted, it would make the Federal subsistence wolf hunting season shorter than the State season and the Federal harvest limit would be lower than the State limit.

Even if this proposal is adopted by the Federal Subsistence Board, hunters would still be able to take wolves on FWS, BLM, and Gates of the Arctic National Preserve public lands during August, September, October, and April under State regulations. Adoption of proposal WP12-83 would not have the effect sought by the proponent.

OSM PRELIMINARY CONCLUSION

Oppose Proposal WP12-83

Justification

The Alaska Wildlife Alliance submitted proposals requesting this same regulatory change two years ago. Those proposals were opposed by the North Slope Regional Advisory Council and rejected by the Federal Subsistence Board.

The wolf population in Unit 26 is thought to be healthy. The current harvest rate for Unit 26 wolves is thought to be low, though reporting may be significantly underestimating actual harvest. Wolves are prolific and survival of young is generally high. Young wolves disperse from packs at high rates as yearlings and two-year-olds; these individuals are abundant and available to be harvested. The population of wolves in Unit 26 is regulated more by natural factors than by the harvest by hunters and trappers.

Federal and State wolf hunting seasons in Unit 26 are the same.

Wolves are a very important subsistence resource in Unit 26. The harvest of wolves and the use, barter, and sale of pelts has long been a part of the subsistence economy. Over the past decade, approximately one-third of the reported wolf harvest in Unit 26 has occurred in the months of August, September, October, and April. In the fall, the wolves have shorter hair and their hides are used primarily for personal use to make clothing and handicrafts. Wolves are a highly prized and valued subsistence resource in Unit 26.

Even if this proposal is adopted by the Federal Subsistence Board, hunters would still be able to take wolves on FWS, BLM, and Gates of the Arctic National Preserve public lands during August, September, October, and April under State regulations. Adoption of proposal WP12-83 would not have the effect sought by the proponent.

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ADF&G Comments on WP12-83
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Alaska Department of Fish and Game
Comments to Regional Advisory Council

Wildlife Proposal WP12-83: This proposal requests reducing the federal subsistence Unit 26 wolf hunting season from August 10 through April 30 to November 1 through March 31 and the bag limit reduced from 15 to 5 wolves.

Introduction: The proponent requests the federal subsistence wolf hunting season be reduced by 113 days and the bag limit be reduced by 66% in order to maintain a sustainable population, result in higher wolf populations, and produce higher quality hide harvests. The proposer wants to shorten the wolf hunting season because of concern about population numbers, harvesting technique, harvesting wolves when hides are low quality, harvesting females during late pregnancy in spring, and harvesting females before pups are weaned in fall. Spring seasons allow subsistence users the opportunity to take wolves when milder weather, daylight, and snow conditions allow for safer travel. Hide value depends on use intended for the wolf hide. Hides of wolves taken in early fall and late spring are suitable for home use and for sale, consistent with subsistence use of wolves.

Opportunity Provided by State: In Unit 26, the following wolf hunting regulations were effective in 2010-2011 and 2011-2012: Ten wolves; residents and nonresidents; season August 10 through April 30; tag required for nonresidents; hide must be sealed within 30 days of kill.

Conservation Issues: None. Within Unit 26A, wolf populations are estimated using wolf track surveys, and wolf sightings are recorded during aerial surveys for moose. Densities have doubled in the study area since 1998 when 2.2 wolves per 1,000km^2 were observed compared to 4.4 wolves per 1,000km^2 in 2008. Wolf sighting rates have changed from 0.11 wolves per hour in 2002 to 1.78 wolves per hour in 2008. The current federal subsistence season (August 10 through April 30) allows for maximum opportunity within areas that do not have predator management programs. Among federal subsistence hunters/trappers taking wolves, no individual has reached the total bag limit of 15 wolves per season. In November 2009, the Alaska Board of Game rejected a similar proposal to change the hunting season.

Other Comments: Adult wolves have learned to avoid man through experience and are the most difficult pack members to harvest, while younger wolves are the most vulnerable pack members. These populations can sustain the small reduction in pups born by the taking of a few pregnant females. Wolves have evolved and thrived under natural conditions where adult mortality occurs regularly through intraspecific competition. Also, it is the mature adults, including pregnant and lactating females, that do the killing of large prey, thus are subject to injury and death during attempted predation. In cases of natural adult mortality, the pack social structure provides support to pups.

Recommendation: Oppose.

WP12-76 Executive Summary	
General Description	Proposal WP12-76 requests that the Red Sheep and Cane Creek drainages be closed to non-Federally qualified users during the Aug. 10 – Sept. 20 portion of the season in the Arctic Village Sheep Management Area (AVSMA) of Unit 25A. *Submitted by the Eastern Interior Alaska Subsistence Regional Advisory Council*
Proposed Regulation	*Unit 25A — Arctic Village Sheep Management Area — 2 rams by Federal registration permit only. Federal public lands, ~~except the drainages of Red Sheep Creek and Cane Creek during the period of Aug. 10–Sept. 20~~, are closed to the taking of sheep except by rural Alaska residents of Arctic Village, Venetie, Fort Yukon, Kaktovik, and Chalkyitsik hunting under these regulations.* *Aug. 10 – Apr. 30*
OSM Preliminary Conclusion	**Oppose**
Eastern Interior Regional Council Recommendation	
North Slope Regional Council Recommendation	
Interagency Staff Committee Comments	
ADF&G Comments	**Oppose**
Written Public Comments	**None**

DRAFT STAFF ANALYSIS
WP12-76

ISSUES

Proposal WP12-76, submitted by the Eastern Interior Alaska Subsistence Regional Advisory Council, requests that the Red Sheep and Cane Creek drainages be closed to non-Federally qualified users during the Aug. 10 – Sept. 20 portion of the season in the Arctic Village Sheep Management Area (AVSMA) of Unit 25A.

DISCUSSION

The proponent states that the Red Sheep Creek and Cane Creek drainages are important subsistence and cultural areas for residents of Arctic Village and that the influx of non-Federally qualified hunters into these drainages has interfered with the traditional uses and practices of Arctic Village residents. Title VIII, § 815(3) of the Alaska National Interest Lands Conservation Act (ANILCA) addresses the restriction on the take of fish and wildlife for nonsubsistence uses. The Secretaries have empowered the Federal Subsistence Board (Board) to implement Title VIII of ANILCA, and as such, may restrict use to continue subsistence uses. Title § 815(3) of ANILCA states,

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

The Board may reopen public lands to non-Federally qualified users if new information or changed conditions indicate that the closure is no longer warranted.

Existing Federal Regulation

Unit 25A — Sheep

Unit 25A — Arctic Village Sheep Management Area – 2 rams by Federal registration permit only. Federal public lands, except the drainages of Red Sheep Creek and Cane Creek during the period of Aug. 10–Sept. 20, are closed to the taking of sheep except by rural Alaska residents of Arctic Village, Venetie, Fort Yukon, Kaktovik, and Chalkyitsik hunting under these regulations.	*Aug. 10 – Apr. 30*

Proposed Federal Regulation

Unit 25A — Sheep

Unit 25A — Arctic Village Sheep Management Area — 2 rams by Federal registration permit only. Federal public lands, ~~except the drainages of Red Sheep Creek and Cane Creek during the period of Aug. 10–Sept. 20,~~ are closed to the taking of sheep except by rural Alaska residents of Arctic Village, Venetie, Fort Yukon, Kaktovik, and Chalkyitsik hunting under these regulations.	*Aug. 10 – Apr. 30*

Existing State Regulations

Unit 25A — Sheep

Residents, one ram with full-curl horn or larger	*Aug. 10 –Sept. 20*
OR	
Three sheep by permit available online at hunt. alaska.gov or in person in Fairbanks and Kaktovik beginning Sept. 22. The use of aircraft for access to hunt sheep and to transport harvested sheep is prohibited in this hunt except into and out of the Arctic Village and Kaktovik airports. No motorized access from the Dalton Highway.	*Oct. 1 – Apr. 30*
One ram with full-curl or larger for nonresidents	*Aug. 10 – Sept. 20*

Extent of Federal Public Lands

Federal public lands comprise approximately 76% of Unit 25A and consist of 74% U.S. Fish and Wildlife Service managed lands and 2% Bureau of Land Management managed lands (**Map 1**).

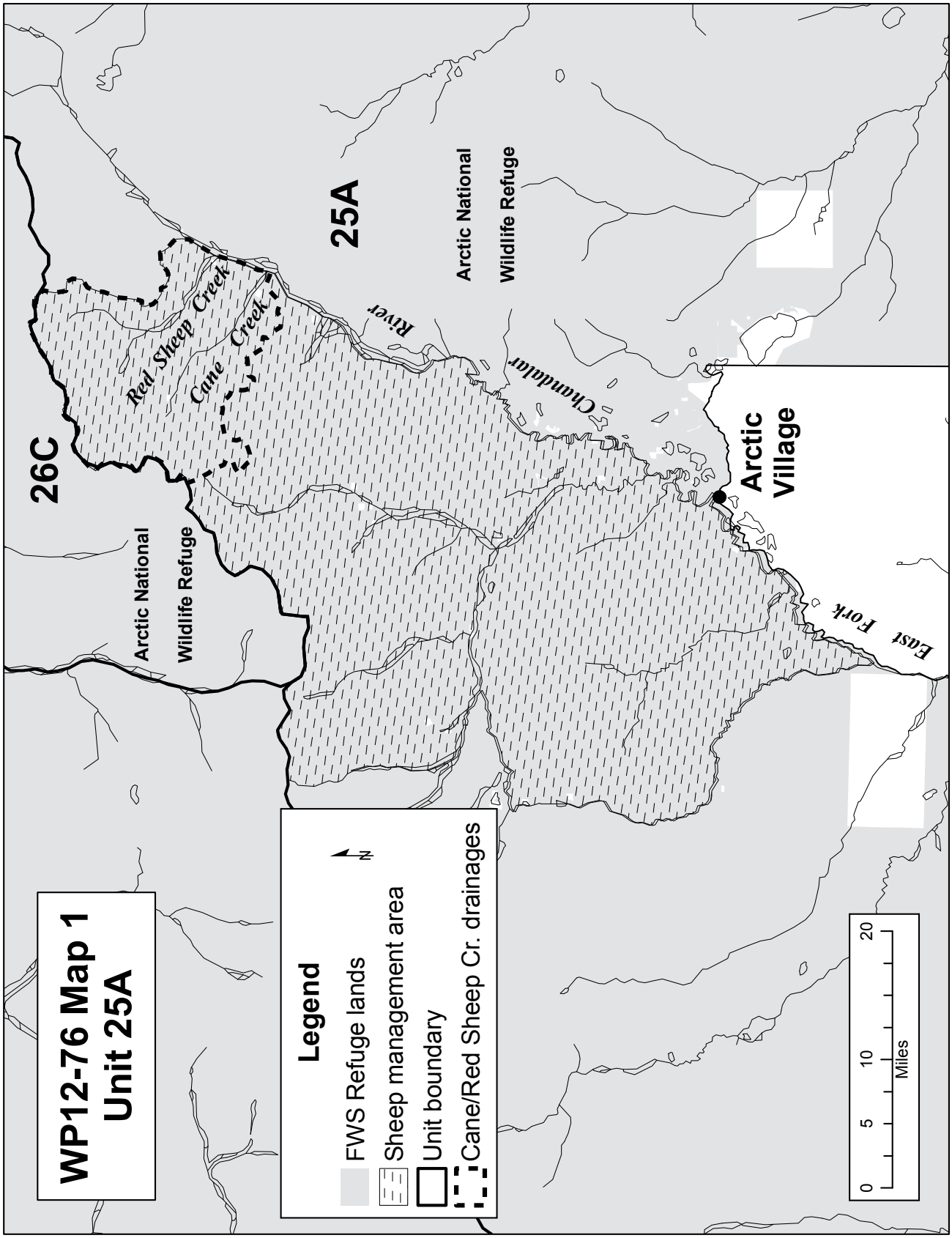
Customary and Traditional Use Determinations

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

Regulatory History

The establishment of the AVSMA and the opening and closing of the Red Sheep and Cane Creek drainages to non-Federally qualified users have been before the Federal Subsistence Board nine times since 1991 (see **Appendix A** for a listing of proposals). Residents of Arctic Village have been trying to keep the Red Sheep Creek and Cane Creek drainages area of the AVSMA closed to non-Federally qualified subsistence users, while other user and interest groups have been trying to keep it open. The issue has been contentious.

In 1995, the AVSMA, which is closed to all but Federally qualified subsistence users, was expanded to include the Red Sheep and Cane Creek drainages. The initial closure was established to provide for continued subsistence use of sheep in the area (FSB 1995). More recently, Proposal WP06-57, submitted by Alaska Department of Fish and Game (ADF&G), requested removal of the Federal closure within the AVSMA. The Board rejected the proposal in May 2006, but requested that the Arctic National Wildlife


WP12-76 Map 1
Unit 25A
Legend
FWS Refuge lands
Sheep management area
Unit boundary
Cane/Red Sheep Cr. drainages
N
0
5
10
20
Miles
26C
25A
Arctic National
Wildlife Refuge
Arctic National
Wildlife Refuge
Red Sheep Creek
Cane Creek
Chandalar
River
Arctic
Village
East Fork

Refuge staff conduct a sheep population survey within the affected area. The Board intended to revisit the issue at its May 2007 meeting, pending the results of a population survey and a revised analysis.

In July 2006, the U.S. Fish and Wildlife Service submitted Special Action WSA06-03, which requested that the closure to non-Federally qualified users for harvesting sheep in the Red Sheep and Cane Creek drainages be lifted during the Aug. 10–Sept. 20 portion of the 2006 season. This request followed a commitment by the Board to address the closure to all but Federally qualified users in the AVSMA following completion of a sheep population survey. Results of the survey found that the sheep population in these drainages was healthy, so the Board adopted the Special Action effective for the 2006 season. Subsequent to action on Special Action WSA06-03, ADF&G submitted Proposal WP07-56, which requested lifting the Federal closure within the Red Sheep and Cane Creek drainages. The Board adopted this proposal in May 2007 because sheep populations in these drainages were determined to be healthy (FSB 2007:305).

For additional regulatory history on this closure see **Appendix A**.

Biological Background

The current ADF&G management objectives for the Unit 25 sheep population are to manage for a harvest of Dall sheep rams with full-curl or larger horns (Caikoski 2008).

Surveys were conducted in 2006, 2007, and 2008 within the Red Sheep and Cane Creek areas that are within the AVSMA, but as of 2007, are no longer closed to non-Federally qualified users. Densities of sheep varied: 1.7 sheep/mile^2 in 2006 (Payer 2006) and 0.8 sheep/mile^2 in 2007 (Brackney and Payer 2007). Densities may have differed due to differing survey areas associated with mineral licks that could have attracted sheep from outside the survey unit (Wald 2010, pers. comm.). Although densities of sheep in the area are low relative to other areas in the Brooks Range, this is probably a reflection of the poor habitat quality of the area (Payer 2006). In 2008, during a sheep population-composition survey, 130 sheep in 20 groups were observed (Payer 2008) with a ratio of 59 lambs:100 ewes, suggesting good productivity.

In 1991, density of Dall sheep in the Red Sheep and Cane Creek drainages was estimated to be 2.25 sheep/mile^2 (Mauer 1996), which was higher than that found during surveys in 2006 and 2007. The sheep population may have declined during this interval despite harvest restrictions for non-Federally qualified users. This is consistent with trends observed in other Brooks Range sheep populations, and likely reflects incomplete recovery from weather-related declines during 1990–1994 (Mauer 1996). Thirty-two of 96 rams (33%) were classified as “mature” in the 2006 survey (Payer 2006) and 6 of 14 rams (43%) were classified as “mature” in the 2007 survey. The “mature” category included rams with full-curl horns as well as larger-bodied rams having horns with massive bases and horn tips pointing upwards. These latter rams may have been less than full curl, but could not be differentiated from full-curl rams from a fixed-wing aircraft.

Mauer (1996) estimated sheep density in the southern part of the AVSMA between Cane and Crow Nest Creeks to be only 0.2 sheep/mile^2. Most of the sheep that Mauer (1996) observed in this area were clustered around mineral licks between Crow Nest and Ottertail Creeks. Similarly, Payer (2006) surveyed the area between Ottertail and Crow Nest Creeks (but not the remainder north of Ottertail Creek to Cane Creek), and observed 87 sheep, 85 of which were associated with two mineral licks.

There are significant differences in sheep abundance and distribution within the AVSMA (Mauer 1990). Specifically, the region north of Cane Creek has supported a sheep density approximately eight times

greater than the region between Crow Nest and Cane Creeks. This is probably related to differences in geology and vegetation; shale formations that occur more commonly north of Cane Creek support more vegetation and therefore this area supports more sheep (Smith 1979).

The Dall sheep population in the Red Sheep and Cane Creek drainages may have declined between 1991 and 2007, while the trend for the southern part of the AVSMA is unknown. However, 2008 composition data indicated good production (Payer 2008). Anecdotal reports from hunters suggest that sheep populations in the area continue to be relatively low, corroborating survey results presented above (USFWS 2010).

Harvest History

Arctic National Wildlife Refuge staff have engaged in outreach efforts to encourage Federally qualified users to document their harvests in general, as well as their use of the AVSMA for sheep hunting. Nonetheless, data on reported use of the AVSMA by Federally qualified users is sparse, and just how many sheep are harvested by Federally qualified subsistence users in the AVSMA is not known. Compliance with the harvest permit system is generally low for residents of Arctic Village, a not uncommon phenomenon for parts of rural Alaska (cf. Andersen and Alexander 1992). A total of six Federal permits to harvest sheep in the AVSMA sheep were issued between 1991 and 2004; none were returned (USFWS 2007). Between 2005 and 2007, 27 Federal registration permits were issued for the AVSMA; 4 sheep were reported harvested and 23 harvest reports were not returned. No permits were issued in 2008 and 2009. Four permits were issued in 2010 for the AVSMA, and of these, one sheep was reported harvested (USFWS 2011).

Some information from household surveys is available on sheep harvests by Arctic Village, Fort Yukon, and Kaktovik residents (**Table 1**), although the data does not specify location of harvest. ADF&G household survey data indicates that Arctic Village residents harvested three sheep in 1993, one in 1996, and five in 1997 (**Table 2)** (ADF&G 2011). Dinero (2003) reported that 5 (14%) of 35 Arctic Village households (out of 40 total households in the community) harvested sheep during the year of his study (1998–1999).

Harvest success by non-Federally qualified hunters in Red Sheep and Cane Creek drainages averaged 69% from 2006 to 2009 (2010 data not yet available). Sheep harvests under State regulations ranged from 2–7 sheep annually between 2006 and 2009 (**Table 3**). However, between 2006, when the Red Sheep and Cane Creek drainages were re-opened, and 2009, a total of 18 rams were harvested by non-Federally qualified hunters (Payer 2011, pers. comm.).

Cultural Considerations

Of the five communities with recognized customary and traditional uses of Dall sheep in Unit 25A, the residents of Arctic Village have the strongest tie to the Red Sheep and Cane Creek drainages (USFWS 1993; see also Reed et al. 2008, Gustafson 2004, Dinero 2003). Sheep hunting is a "longstanding" tradition for Arctic Village residents, most of whom are Gwich'in Athabascan (Caulfield 1983:68, Dinero 2003, Gustafson 2004, EIRAC 2006, 2007, 2011), and the Red Sheep and Cane Creek areas have been a longstanding focus of this activity. Sheep are a prestigious subsistence resource and providing sheep meat to the community is highly respected (cf. Caulfield 1983 and Dinero 2003 for discussion). Sheep are also known as an important "hunger food," that is, a food source that is critical when caribou are unavailable (Caulfield 1983, Dinero 2011, pers. comm., Gilbert 2011, pers. comm.). Local people report increasing uncertainty of caribou migrations in recent years, declining quality of caribou meat, and increasing difficulty and travel distance to obtain moose in recent years: in light of this, local residents claim that

Table 1. The use and harvest of Dall sheep based on household surveys (ADF&G 2011).

		Percentage of Households					Dall Sheep Harvest				
Community	Study Year	Using Sheep (%)	Hunt-ing Sheep (%)	Harvest-ing Sheep (%)	Giving Sheep (%)	Receiv-ing Sheep (%)	Reported (Number)	Expanded to House-holds Not Surveyed (Number)	Lower Estimate (Number)	Higher Estimate (Number)	95% Con-fidence Interval (+/- %)
Arctic Village	1997							5			
	1996							1			
	1995							0			
	1994							0			
	1993							3			
Fort Yukon	1998							0			
	1997							0			
	1996							0			
	1995							0			
	1994							0			
	1993							0			
	1987	9	3	0	0	9	0	0	0	0	0
Kaktovik[a]	1992	70		28	32	64	33	44	32	56	27
	1986	75		9	9	68	15	17	10	24	41
	1985	79		21	21	74	37	47	28	66	40

Blank cell=question not asked or information not available.

[a] The majority of the harvest of Dall sheep by residents of Kaktovik was in Unit 26 (Jacobson and Wentworth 1982).

sheep are an increasingly important resource (Gilbert 2011 pers. comm., Swaney 2011, pers. comm.) As noted by one prominent elder, "…when we have no caribou, that's the time we have to go up [to get sheep]" (Gilbert 2011, pers. comm.).

The public record supports the fact that Arctic Village residents have a long history of using the Red Sheep and Cane Creek drainages, and that it continues be a culturally significant area to them. Extensive discussion included in previous proposal analyses (cf. Proposal 58 in 1993 and Proposal 54 in 1994) pointed to regular use of these drainages by residents of Arctic Village (USFWS 1993 and 1995). In the final report for a Fisheries Resource Monitoring Program project, Gustafson discusses the importance and continued use of the Red Sheep Creek Area for sheep hunting (USFWS 2004). Testimony by Arctic Village residents in 2006, 2007, and as recently as 2011 at the Eastern Interior Regional Advisory Council meeting about hunting in the Red Sheep and Cane Creek drainages demonstrates continued (though sporadic) hunting. Discussions with Refuge Information Technicians from Arctic Village, other Arctic National Wildlife Refuge staff, researchers working in the area, and subsistence hunters from Arctic village also confirm continued sheep hunting in the Red Sheep and Cane Creek drainages (Bryant 2011, pers. comm., Dinero 2011 pers. comm., Mathews 2011, pers. comm., John 2011, pers. comm.).

A story about how Red Sheep Creek was named illustrates the link between subsistence and religious practices and beliefs among the Gwich'in of Arctic Village. It also underlies the importance of this area to local people. The story relates Red Sheep Creek to the Episcopalian Church, a primary influential factor in establishing Arctic Village, and also sheds some light on why Arctic Village residents consider Red

Table 2 . Summary of Dall Sheep Harvests from Household Surveys in Arctic Village 1993-1997 ADF&G 2011, CSIS Database

Community Name	Study Year	Resource	Percent Harvesting	Percent Receiving	Units	Estimated Harvest	Estimated Pounds Harvested
Arctic Village	1993	Dall Sheep	unkwn	unkwn	Individual	3	312
Arctic Village	1993	Dall Sheep, Male	unkwn	unkwn	Individual	3	312
Arctic Village	1996	Dall Sheep	unkwn	unkwn	Individual	1	104
Arctic Village	1996	Dall Sheep, Male	unkwn	unkwn	Individual	1	104
Arctic Village	1997	Dall Sheep	unkwn	unkwn	Individual	5	520
Arctic Village	1997	Dall Sheep, Sex Unknown	unkwn	unkwn	Individual	5	520

Table 3. Summary of Dall Sheep Harvest for Red Sheep & Cane Creek Drainages under State regulations ADF&G 2011

Year	Number Hunters	Number Successful Hunts
2006	9	7
2007	5	5
2008	8	4
2009	4	2
2010	Not yet available	
Average	6.5	4.5

Sheep Creek a revered place (Dinero 2007, 2011 pers. comm.). The story begins that people were hungry and one day at the church someone spotted something moving in the brush. People thought they saw caribou, but upon closer inspection the people realized they were sheep. They were not just any sheep, but these sheep had red stripes, or what many say were crosses on their coats. The next day, the people followed the red sheep far into the mountains where they were finally able to harvest them. The hides of the sheep were kept and passed down because of their distinctive markings (Dinero 2011, pers. comm.). It is significant that the story of the red sheep links a prestigious subsistence resource (sheep) to traditional and modern beliefs and practices (i.e., the Church and hunting sheep along Red Sheep Creek). This demonstrates the complementary nature of subsistence to place, tradition, culture, and modern beliefs.

Because of the importance of this area to residents of Arctic Village, they have repeatedly argued that it should remain closed to non-Federally qualified users. They feel strongly that these lands are theirs, and that access should be limited. As one Arctic Village resident stated at a public meeting in 2006, “Those are our traditional lands, our traditional homelands, our traditional hunting grounds that our fathers and forefathers have hunted for generations and generations” (EIRAC 2006:130). Arctic Village residents have also long argued that the presence of non-Federally qualified users has affected their access and reduced their harvest opportunities (EIRAC 2006, 2011; FSB 1991, 1995, 1995, 2006, and 2007; USFWS 1993, 1995, 1996, 2006, 2007; Swaney 2011, pers. comm.; Gilbert 2011, pers. comm.; John 2011, pers.

comm.; and see Appendix A). Arctic Village residents have repeatedly told the Board that they believe that plane traffic and use by non-Federally qualified users has interfered with their ability to successfully hunt sheep in the Red Sheep and Cane Creek drainages. Residents reported that plane fly-overs "spooked" sheep and that, "older rams can climb to higher elevations, making them more difficult to hunt" (USFWS 1993: 4, Proposal 58; see also USFWS 1994, Proposal 54 for additional discussion). These disturbances have also been related by local residents (Swaney 2011, pers. comm., John 2011 pers. comm., Gilbert pers. comm.). One study corroborates this type of disruption: Frid (2003) found that fixed-wing aircraft disrupted resting or caused fleeing behavior in Dall sheep in the Yukon Territory during overflights. This disruption was of a longer duration during direct flight approaches. Results of this study could help provide managers with guidelines for determining spatial and temporal restrictions to aircraft in areas frequented by this species.

In summary, while there are no conservation reasons to close Red Sheep and Cane Creek to non-Federally qualified users, from the perspective of local users there are cultural reasons to do so. Arctic Village residents believe that allowing non-Federally qualified users to harvest sheep in Red Sheep Creek and Cane Creek during August 10 to September 20 adversely affects their experience in their traditional hunting area, and impairs their ability to successfully harvest sheep.

Other Alternatives Considered

When necessary for the conservation of healthy populations of fish and wildlife or to continue subsistence uses of such populations, the Federal Subsistence Board is authorized to restrict or to close the taking of fish and wildlife by subsistence and non-subsistence users on Federal public lands and waters (ANILCA Sections 804 and 815(3)). The Federal Subsistence Board 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). The Board may reopen public lands to non-subsistence uses if new information or changed conditions indicate that the closure is no longer warranted.

Three alternatives to the closure to non-Federally qualified users were considered, (1) a 10-day season extension for Federally qualified subsistence users, (2) removing the ram restriction to allow for the harvest of any sheep by Federally qualified subsistence users, and (3) establishing a community harvest system.

Extend the season opening by ten days

One alternative to a closure would be to move the season opening from August 10 to July 31. Arctic Village residents have stated that the influx of non-Federally qualified users has interfered with their traditional subsistence uses and practices, especially if airplanes displace sheep to higher elevations. The season extension would allow ten additional days at the beginning of the season without competition from non-Federally qualified users. The timing of the season extension may not be preferred by Arctic Village residents as they generally harvest sheep in early fall (late August or early September) or early winter (November). Concerns also have been raised by Arctic Village residents in the past that opening the season too early makes it too hot to care for the sheep meat adequately (FSB 1995:623). Federally qualified subsistence users already have priority to harvest later in the season as the Federal season is currently Aug. 10 – Apr. 30, whereas the State season is Aug. 10–Sept. 20.

Harvest of any sheep

The removal of the ram restriction for Federally qualified subsistence users would increase harvest opportunity by providing for a less selective harvest. Federal regulation currently allows for the harvest of two rams within the Unit 25A Arctic Village Sheep Management Area. There is a lack of population and harvest information for sheep in the Red Sheep and Cane Creek drainages, which affects the ability of managers to monitor the impacts of harvesting ewes. In 2008, this population showed good productivity with a ratio of 59 lambs:100 ewes. Thus, it would not be advisable to liberalize a harvest that includes the harvest of ewes, which have a higher reproductive value than rams. In addition, Federally qualified subsistence users currently have more harvest opportunity than non-Federally qualified users as Federal regulations allow for the harvest of two rams, while State regulations have a harvest limit of one ram with full-curl horn or larger.

Establish a community harvest system

The final alternative considered was to establish a community harvest system for sheep in Arctic Village, which could allow Federally qualified users to harvest sheep in a manner more consistent with customary and traditional practices of the village residents. In accordance with Federal subsistence management regulations, 36 CFR 242.26(e)(2) and 50 CFR 100.26(e)(2), "An animal harvested under Federal or State regulations by any member of a community with an established community harvest limit counts toward the community harvest limit for that species." Members of a community with a community harvest system do not have individual harvest limits; all harvests, both State and Federal, are combined for the community. A community harvest system can create a more efficient and less costly hunt, as multiple sheep could be harvested in one trip. A community harvest system might also help to address low compliance with harvest reporting, as typically a hunt administrator would be responsible for ensuring that all harvests are reported.

This alternative was not further considered because a community harvest system should not be implemented without more information on harvests and discussions with members of the community to establish a harvest limit. If the Eastern Interior Regional Advisory Council, Arctic Village residents, and the Arctic Refuge support this alternative, then a community harvest limit should be proposed for consideration by the Federal Subsistence Board.

Effects of Proposal

If adopted, this proposal would close the Aug. 10 – Sept. 20 sheep hunting season to non-Federally qualified hunters in Red Sheep and Cane Creek drainages. There is a strong concern by Arctic Village hunters that non-Federally qualifies users are interfering with subsistence users' access and ability to harvest of sheep in the area. The closure would eliminate competition with non-Federally qualified users.

Federally qualified users can take rams of any age and are not limited by the full curl restriction required of non-Federally qualified users; however, this may not provide adequate opportunity for the subsistence harvest of sheep if efforts are thwarted by unsuccessful hunts due to non-Federally qualified hunters also seeking the same resource during the same time period

OSM PRELIMINARY CONCLUSION

Oppose Proposal WP12-76.

Justification

Section 815(3) of ANILCA allows for restrictions on the taking of fish and wildlife for nonsubsistence uses public lands only if necessary for the conservation of healthy fish and wildlife populations, to continue subsistence uses of such populations, or pursuant to other applicable law. The proposal under consideration appears to address the subsistence use clause of Section 815(3).

While it is recognized that Red Sheep Creek and Cane Creek are culturally important to the people of Arctic Village and that this is a longstanding issue for the people of Arctic Village, reinstating the Federal closure is not supported by the available biological data or formal harvest data. Although relatively low compared to some areas of the state, sheep densities are more a reflection of the poor habitat quality of the area. The most recent population surveys indicate good productivity of the sheep population. Allowing sheep hunting by non-Federally qualified hunters in these drainages should not have an adverse effect on the population since these users are limited to one full curl ram during the hunting season. Based on the harvest information and population surveys, allowing sheep hunting by non-Federally qualified hunters does not have a measurable effect. A partial harvest of full curl rams would not reduce the productivity of the local sheep population.

In addition, reinstating this closure is not necessary to meet the continued use clause of Section 815(3). Despite past closures to non-Federally qualified hunters and a more liberal subsistence harvest limit, there has been relatively little hunting reported in the Red Sheep and Cane Creek drainages by Arctic Village and other Federally qualified communities. Since subsistence users can take two rams of any age, the number of sheep available to them is much greater than the number of full-curl rams to which non-Federally qualified hunters are limited.

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APPENDIX A. REGULATORY HISTORY FOR UNIT 25A SHEEP.

Regulatory Year Initiated: 1991

Proposal number of initial closure and any subsequent proposals: The establishment of the Arctic Village Sheep Management Area (AVSMA) closed Federal public lands to non-Federally qualified users in 1991. The establishment of the AVSMA did not include the Cane Creek and Red Sheep Creek drainages. OSM was not able to find the original proposal for the establishment of the AVSMA. The Federal Subsistence Board (Board) meeting transcript for June 4, 1991 mentions the establishment of the AVSMA at the "last meeting;" however, the previous Board meeting transcript (December 17, 1990) does not include proceedings regarding the AVSMA.

1991 — Proposal 91-21, submitted by Brooks Range Arctic Hunts, requested that the Board remove the closure restriction to allow for the harvest of sheep by non-Federally qualified users in the closure area. The Board rejected the proposal.

1991 — Proposal 91-25, submitted by the Arctic Village Council, requested that the Board include the drainages of Cane Creek and Red Sheep Creek into the Federal closure area. The Board rejected this proposal.

1993 — Proposal P93-58, submitted by the Arctic Village Council, again requested the Board to include the drainages of Cane Creek and Red Sheep Creek within the Management Area. The Board rejected the proposal on the basis that the drainages of Cane Creek and Red Sheep Creek supported adequate numbers of sheep to provide for both subsistence and nonsubsistence harvest.

1995 — Proposal 95-54, submitted by the Arctic Village Council, again requested the Board to include the drainages of Cane Creek and Red Sheep Creek into the Federal closure area. A representative of Arctic Village told the Board that Cane Creek and Red Sheep Creek drainages contain many allotments and traditional cultural sites and that this area is the key sheep hunting area for the village. The Board was told by the proponents that the issue was one of displacement of the subsistence users because of considerable air traffic causing the sheep to remain high in the mountains where Arctic Village hunters cannot get to them; and because Arctic Village hunters could not compete with nonlocal hunters using more sophisticated equipment such as more powerful scopes and the use of aircraft to track sheep. The Board recognized that the issue was not one of resource abundance, as staff reported the population could support both subsistence and nonsubsistence harvests. The Board tabled the proposal in April 14, 1995 until they could revisit it in June 1995, after the Arctic Refuge staff had worked with Arctic Village residents. The Board adopted the proposal with a commitment to review the issue the following year. Following that Board's decision, the Alaska Department of Fish and Game (ADF&G) submitted a Request for Reconsideration 96-06, which was rejected by the Board.

1996 — Proposal 96-55, submitted by the ADF&G, requested to exclude Cane Creek and Red Sheep Creek from the Federal closure area. The analysis of Proposal 96-55 included the results of an Arctic National Wildlife Refuge monitoring project: In a 30-day period during the previous sheep hunting season, forty-two aircraft events by guides based in Red Sheep Creek, who were guiding hunts in drainages east of Red Sheep Creek, were observed. The Board rejected the proposal, expressing disappointment with the absence of dialogue between the State and Arctic Village.

2005 — A 2005 analysis of the Federal closure of the Unit 25A sheep regulations for the Management Area was conducted by OSM staff. The closure was evaluated using three criteria: 1) How the current

resource abundance is related to the management objectives for the species, 2) the current resource population trend, and 3) the current hunter harvest trend and/or hunter effort. OSM staff reached a preliminary conclusion that there was no current need for the regulatory closure based on the evaluation of the three criteria, and recommended the affected Councils initiate a proposal to modify or eliminate the closure. OSM staff presented the closure review analysis at the fall 2005 Council meetings. The North Slope and Eastern Interior Regional Councils recommended maintaining the closure after reviewing the closure analysis at their fall 2005 meetings. The Councils felt that the information presented in the closure review analysis did not support the need to eliminate the closure.

Justification for original closure (Section 815(3) criteria): The Board established the AVSMA in 1991 in response to concerns raised by residents of Arctic Village, who felt that non-Federally qualified hunters interfered with sheep hunting by Arctic Village residents. In 1995, the Board extended the original boundary of the AVSMA to include the Cane Creek and Red Sheep Creek drainages, but then eliminated these areas from Federal closure in 2007. The Board also established the management area to facilitate better harvest reporting. The AVSMA was established in response to social concerns of Federally qualified users to continue subsistence uses (Section 815(3) criteria), and not in response to any biological concerns about the status and trends in the sheep population.

ADF&G Comments on WP12-76
August 31, 2011; Page 1 of 2

Alaska Department of Fish and Game
Comments to Regional Advisory Council

Wildlife Proposal WP12-76: Reclose a portion of Unit 25A sheep hunt to non-federally qualified users.

Introduction: This proposal requests reclosing the Red Sheep Creek and Cane Creek drainages to non-federally qualified sheep hunters. The proponent indicates recent non-federally qualified hunters have interfered with traditional subsistence uses and practices of Arctic Village residents. The proponent also indicates if this proposal is adopted, trespass issues will be eliminated and the sheep population will retain more of its full-curl rams which contribute to breeding.

Red Sheep and Cane creeks drainages were reopened to non-federally qualified hunters by emergency action (WSA 06-03) in July 2006. The Federal Subsistence Board could not justify maintaining the closure based upon their closure policy.

Impact on Subsistence Users: Little or no effects. Harvest history indicates few of any residents harvest sheep from the Red Sheep Creek and Cane Creek drainages under state or federal subsistence regulations. If adopted, the Residents of Arctic Village will have sole access to these populations of sheep.

Opportunity Provided by State: State sheep hunting regulations for 25A east of the Middle Fork of the Chandalar River follow:

> Unit 25A - One ram with full curl horn or larger with a harvest ticket between August 10 and September 20. Nonresident hunters must be accompanied by a registered guide. or
>
> Three sheep by permit RS595 available online or in person in Fairbanks and Kaktovik beginning September 21 for season between October 1 and April 30. The use of aircraft for access to hunt sheep and transport harvested sheep is prohibited in this hunt except into and out of Arctic Village and Kaktovik airports. No motorized access from Dalton Highway.

Conservation Issues: None

Enforcement Issues: If this proposal is adopted, federal agencies will be responsible for enforcement of this closure.

Other Comments: Section 815(3) of ANLICA authorized a restriction of taking of fish and fish and wildlife for nonsubsistence uses on the public lands (other than national parks and park monuments) unless necessary for the conservation of healthy populations of fish and wildlife, for the reason set forth in section 816, to continue subsistence uses of such populations, or pursuant to other applicable law. The sheep populations in Red Sheep Creek and Cane Creek drainages are healthy and can support harvest of both

federally qualified and non-federally qualified users. This closure is not necessary for continuation of subsistence users for the residents of Arctic Village.

Recommendation: Oppose.

GATES OF THE ARCTIC NATIONAL PARK
SUBSISTENCE RESOURCE COMMISSION
c/o 4175 Geist Road
Fairbanks, AK. 99709
(907) 455-0631 or FAX (907) 455-0601

December 8, 2010

Dear Federal and State Advisory Council and Committee Coordinators:

The Gates of the Arctic National Park and Preserve Subsistence Resource Commission met in Fairbanks on November 9-10, 2010 at Sophie's Station Hotel. The commission adopted the attached hunting plan recommendation 10-01 by unanimous vote, to be submitted for implementation as authorized pursuant to the requirements of Section 808 of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980. The Commission desires comments from affected Local Advisory Committees, Regional Advisory Councils, and the interested public on the draft recommendation. Please see the attached draft hunting plan recommendation and distribute to the councils/commissions that you serve as coordinator. All comments should be sent to the SRC (at the address above) no later than March 15, 2011.

Recommendation 10-01, is a recommendation for science-based management of big game populations based on health and sustainability. It identifies issues that are currently affecting resource health using the 2008 State of Alaska– Federal Subsistence Board, Memorandum of Understanding (MOU), regarding respective statutory mandates. This recommendation highlights conservation concerns for all Subsistence Resource Commissions (SRCs) and Regional Advisory Councils (RACs) through out Alaska. These issues need to be addressed in response to the State-Federal review of the MOU, and to demand adherence to ANILCA Title VIII mandates for resource health using science for conservation. The Federal public lands are to be managed strictly using science, the State Board of Game can choose not to.

The Gates SRC is very concerned about the rapidly growing sport hunting that has occurred recently. The State Alaska Board of Game (March 2010) liberalized caribou harvest for caribou associated with the Dalton Highway in Game Management Unit (GMU) 26B, raising the bag limit 150% and dramatically lengthening the season. This is in addition to the continually growing use for hunting this area has seen in the past 20 years. The effect of this regulatory change has been not only to draw additional hunters for caribou, but also to raise hunter impacts on other species as well. Additional air transporters and private aircraft will increase hunting pressure, affecting resident and migratory big game species relied up on by local residents.

Populations of caribou and moose in other parts of Alaska have declined significantly in the past 10 years. Many populations were exposed to compromised health under State of Alaska regulations. Populations of male caribou and moose experienced harvest rates that exceeded known scientific principles for sustained yield. The ever-

growing demand for these limited big game resources will now expand to the areas associated to the Brooks Range.

The large demand by various interests can lead the Alaska Board of Game to allow regulations that exceed recognized scientific principles for conservation of healthy ungulate populations. The Alaska National Interest Lands Conservation Act (ANILCA) Title VIII mandates federal land managers to use science in resource management and to assure conservation of healthy game populations. Congress was aware that competing interests could and did threaten game populations and the local users that rely on them. Congress intended federal managers to oversee and preclude harvest by non-subsistence use if it jeopardizes conservation.

This recommendation 10-01, would develop guidelines using contemporary scientific studies as well as management plans that define healthy conservation management of big game on the federal public lands. The resources, public, and subsistence users will all benefit from wise scientific conservation management, as required in ANILCA statutes.

Sincerely,

Pollock Simon Sr., Gates of the Arctic SRC Chair

/S/ Pollock Simon

Jack Reakoff, Gates of the Arctic SRC Vice-Chair

/S/ Jack Reakoff

Cc:
Federal Regional Advisory Councils:

Western Interior
Northwest Arctic
North Slope

State of Alaska Fish/Game Advisory Committees
Kobuk River AC
Kobuk Valley AC
North Slope AC
Koyukuk AC

Sue Masica, Alaska Region NPS Director

Sean Parnell, State of Alaska Governor

Pollock Simon, Sr. (Chairperson), Jack Reakoff (Vice-Chairperson), Levi Cleveland, Taquik Hopa, Tim Fickus, Rachel Riley, Louie Commack, James Nagozk, and Chris Zwolinski

GATES OF THE ARCTIC NATIONAL PARK
SUBSISTENCE RESOURCE COMMISSION
c/o 4175 Geist Road
Fairbanks, AK. 99709
(907) 455-0631 or FAX (907) 455-0601

November 24, 2010

Gates of the Arctic Subsistence Resource Commission

Hunting Plan Recommendation 10-01

A recommendation that would require populations of big game to be managed as intended ANILCA, using recognized scientific principles for health and sustainability.

Gates of the Arctic National Park and Preserve staff, in consultation with the Gates of the Arctic SRC, will develop healthy population compositions for (but not limited to) caribou, moose, Dall Sheep and grizzly bears. Gates staff will use wildlife management literature that is based on recognized scientific principles to define healthy populations that maintain genetic variety and healthy male to female ratios (the number of adult males needed for healthy populations). These population compositions will sustain healthy wildlife populations over time and will allow for continued subsistence harvest.

In addition to defining healthy population compositions, Gates staff will also define minimum population threshold objectives, based on recognized scientific principles (which will be adhered to as mandates not guidelines) to maintain health and sustainability of populations. When thresholds are reached for a given species, the Gates of the Arctic Superintendent will close further harvest (allowed under State of Alaska general hunting regulations) that jeopardizes the health of a wildlife species and Federal C&T subsistence uses on NPS lands. Federal subsistence uses shall continue under Federal regulations for the species if supported biologically. The eligible local subsistence users that rely upon those resources will be prioritized. The management envisioned and mandated by congress has the least adverse impact to continued subsistence uses.

The National Park service will encourage a memorandum of understanding with the State of Alaska that requires the management of fish and wildlife populations for health and sustainability using recognized scientific principles as required in ANILCA. This MOU will be the standard for all future State –Federal Memorandum of Understandings.

ANILCA Title II sec. 201 (4)(a) Gates of the Arctic National Park and Title VIII prioritize a protection of the resources and the use of them. The Gates of the Arctic SRC recommends under our authority found in Title VIII sec. 808 (a) & (b), that the Secretary of Interior addresses these concerns promptly. These objectives for defining population health on National Park Service lands shall be accomplished by regulatory year 2012-13.

The Issues are:

Congressional intent for ANILCA management of fish and wildlife in accordance with recognized scientific principles and the purposes for each conservation unit's establishment is not being accomplished.

The current Federal management has taken a subservient roll to the State of Alaska's process. The

Memorandum of Understanding between the Federal Subsistence Board and the State of Alaska allows the State to deplete populations through maximum uses of fish and wildlife resources that are relied upon by rural subsistence users. In many instances, fish and wildlife resources are harvested at maximum, or exceeding maximum under State regulations, mainly by non-subsistence users, in a manner inconsistent with ANILCA mandated recognized scientific principles of fish and wildlife management. There is an ever-growing demand by non-subsistence users for limited ungulate resources.

Over use of the males in the harvest causes reproductive failure (late born calves, lower survivorship to adult hood, and population declines). These practices deplete the healthy breeding structure and herds are threatened and usually decline. There are many ungulate populations in Alaska that are in this condition, especially caribou. Subsistence and other users are then restricted from harvesting customary resources, so that populations can be rebuilt to healthy levels.

Congress Stated this scenario in ANILCA TITLE VIII-SEC 801 (3) continuation of the opportunity **for subsistence uses of resources on public and other lands in Alaska is threatened** by the increasing population of Alaska, with resultant pressure on subsistence resources, by sudden decline in the populations of some wildlife species which are crucial subsistence resources, by increased accessibility of remote areas containing subsistence resources, **and by taking of fish and wildlife in a manner inconsistent with recognized principles of fish and wildlife management** (emphasis added).

Congress mandated that the Federal managers adhere to sound management according to recognized scientific principles; SEC 802. **It is hereby declared to be the policy of Congress that—(l) consistent with sound management principles, and the conservation of healthy populations of fish and wildlife,** the utilization of the public lands in Alaska is to cause the least adverse impact possible on rural residents who depend upon subsistence uses of the resources of such lands; **consistent with management of fish and wildlife in accordance with recognized scientific principles and the purposes for each unit established,** designated, or expanded by or pursuant to titles II through VII of this Act, the purpose of this title is to provide the opportunity for rural residents engaged in a subsistence way of life to do so (emphasis added).

National Park Service and other Federal agencies are held to the specific standard of fish and wildlife management as mandated in ANILCA. Therefore, Federal fish and wildlife management must maintain healthy populations, a variety of genetics, representation of healthy age structure, and healthy sex ratios. State management typically maximizes harvest of most of the older males, skewing the ratio to very few young males and smaller phenotypes. This is nether healthy or natural. In many instances, in recent State of Alaska management history, the male to female ratios were depleted far below recognized scientific principles and herd viability was seriously compromised and declined (e.g., Mulchatna caribou herd and moose populations in the Kuskokwim River Drainage).

The Federal-State of Alaska Memorandum of Understanding (MOU) is to be reviewed by the Federal Subsistence Board (FSB), with consultation of the RAC's, as mandated by recent DOI review. This is to occur immediately in the next few months. The Federal Subsistence Board acknowledges that the current MOU causes Federal agencies to take a subservient management roll to the State of Alaska. The FSB reply to the Western Interior Regional Advisory Council, dated July 22, 2010, regarding the need to develop comprehensive management strategies for ungulate species Stated, **"...However, the board has elected to work with the State to coordinate efforts to address population declines and other wildlife issues Statewide, generally using State developed management objectives."**

The State of Alaska and Federal agencies have very different wildlife management objectives. Currently, the State interprets Alaska's Constitution for managing replenishable resources to mean managing for "maximum yield" (actually, Alaska's Constitution requires the State to manage for "sustained yield") and

does not recognize local rural subsistence priority uses. Federal agencies, on the other hand, are supposed to manage for "healthy populations and continued subsistence uses." With the current MOU in place, Federal management takes a subservient role to State wildlife management objectives.

The Alaska Board of Game does not always **choose** to adhere to recognized scientific principles. ANILCA requires the Federal managers to be proactive in assuring healthy populations of fish and wildlife. Currently, Federal managers are not "managing" until there is a problem. Reacting to over harvested populations caused by State management regulations, is not achieving ANILCA mandates or the intent of Congress. Federal wildlife management does not begin once populations are put into crisis by overharvest caused by State regulations, but before. Continual Subsistence uses need to have game populations health maintained for sustainability, and consistency.

If the State Board of Game **chooses** to manage wildlife with out regard to recognized healthy principles (sustained yield), it is incumbent upon the Federal Management System to preempt State regulations that threaten populations and their subsistence uses. Managing species using healthy population compositions and minimum population threshold objectives does not threaten the State's mandate for sustained yield; it complements it. Federal and State management systems both have to take a healthy stance managing Alaska's fish and wildlife and agree upon the statutory mandates that require it in the future MOU's.

The Federal Subsistence Program, Federal agencies, and NPS in particular, need to take a proactive stance in management on the Federal public lands. The MOU with the State should be crystal clear, stating a strong adherence to the ANILCA mandates. If the State regulatory process chooses to over harvests fish and wildlife populations, Federal managers, and the Federal Subsistence Board is required by ANILCA to use preemptive closures.

Cc.
-Secretary of Interior & Pat Pourchot Special Assistant for Alaska Affairs
-Governor of Alaska
-Regional Director for NPS Alaska
-Regional Director for USFWS Alaska
-Regional Director for BLM Alaska
-Regional Forester Alaska
-Regional Director BIA
-Federal Subsistence Board Chair Person.
-All Subsistence resource commissions in Alaska
-Western Interior Alaska Regional Advisory Council & all nine other RAC chairs in Alaska.
-AFN co-chairs
-TCC
-AVCP

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STATUS REPORT ON THE SECRETARIAL RECOMMENDATIONS TO THE FEDERAL SUBSISTENCE MANAGEMENT PROGRAM

"Subsistence is of critical cultural as well as nutritional importance to rural Alaskans, and I take seriously the responsibility for carrying out the mandate of Title VIII of ANILCA to provide opportunities and priority for subsistence uses on Federal lands and waters."

Secretary Salazar, December 2010

Implementation of a subsistence program that fulfills the obligations of the U.S. Government to rural families is important to me. The Federal Subsistence Management Program in Alaska aligns closely with the mission of the U.S. Department of Agriculture's (USDA) mission and embodies key priorities that include sustaining the livelihood of rural families, ensuring access to healthy and affordable food, providing jobs in rural communities, sustaining cultural and traditional ways of life, and strengthening relationships with Alaska Native tribes.

Secretary Vilsack, April 2011

In 2009, the Secretaries of Interior and Agriculture announced a review of the Federal Subsistence Management Program, acknowledging that it was no longer temporary, and stating that there was value in examining the program. Their stated goals were to look ahead to plan for the future of the program to ensure that it is best serving rural Alaskans and that the letter and spirit of Title VIII of ANILCA are being met. The review began in November 2009, and preliminary recommendations were released in August 2010.

In December 2010 the Secretary of Interior with concurrence from the Secretary of Agriculture announced the results of their review and provided several recommendations to the Federal Subsistence Board towards the purpose of providing a more responsive, effective program.

All of these recommendations can be implemented by the Secretary of the Interior or by the Secretary with concurrence of the Secretary of Agriculture, or by the Federal Subsistence Board. Most can be accomplished as a matter of Secretarial directive or policy. However, some would be regulatory changes requiring a formal rule-making process. The Federal Board prioritized the recommendations and began working on a subset in December 2010. Work is proceeding as follows:

1. Develop a proposed regulation to increase the membership on the Federal Subsistence Board to include two additional public members representing subsistence users.

    - **Status**: A Final Rule has been published in the Federal Register. The language adopted by the Secretaries is as follows:

      "(1) The voting members of the Board are: … two public members representing rural Alaskan subsistence users who possess personal knowledge of and direct experience with subsistence uses in rural Alaska to be appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture."

    - The Secretaries will be seeking applications/nominations for the two seats and are hoping to have the two positions seated by January 2012.

2. As a matter of policy, expand deference to appropriate RAC recommendations in addition to the "takings" decisions of the Board provided for under Section 805(c) of ANILCA, subject to the three exceptions found in that Section.

    - **Status:** The Board is still in the process of considering expanding its deference to Regional Advisory Council recommendations to matters beyond take. The Board is generally supportive of expanding deference to Councils on C&T and has yet to determine whether or not it is sufficient to reflect this perspective in policy or if rulemaking needs to be pursued. With regard to deference on rural determinations, the Board is continuing to learn the intricacies of the regulations and the process, and is exploring whether or not deference regarding rural determinations is appropriate given Court findings. Finally, with regard to deference on in-season management decisions, the Board understands that because in-season management decisions often must be made quickly in response to newly obtained information, deference to Council recommendations will occur only when time and conservation allow.

3. Review, with RAC input, the December 2008 Memorandum of Understanding (MOU) with the State to determine either the need for the MOU or the need for potential changes to clarify federal authorities in regard to the subsistence program.

    - **Status:** The MOU was provided to all ten Regional Advisory Councils for comment during winter 2011 meeting cycle. Council comments were summarized and reviewed by the Board in summer 2011. The Board has directed that the changes recommended by the Councils be examined by a work group comprised of both state and federal members, with a report back to the Board and final action on proposed changes by December 2011.

4. Review, with RAC input, the customary and traditional use determination process and present recommendations for regulatory changes.

    - **Status**: All ten Regional Advisory Councils were asked for their perspectives on the existing process during the Winter 2011 meeting cycle. These comments were summarized and reviewed by the Board in May 2011. Because most comments were generally supportive of the existing process, the Board is focusing its energies on other action items at this point in time.

5. Review, with RAC input, rural/nonrural determination process and present recommendations for regulatory changes.

    - **Status:** The Board held a work session in April to learn about rural process, and is continuing to learn the intricacies of the regulations and the process. In response to the Secretarial Review, the Board is exploring whether or not it can delay the implementation date for the communities or areas which were rural and were determined to be nonrural during the 2000 review process. The Board is evaluating how best to proceed in conducting the 2010 rural determination process.

6. Review the Board's written policy on executive sessions and minimize the use of executive sessions to those cases specifically prescribed.

- **Status:** The Board has revised its Executive Session policy to reflect that it intends to keep its business transparent, and will provide a summary of Executive Sessions as and when they occur. The Board adopted its revised policy at its May 2011 meeting.

7. At the request of the Director of the US Fish and Wildlife Service and under Departmental procedures, review and submit recommendations for Departmental consideration of the annual budget for the Federal subsistence program. Under this directive, the following elements (gleaned from the Secretarial Review comments) are recommended as a focus:

   a. Hold Federal Subsistence Board meetings in rural areas

      - **Status**: Pending Additional funding

   b. Increase Training and support to Regional Advisory Councils

      - **Status**: Implement when funding and staffing allow.

   c. Implement Wildlife Monitoring Studies

      - **Status:** Pending additional funding

   d. Increase Tribal Consultation

      - **Status:** In Progress (see written briefing)

   e. Increase capacity within Office of Subsistence Management for research and implementation

      - **Status:** Pending additional funding

   f. Reinstate the annual regulatory cycle

      - **Status:** The Board sees the value of every other year cycle, but may be open to reinstating the annual cycle should funding allow.

The Federal Board has not yet begun work on the following directives:

8. Review, with RAC input, and present recommendations for changes to Federal subsistence procedural and structural regulations (Parts A&B of the CFRs) adopted from the State in order to ensure Federal authorities are fully reflected and in accord with subsistence priorities provided for in Title VIII.

9. Ensure the Secretaries are informed when non-Department rule-making entities develop regulations that may adversely affect subsistence users.

10. To the extent practicable, utilize contracting and use of ANILCA Section 809 cooperative agreements with local tribes and other entities in the Board's review and approval of proposals for fulfilling subsistence program elements.

BUDGET IMPLICATIONS

The Secretary's 2010 Report recognizes that the Federal program will be in place for the foreseeable future and as such, it must fulfill the commitments made in ANILCA relative to providing for the rural subsistence priority. In light of the Secretary's emphasis on the Federal Subsistence Management Program and resultant heightened expectations of rural Alaskans, additional funding is needed for the Federal Subsistence Management Program to implement many of the Secretarial Recommendations. Unfortunately, funding in 2012 and beyond is likely to be flat or reduced; this will affect the ability of both the Board and the Program to deliver on certain of these recommendations.

BRIEFING ON TRIBAL CONSULTATION

As discussed with the Regional Advisory Councils at the Winter 2011 meetings, the Federal Subsistence Board has been taking steps to formally incorporate tribal consultation into the Federal Subsistence Management Program, while maintaining the established role of the Councils. This action is consistent with the Secretaries of the Interior and Agriculture's renewed emphasis on respectful relationships with tribes.

Towards this end, Tribes were invited to participate in the January 18–21, 2011 Federal Board meeting. Invitations were sent to all Federally recognized Tribes in Alaska, as well as ANCSA corporations[1]. The invitations were twofold: Tribes and ANCSA Corporations were invited to provide comments on the fisheries proposals and they were also invited to a meeting on the 21st to discuss development of a consultation protocol for the overall Federal Subsistence Management Program. The meeting on the 21st was generally a listening session, and the Board recognized that development of specific consultation mechanisms would require further meetings between the Federal Subsistence Board and Tribes and ANCSA Corporations. The Board's goal is to work with Tribes and ANCSA Corporations to develop a consultation policy for the subsistence management program, consistent with Departmental policies.

At its May 4–5, 2011 meeting, the Federal Subsistence Board reviewed the summary of comments from the January 21st meeting, and directed that a workgroup comprised of a small number of Federal and tribal representatives be formed to develop a draft protocol(s) on consultation for the Board's review. The workgroup held an initial meeting in June 2011 to begin developing interim protocols to guide consultation between the Federal Subsistence Board and Tribes and ANCSA corporations.

In July 2012, the Board approved two interim protocols, one for Tribes and one for ANCSA Corporations; these will guide consultation efforts through the wildlife cycle. The interim protocols (included in the Council books), and an accompanying letter, were sent out to all Tribes and ANCSA Corporations in July. The Workgroup is continuing to work on drafting the final protocols, and multiple opportunities will be provided for Tribal and ANCSA Corporation involvement and review of the draft documents. It is hoped that the final protocols will be ready in time for the Board to adopt at its May 2012 meeting. A few key dates and events in the development of final protocols are as follows:

- October 20, 2011—Consultation with ANCSA Corporations at AFN
- December 1, 2011—Consultation with Federally recognized Tribes at the BIA Tribal Service Providers Conference
- January 17–19, 2012—Federal Subsistence Board meeting in Anchorage, discussion of draft protocols on the agenda

[1]Consultation with Alaska Native corporations is based on Public Law 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: "The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175." See also 25 USC Section 450, note.

Final as adopted by Federal Subsistence Board: July 12, 2011

U. S. Department of Interior

& U.S. Department of Agriculture

FEDERAL SUBSISTENCE BOARD

INTERIM PROTOCOL

FOR

GOVERNMENT-TO-GOVERNMENT CONSULTATION

The United States Government has a unique relationship with American Indian governments as set forth in the Constitution of the United States, treaties, statutes, court decisions, executive orders and policies. In recognition of that special relationship, on November 6, 2000, the President issued Executive Order 13175 (Consultation & Coordination with Indian Tribal Governments), which provided guidelines to all Federal agencies for establishing regular and meaningful consultation with Tribal officials in decision-making processes that may have Tribal implications. On November 5, 2009, a Presidential Memorandum was issued pursuant to Executive Order 13175, reaffirming the Federal government's commitment to operate within a government-to-government relationship with federally recognized tribes. Pursuant to the direction provided by the Secretaries of Interior and Agriculture, this document lays out an interim protocol for consultation between the Federal Government and Federally recognized Tribal Governments located in Alaska for the Federal Subsistence Board process.

The following **interim** protocol sets out a framework for consultation during the 2011 cycle of the Federal Subsistence Management Program with respect to: 1) the 2012-2014 wildlife regulatory proposals and 2) the Government-to-Government Subsistence Consultation Protocol.

1. Each federally recognized Tribe will be sent a letter from the Federal Subsistence Board inviting consultation on all 2012-2014 wildlife regulatory proposals. The letter will:
    a. Explain the interim consultation process and the need for this interim consultation effort regarding the 2012-2014 wildlife regulatory proposals.
    b. Explain that the final consultation protocol is expected to be in place by May 2012 in time to be implemented for the fisheries regulatory cycle process.
    c. Inform the Tribes of the face-to-face consultation opportunity focusing on the consultation protocol during the Tribal Service Providers Conference on the afternoon of December 1, 2011 in Anchorage.
2. Government-to-government consultation will take place regarding the 2012-2014 wildlife regulatory proposals during the August 15 through September16, 2011, timeframe.
    a. Conduct a consultation via teleconference for each Federal Subsistence Regional Advisory Council area prior to the Regional Advisory Council meeting.
        i. At least four Federal Subsistence Board members or their designees will participate in each teleconference.

Final as adopted by Federal Subsistence Board: July 12, 2011

ii. Federal officials will receive training on principles and practices of government-to-government consultation prior to participating in the teleconferences.
iii. A Tribal official and Federal official will be selected during the consultation to jointly report the results of the consultation to the Federal Subsistence Regional Advisory Council.

3. An in-person government-to-government consultation will be held the day prior to the January Federal Subsistence Board meeting regarding wildlife regulatory proposals and the May Board meeting regarding the consultation protocol.

Final as adopted by Federal Subsistence Board: July 12, 2011

FEDERAL SUBSISTENCE BOARD

INTERIM PROTOCOL

FOR

GOVERNMENT-TO-ANCSA-CORPORATIONS CONSULTATION

Pursuant to the direction provided by the Secretaries of Interior and Agriculture, this document lays out an interim protocol for consultation between the Federal Government and Alaska Native Claims Settlement Act (ANCSA) Corporations.

ANCSA Corporations, by mandate of the 25 USC §450 note (Consultation with Alaska Native corporations), must be consulted with by the Federal Subsistence Board with respect to: 1) the 2012-2014 wildlife regulatory proposals and 2) the Government-to-ANCSA-Corporations Subsistence Consultation Protocol.

Interim Consultation Protocol:

1. Each ANCSA corporation will be sent a letter from the Federal Subsistence Board inviting consultation on all 2012-2014 wildlife regulatory proposals.
   The letter will:
   a. Explain the interim consultation process and the need for this interim consultation effort regarding the 2012-2014 wildlife regulatory proposals.
   b. Explain that a final protocol is expected to be in place by May 2012, in time to be implemented for the fisheries regulatory cycle process.
   c. Mention the Board's interest in having a presentation made about the consultation protocol at the AFN convention.
2. Two dates will be scheduled for a government-to-ANCSA-corporations consultation teleconference opportunity prior to August 22, 2011.
   a. ANCSA corporations can choose to consult at either or both teleconferences.
   b. At least four Federal Subsistence Board members or their designees will participate at each consultation.
   c. ANCSA corporations and Federal agencies will each appoint a representative to report the results of consultation to each of the 10 Federal Subsistence Regional Advisory Councils during the fall 2011 Regional Advisory Council meetings.

National Park Service Updates

Compiled by Marcy Okada, Program Manager for Subsistence and Ethnography, Gates of the Arctic National Park and Preserve

- The Gates of the Arctic National Park and Preserve Subsistence Resource Commission (SRC) held a two day meeting at the Shungnak School library in Shungnak, Alaska on May 11 & 12, 2011. The SRC took the following actions: the SRC carried a motion to have SRC meeting minutes distributed to all tribal councils throughout the GAAR communities. The SRC is currently constructing a letter to the Secretary of the Interior regarding an increase in Alaska per diem (Hunting Plan Recommendation 11-01). Lastly, the SRC reviewed and commented on pertinent Federal wildlife proposals.

- The next Gates SRC meeting is scheduled for November 9 & 10 in Fairbanks at the Sophie Station Hotel. A detailed agenda will be sent out closer to the date of the meeting.

- The NPS—in cooperation with ADFG, BLM and FWS—will be deploying 14 additional GPS collars on Western Arctic Herd (WAH) caribou at Onion Portage this September. Since 2009, NPS has collected over 90,000 locations from 54 different caribou.

- ADFG revised the previous (2009) estimate of the size of the WAH down to 348,000 caribou. It now appears that the herd has been in decline since reaching a population high of about 490,000 around 2003.

- The NPS is developing long-term monitoring programs to estimate Dall's sheep abundance in six of Alaska's national parks and preserves. In 2009 and 2010, surveys were conducted across Gates of the Arctic National Park and Preserve (GMUs 23 east, northern 24B, southeastern 26A and southwestern 26B). The 2010 survey results showed numbers approaching the minimum counts of the early 1980s with ~9,000-10,000 sheep across Gates and ~1800 sheep in the Itkillik Preserve of northeastern Gates. Similar surveys were conducted in July 2011 in the Itkillik Preserve, Noatak National Preserve (GMU 23 including the Delong, Baird, western Schwatka and Wulik Mountains), Denali National Park and Preserve and Wrangell-St. Elias National Park and Preserve. Results from 2011 will be available prior to the November BOG meeting. The NPS and ADF&G may repeat surveys in 2012 in some areas of GMU 23, such as the western Baird Mountains and Wulik Mountains, where local observations indicate that harsh winter conditions in 2010-2011 may have reduced sheep numbers. Different sex and age class numbers, including large rams, will be estimated as more data are collected. A scientific paper about the methods and results of the 2009 and 2010 surveys in Gates will be available in an upcoming edition of the Journal of Wildlife Management. NPS contacts: Kumi Rattenbury 907-455-0673 and Josh Schmidt 907-455-0661.

  The yellow-billed loon is a species of concern with a global population estimate of 16,650-21,000 (Fair 2002, Earnst 2004). In 2009 and in 2011, the Arctic Network of the National Park Service Inventory and Monitoring Program in cooperation with the U.S. Fish and Wildlife Service implemented a pilot study to test methods for aerial surveys of yellow-billed loons (*Gavia adamsii*) in Bering Land Bridge National Preserve (BELA) and Cape Krusenstern National Monument (CAKR). The breeding range of yellow-billed loons is restricted to large lakes (>7 hectares) (North and Ryan 1989) in the Arctic Coastal Plain of Alaska and in western Alaska on the Seward Peninsula; an area which includes these park units. Population estimates for these

loons in BELA and CAKR represent about 20% of the U.S. population (Schmutz pers. comm. 2008).

We conducted the surveys in accordance with protocols designed specifically for these loons by U.S. Fish and Wildlife Service (Mallek et al. 2005, Bollinger et al. 2007). Using tandem Aviat Husky aircraft, we flew an occupancy survey in June to count adults and nests, and a productivity survey in late August to count members of family groups. Each survey covered the same twenty-four plots distributed among the two park units. In 2009, a total of 186 adults (BELA n=178, CAKR n=3) and 14 (BELA n=13, CAKR n=1) nests were counted during the occupancy survey. The productivity survey documented 88 adults (BELA n=83, CAKR n=5), 15 juveniles (BELA) and 49 individuals in mixed-aged flocks (BELA).

2011 data are still being compiled but these surveys were conducted with two Husky Aviat aircraft and two crews. Of note was the reliable identification of Arctic loons from the air, a fete that was not considered possible. This species were considered indistinguishable from the air from the very similar and more commonly distributed Pacific loon. In addition, many more total loons and nests were detected than in 2009 and in previous U.S. Fish and Wildlife Service surveys. It is thought that the tandem seated Husky aircraft, which can fly lower and more slowly than the Cessna 206, is the reason for the improvement in sightability of loons and is a better tool for conducting these surveys.

- The NPS has begun its internal review process on the draft Subsistence Collections and Uses of Shed or Discarded Animal Parts and Plants from NPS Areas in Alaska document. This document addresses the customary uses of shed horns and antlers and the collection of plant materials for use in handicrafts. There will be a public comment period for this document in the next few months.

- The Arctic Inventory and Monitoring Program will have a detailed protocol on air quality monitoring in Bettles completed this fall. Air quality samples have been submitted to the National Atmospheric Deposition Program and the Mercury Deposition Network for analysis and summarization.

- Based on the Environmental Assessment (EA) for the Arctic Network Climate Monitoring Program, 17 climate monitoring stations will be installed in Gates of the Arctic National Park and Preserve (4 sites), Noatak National Preserve (6 sites), Kobuk Valley National Park (1 site), Cape Krusenstern National Monument (2 sites), and Bering Land Bridge National Preserve (4 sites). Nine of the seventeen sites were installed in the summer of 2011, including 3 in Bering Land Bridge, 2 in Cape Krusenstern, 3 in Noatak, and 1 in Kobuk Valley. An additional eight stations will be installed in the summer 2012, including 4 in Gates of the Arctic, 3 in Noatak, and 1 in Bering Land Bridge.

- The Ethnography program continued work on developing resident-zone web portals for electronic access and delivery of area-related bibliographic, film, photo, and museum collections housed principally at the University of Alaska Fairbanks. This past spring, visits and presentations were made in Shungnak and Kobuk, Alaska. Elders and residents from the communities of Shungnak and Kobuk will be traveling to Fairbanks in November to view more community-related documents. This intellectual repatriation effort is aimed at sharing the wealth of knowledge derived from local communities that is too often unavailable in the villages of origin.

- The first phase of a multi-year NPS funded project on Anaktuvuk Pass caribou traditional ecological knowledge is wrapping up. Grant Spearman has finalized the first component of the project entitled "The Last Great Hunt" and the second component focused specifically on caribou traditional knowledge will be completed by Sverre Pedersen sometime in November.

- A multi-year NPS funded local and traditional knowledge study (TEK) is underway in 2011 with year 2 of the three year project focusing on Kuuvanmiit knowledge of caribou. A scoping meeting was conducted this past spring in the community of Kobuk to document local and traditional knowledge of Upper Kobuk River communities. Interviews were conducted in Kobuk with elders and knowledgeable hunters. The interviews have been transcribed and are being organized and analyzed.

- Gates of the Arctic National Park and Preserve is in the process of updating the 1986 General Management Plan (GMP). Changes affecting management of Gates of the Arctic require an update to the 23-year-old GMP, including emerging issues such as climate change, land status changes resulting from the 1996 Anaktuvuk Pass land exchange, the opening of the Dalton Highway to public access, and technological changes such as satellite phones, personal locator beacons, use of global positioning systems, and others.

For more Information regarding Gates of the Arctic National Park and Preserve, please contact: (907) 457-5752

For more information regarding Gates of the Arctic National Park and Preserve Subsistence Program, please contact: Marcy Okada, Program Manager for Ethnography and Subsistence: (907) 455-0639

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August 30, 2011

Dear NW Arctic Council members,

At this time, Gates of the Arctic National Park and Preserve's Subsistence Resource Commission would like to reappoint Louie Commack Jr. as a commissioner for another three year term. Louie has served as chairman to the Upper Kobuk Advisory Committee for 26 years and is currently on the committee as a member. Louie has participated actively on the Gates SRC and has extensive knowledge of both state and federal fish and wildlife regulations. His interests lie in the present decisions made surrounding the road to the Ambler Mining District.

Thank you for your time,

Marcy Okada

Subsistence and Ethnography Program
Gates of the Arctic National Park and Preserve
Yukon-Charley Rivers National Preserve

Pollock Simon, Sr. (Chairperson), Jack Reakoff (Vice-Chairperson), Levi Cleveland, Taqulik Hepa, Tim Fickus, Rachel Riley, Louie Commack, James Nageak, and Chris Zwolinski

Arctic Refuge Draft Revised CCP Now Available

Arctic National Wildlife Refuge released its draft revised Comprehensive Conservation Plan (CCP) and draft Environmental Impact Statement (EIS) for public review and comment on August 15, 2011. The CCP is the document that guides long-term management of the Refuge.

The draft revised CCP/EIS incorporates new information and changes in laws, policies, and Refuge conditions that have occurred since the original plan was completed in 1988. The draft also includes a vision statement, a set of management goals and objectives, revised management guidelines, a set of six alternatives, a wilderness review, and a wild and scenic river review. Alternatives focus on potential wilderness and wild river recommendations and management of the Kongakut River.

While the draft plan would make numerous changes to existing management, day-to-day public use of the Refuge would not incur substantial changes. Subsistence opportunities would continue, and public access and uses would remain essentially the same as now.

Public comments are now being accepted about the draft revised CCP/EIS. The most useful comments will be about specific content in the CCP and important points that were missed. Public comments must be received by November 15, 2011.

To provide comments, and for more information, visit the Refuge website: http://arctic.fws.gov/ccp.htm. Comments may also be submitted to ArcticRefugeCCP@fws.gov, or to: U.S. Fish and Wildlife Service, Arctic NWR – Sharon Seim, 101 12th Avenue, Room 236, Fairbanks, AK 99701.

2011 Meeting Dates

Fairbanks (open house)	Aug 24
Venetie	Sept 1
Anchorage (open house)	Sept 20
Anchorage (public hearing)	Sept 21
Arctic Village	Oct 4
Fairbanks (public hearing)	Oct 19
Kaktovik	Oct 25
Fort Yukon	Oct 28

Winter 2012 Regional Advisory Council Meeting Calendar

February–March 2012 current as of 09/26/11

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Feb. 12	*Feb. 13* *Window Opens*	*Feb. 14*	*Feb. 15*	*Feb. 16*	*Feb. 17*	*Feb. 18*
			NS—Barrow			
Feb. 19	*Feb. 20* ***HOLIDAY***	*Feb. 21*	*Feb. 22*	*Feb. 23*	*Feb. 24*	*Feb. 25*
				YKD—Emmonak		
Feb. 26	*Feb. 27*	*Feb. 28*	*Feb. 29*	*Mar. 1*	*Mar. 2*	*Mar. 3*
		SP—Nome				
		WI—McGrath			**EI—Central**	
Mar. 4	*Mar. 5*	*Mar. 6*	*Mar. 7*	*Mar. 8*	*Mar. 9*	*Mar. 10*
	BB—Naknek		**NWA—Kotzebue**			
Mar. 11	*Mar. 12*	*Mar. 13*	*Mar. 14*	*Mar. 15*	*Mar. 16*	*Mar. 17*
	SE—Sitka					
		SC—Anchorage				
Mar. 18	*Mar. 19*	*Mar. 20*	*Mar. 21*	*Mar. 22*	*Mar. 23* *Window Closes*	*Mar. 24*
			K/A—Old Harbor			

Fall 2012 Regional Advisory Council Meeting Calendar

August 20–October 12, 2012 current as of 09/26/11

Meeting dates and locations are subject to change.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Aug. 19	*Aug. 20* WINDOW OPENS	*Aug. 21*	*Aug. 22*	*Aug. 23*	*Aug. 24*	*Aug. 25*
Aug. 26	*Aug. 27*	*Aug. 28*	*Aug. 29*	*Aug. 30*	*Aug. 31*	*Sept. 1*
Sept. 2	*Sept. 3* **HOLIDAY**	*Sept. 4* **KA—Sand Point**	*Sept. 5*	*Sept. 6*	*Sept. 7*	*Sept. 8*
Sept. 9	*Sept. 10*	*Sept. 11*	*Sept. 12*	*Sept. 13*	*Sept. 14*	*Sept. 15*
Sept. 16	*Sept. 17*	*Sept. 18*	*Sept. 19*	*Sept. 20*	*Sept. 21*	*Sept. 22*
Sept. 23	*Sept. 24*	*Sept. 25*	*Sept. 26*	*Sept. 27*	*Sept. 28*	*Sept. 29*
Sept. 30 END OF FY2012	*Oct. 1*	*Oct. 2*	*Oct. 3* **SP—Nome**	*Oct. 4*	*Oct. 5*	*Oct. 6*
Oct. 7	*Oct. 8* **HOLIDAY**	*Oct. 9*	*Oct. 10*	*Oct. 11*	*Oct. 12* WINDOW CLOSES	*Oct. 13*